



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*

(OFFICIAL REPORT—*Unrevised*)

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## DÁIL ÉIREANN

*Déardaoin, 30 Márta 2017*

*Thursday, 30 March 2017*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10 a.m.

***Paidir.***

***Prayer.***

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### **Direct Provision: Statements**

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

I welcome the opportunity to put aside some misconceptions about the direct provision system and to listen to the views of colleagues from across the political spectrum on the system as it operates today. The structure of the debate means I will not be able to respond at the end, unfortunately. I will try to get in contact with colleagues after the debate to respond to the issues they raise. I apologise for not being able to respond in the Chamber, but that has not been provided for in this debate.

I would like to set out the context for the establishment of the direct provision system. Services for all protection applicants who are in State-provided accommodation or who live in the community are delivered under the Government's policies of direct provision and dispersal. This policy was established in 2000 when the then health boards, which were responsible for homeless people, found themselves unable to cope with a large influx of individuals who were claiming asylum in Ireland. Some 1,500 people in the protection process were being provided with accommodation and full board by the Government in May 2000, but that number had increased to 4,200 by May 2001 and to 7,200 by May 2005. As of the middle of this month, some 4,500 people are living in State-provided accommodation, 77% of whom have been in such accommodation for three years or less. I will return to this issue later.

It is important for us all to be clear on our understanding of what exactly is meant by direct provision. It is the system whereby State services are delivered directly to protection applicants through the relevant Department or agency. For example, the Department of Education and Skills delivers education services through the established school system and the HSE delivers medical services through the established GP and hospital systems. In the case of the Department of Justice and Equality, full-board accommodation is offered to residents while their applications for protection are being processed. Not every person who seeks international protection in Ireland chooses to accept the offer of full-board accommodation. Many applicants choose to live with colleagues, family members or friends in communities across the country,

as they are entitled to do. Direct provision is not about detention, disregarding human rights or treating people in the protection process differently from people in the wider community. Since this system was established in 2000, some 60,000 people have been provided with full-board accommodation and full access to the State's medical and education services. Last evening, over 4,000 people were provided with full-board accommodation by the State. If the State was not providing this service, where would these people have stayed? How would they have been provided with medical and health care? How would children have been linked in with preschool, primary and post-primary education?

During previous debates on direct provision in these Houses and in the media, there has often been a focus on calls to end the system. I have yet to hear anyone say what they would replace it with. Would they replace it with a system based on cash or vouchers? If colleagues have suggestions for what we might replace the current system with, I ask them to give me the details of what they would like to see happening. I assume that we do not want the vulnerable people whom we have a responsibility to protect to join the lengthy social housing waiting lists or to enter the private rental market with little hope of finding affordable and secure accommodation. The offer of State-provided accommodation is a guarantee that everyone who walks into the international protection office today will have a bed, food, a shower and medical care tonight. They will not be forced to spend the night on the streets or to seek emergency housing. This arrangement is not something to be thrown away blindly without care for its replacement, particularly as we have a housing crisis.

No system is without room for improvement. Our job is to continue to enhance and develop the entire system so that the best possible set of facilities and services can be provided to those in our care. To that end, the Government commissioned a retired judge, Bryan McMahon, to chair a working group charged with compiling a report into the protection process and the system of direct provision. His report, which was published in June 2015, forms the basis for ongoing improvements across the entirety of the system, involving all relevant Departments and agencies. A Programme for a Partnership Government states:

Long durations in direct provision are acknowledged to have a negative impact on family life. We are therefore committed to reforming the Direct Provision system, with particular focus on families and children.

On 23 February we published the latest audit of the implementation of the recommendations contained in the McMahon report, which shows that 121 of the recommendations have been implemented, with a further 38 partially implemented or in progress. In total, 92% of the 173 recommendations have been implemented, partially implemented or are in progress, a significant increase on the figure of 80% we reported on last June.

The Department is implementing a large number of commitments contained in A Programme for a Partnership Government within two broad themes. The first of these is by way of reforming legislation with the commencement of the International Protection Act 2015 on 31 December 2016. A key feature of this legislation is the introduction of a new single application procedure that will, in time, significantly accelerate the protection-determination process and, by extension, reduce the length of time which applicants spend in State-provided accommodation. The new processing arrangements will determine certainty of status at an earlier stage for those entitled to international protection within the State. The Act is intended to achieve the desired balance between treating asylum seekers with humanity and respect and ensuring more efficient immigration procedures and safeguards.

Under the regime that existed up to the commencement of the Act, the protection process had four discrete steps: a refugee status determination at first instance; a refugee status determination on appeal; a subsidiary protection determination at first instance; and a subsidiary protection determination on appeal. Members will appreciate that, in light of the multi-layered protection system which existed up to 31 December 2016, those refused asylum at first instance but still pending in the protection process could be pending at asylum appeal stage, pending at first-instance subsidiary protection stage, pending at subsidiary protection appeal stage, or be challenging an asylum subsidiary protection determination in the courts through the medium of judicial review proceedings. The process could, therefore, be and very often was of considerable length. Figures prepared for consideration by the working group to report to Government on improvements to the protection process, including direct provision and other supports for asylum seekers, in 2015 showed that 2,695 persons had been in State-provided accommodation for three or more years at that time. Recent analysis has shown that this figure has now been reduced to just over 1,200 persons. The number of persons in State-provided accommodation for five years or more has been reduced to fewer than 600 persons.

Our analysis has also shown that practically all cases of persons living in State-provided accommodation for over five years which could be processed have now been processed. The remaining approximately 250 cases have been reviewed and cannot be processed for a number of reasons, including applicants judicially reviewing earlier decisions. This was a major achievement and has impacted directly on the lives of a large number of persons in the protection and related systems.

The single procedure will speed up the processing of claims and the clear ambition here is that the day of applicants residing for very lengthy periods in direct provision will be over. For many years, people have rightly sought an end to the sometimes lengthy multi-sequential determination process. The new process is addressing those very issues. It is in the interest of everyone, not least the applicants themselves, that all protection applications are dealt with speedily, efficiently and in accordance with the highest international standards.

The second major theme of improvements is in the area of the delivery of services overseen by the Reception and Integration Agency of the Department of Justice and Equality and other Departments and Government agencies. The Reception and Integration Agency oversees the provision of full-board accommodation for protection applicants while they await decisions on their claims for international protection.

Following the McMahon report and, in particular, since the publication of A Programme for a Partnership Government, a number of recommendations on physical improvements to accommodation are being implemented. The following are some examples. There has been the introduction of full independent living at the Mosney accommodation centre. Each family is now able to acquire fresh food to their liking so they may prepare meals themselves. The new home-cooking arrangements at Mosney went live on 23 January 2017. Residents' kitchens have been installed in a number of accommodation centres to provide for home cooking by residents and their families. Cooking facilities are being rolled out to other centres including the State-owned centres in Killarney, Tralee, Athlone, Knocklisheen in Limerick and Kinsale Road in Cork, as well as in Ballyhaunis, Millstreet, St. Patrick's in Monaghan and any other centres in which families are resident.

There has been a complete refurbishment consisting of triple-glazed windows and doors, and refurbished interiors in each accommodation unit at the Athlone accommodation centre.

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A number of outdoor playgrounds and football pitches have been improved to provide for all-weather facilities. Centres now have teenagers' rooms to provide social areas for this age group. Recommendations in the McMahon report that involve structural changes or improvements will be implemented as quickly as possible, with due consideration of possible fire safety, building regulation and planning issues.

The Department has also co-ordinated the preparation of a multi-departmental information booklet for persons who have been granted any type of leave to remain in the State. The booklet contains practical and useful information for residents on housing, finances, health care, education as well as television licences, public transport and other related matters. It has been prepared with the assistance of the National Adult Literacy Agency to ensure that it is presented in plain English. The booklet has been translated into a number of languages. In addition to the publication of the booklet, a number of NGOs have been awarded moneys under the EU Asylum, Migration and Integration Fund specifically to provide assistance to persons who have been granted protection and who are now in a position to move out of State-provided accommodation. At the end of December 2016, there were approximately 450 persons with some form of status continuing to reside in State-provided accommodation. Notwithstanding the housing crisis, we are working with the NGO community and residents alike to ensure that those with permission to remain in the State are assisted in finding mainstream accommodation as soon as possible and that State-provided accommodation remains available for those in most need. Those people, even though they have permission to remain, are still provided for in these centres.

In January 2016 the Minister for Social Protection increased the rate of allowance paid to children in State-provided accommodation from €9.60 per week to €15.60 per week. In recent years, the Minister for Education and Skills introduced a scheme to provide supports in line with the current student grant scheme to school leavers who are in the protection system and meet the eligibility criteria.

Another key recommendation of the McMahon report was that the remit of the Ombudsman and the Ombudsman for Children should be extended to cover those who are living in State-provided accommodation. This has now been implemented and both offices will begin to accept complaints with effect from Monday, 3 April 2017. Obviously, these two offices are completely independent and objective. We welcome that and we look forward to any advice they might have for us in those areas. They are completely free to visit any of these centres at any time.

As can be seen from the foregoing, significant improvements have either been implemented or are being implemented across all aspects of the system of supports for those in the protection process. This work will continue through the remainder of 2017 and beyond. Our intention is to ensure that the best possible service is provided to those seeking protection by way of a speedy, effective and efficient decision-making process combined with a system that meets the basic needs of persons in that process.

I take this opportunity to say that I would welcome applications from groups or organisations with proposals to provide, run and manage accommodation centres in response to the current call for expressions of interest published recently by the Department. I have visited many of the accommodation centres under contract to the Department since taking office. I know that in recent times other Members have also visited accommodation centres in a discreet and respectful manner without fanfare or publicity, respecting the privacy and sensitivities of the

people there. I will continue to have an open approach to any colleagues who wish to do so in the future. When colleagues speak here today some will do so from the experience of having visited these centres and know what they are talking about. Their experience is recent and not historical, going back over five or ten years.

I have spoken with residents and representatives of residents. I have listened to their concerns and I am working on addressing them. This work will focus on improving processing times and improving the facilities available to all those in our care. The work we are currently engaged in will improve the processing time for applications for international protection and the accommodation and facilities being provided by the State for those in the protection process.

I look forward to hearing the views of Members on this matter. Constructive criticism is always welcome. I assure all Members that their views will be carefully considered as we continue to enhance the full range of services being provided to those in the protection system. As I said at the outset, I regret that I will not be able to respond to this debate this morning. However, I will respond to colleagues' comments and suggestions, including offers of assistance they may have for people who come to our shores looking for asylum. These are different from people who are refugees who get accommodation in the emergency reception and orientation centres, EROCs. That is a different system completely and one should not mix those two up. EROCs are totally different from the direct provision system.

I hope colleagues will agree that we are working hard to improve the direct provision system, as I said, to have more speedy decisions than we had up to now so that applicants will not have to wait as long for a decision to be made and to continue to improve the conditions where people are living. As I say, I have visited lots of these centres and will continue to do so. I meet the people there and listen to them. I met one lady the other day and she said, "I feel safe. I have no complaints. I am safe. I am happy. I am looked after. I have friends who look after me."

**Deputy Bríd Smith:** On a point of order, tá brón orm. I was here a bit late and I did not hear the Minister of State state at the outset that he would not be here to respond.

**An Leas-Cheann Comhairle:** To clarify the position, these are statements, not a motion, and there is no opportunity to respond.

**Deputy Bríd Smith:** I thought the Government would respond to the statements we would make.

**Deputy David Stanton:** I thought so too but that is not provided for.

**Deputy Bríd Smith:** Is that not what happens normally?

**Deputy David Stanton:** Sometimes. This is just statements.

**Deputy Bríd Smith:** Not always, but not in this case.

**An Leas-Cheann Comhairle:** It only happens in the event of a motion. It is long-standing practice.

**Deputy Fiona O'Loughlin:** I wish to share my speaking time with my two colleagues, Deputies Rabbitte and Eugene Murphy.



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

**Deputy Fiona O'Loughlin:** I thank the Minister of State for giving us the opportunity to speak on this debate. I acknowledge the good work he has done. I am in no doubt that the Minister of State, Deputy Stanton, in everything he is doing in this area, is incredibly well intentioned and is working hard to improve the lot of those in direct provision. That, essentially, is what we all are aiming and hoping for.

I also acknowledge that while the Minister of State cannot respond to what we are saying, I appreciate that he has committed to taking on board our comments, views, observations and opinions and that he will take them in the well-intentioned way they are made, not as a criticism of himself but certainly as a criticism of the service that we want to continue to improve.

There are almost 5,000 people currently in direct provision. In my view, they exist in a dehumanising environment. They are unable to work. They are unable to attend third level education. Most of them, while acknowledging the work that has gone on in Mosney, cannot cook for their own families. They receive a paltry amount of money - €19.10 per adult and €15.60 per child per week. In many cases, that money has to go towards food, schoolbooks, school trips and outings for the children. It is a very small amount of money.

My figures on those who are in direct provision are slightly different to those of the Minister of State. My figures show that 40% of asylum seekers have been in direct provision for five years and approximately 20% for more than seven years. The position has improved in the recent past.

No matter what, the damage done in any long-term stay in these centres is incalculable. The key issues facing these people in direct provision are the duration of the stay, the impact of the environment on family life and the right to work.

I read with great sadness a recent newspaper article about a 16 year old girl, who was a victim of violence in her home country, was chronically traumatised and was suffering greatly in a direct provision centre in Ireland. Diagnosed with psychosis, this teenager's mental health deteriorated to the extent that she has had to be made a ward of court as her health was in serious danger. This girl and the 1,600 or more children who have grown up in the direct provision system have endured overcrowded conditions, social exclusion and psychological damage associated with living in institutionalised accommodation. We, as a country, can do better. We must do better by these young people. The current system is not fit for purpose and it needs to be replaced to enable asylum seekers to live with a greater degree of respect and dignity.

I realise that direct provision cannot be dismantled overnight and it will take some time to get there. I believe the end of direct provision must be the ultimate goal and will offer thoughts on changes that could be made in the short and long term. In the short term, we need to create and build a humane system by fully implementing the McMahon report. At present, the Department claims that more than 90% of this has been carried out but in speaking to residents, I do not discern that much has changed for them. Certainly, there have been some improvements but it is happening at far too slow a pace. I acknowledge that in some centres, in Mosney in particular, proper functioning cooking facilities have been introduced. It is good that residents can purchase foods via a points system. This needs to be rolled out.

An amendment to the International Protection Act 2015 permitting asylum seekers the right to work is hugely important. This could be in line with the provisions in the EU reception direc-

tive, which permits asylum seekers to work if no decision on their application for asylum has issued after nine months. During the consultation process for the working group, together with the long length of stay in the system, the right to work was one of residents' biggest issues and I have come across that on a personal level. These two factors combined mean that by the time people leave direct provision at present, they have become completely deskilled and demotivated and find it really difficult to enter the labour market. In fact, the direct provision creates huge dependency.

It is important also to increase the weekly allowance to the amounts recommended by the McMahon report. Such an increase would have a real and tangible impact on the quality of life of those living in direct provision by allowing them a greater degree of choice and improving their ability to participate in the community within which they live. It is hugely important that we begin to create a system that allows families and the vulnerable to have access to independent, not communal, living following a short stay in centre-type accommodation. Direct provision is no place for families and has been consistently criticised.

In the longer term, we must design a more humane system. One of the key differences of our system when compared with those of other EU countries is that it is operated for profit. I appreciate the Minister of State's observation that calls for expressions of interest are under way at present. While it remains a profitable system for some, it will not be humane. As a result, the Government has been keeping its responsibility at arm's length to a certain extent. While we have been contracting out the care of the vulnerable to private entities for profit, basically, creating modern-day Magdalen laundries, we need to move to a system the Minister of State suggested in his speech, which I appreciate. Putting out calls specifically for not-for-profit entities with experience is hugely important. The ultimate aim must be to create a blended system, such as that in Portugal, where asylum seekers, following a short initial stay in a reception centre in which their needs are assessed by an assigned case worker who deals with all aspects of their claims, can move out into community self-contained units.

I welcome the Minister of State's announcement that legal issues regarding the extension of the remit of the offices of the Ombudsman and the Ombudsman for Children to include access for residents in direct provision centres have now been clarified. That is hugely important. As the Ombudsman for Children pointed out, "1,400 children are ... spending formative years of their lives in direct provision, in circumstances that inhibit their potential to thrive and curtail their full enjoyment of basic rights".

I acknowledge that while the current housing shortage clearly creates a huge challenge in being able to access accommodation, there are also many other hurdles, particularly around education and the right to work. I will mention briefly the 2016 report, "Transition: from Direct Provision to life in the community". This report highlighted the multiple challenges faced by former asylum seekers in attempting to make that transition. As the Minister of State pointed out, many are not able to make that transition. They are still in the direct provision centre.

Having endured years of living in the system - it is known to negatively affect mental health, child well-being and family life - people are largely left to fend for themselves once they receive their status. People have to navigate a complex array of systems as they attempt to move out of institutions that have systematically disempowered them for many years. This is a key point in all of this. Those transitioning also face significant barriers in accessing education and employment. The years spent in direct provision are not counted towards eligibility for the back to education allowance. Finding even low-skilled employment proves extremely difficult



given that participants have not been permitted to work for many years. We now see the very negative impact.

On Monday, I visited the Eyre Powell centre in Newbridge where 68 people live, including seven children under the age of 18. I was very struck by the energy of the young people living there. Many young men there have just completed coaching courses with a local sports partnership. They were incredibly enthusiastic about wanting to contribute to their community. Supervisors in the sports partnership scheme would absolutely love to bring these young men out into the community to work with voluntary organisations, sporting and otherwise. We have some festivals coming up but unfortunately-----

**An Leas-Cheann Comhairle:** Only a few minutes remain for the Deputy's colleagues.

**Deputy Fiona O'Loughlin:** I know that. We have agreed it.

**An Leas-Cheann Comhairle:** That is okay. Far be it for me to interfere in the internal affairs-----

**Deputy Fiona O'Loughlin:** The Leas-Cheann Comhairle is interfering now.

Due to Garda vetting restrictions they are unable to do so. This is wrong. They want to work and participate in society but they are prohibited from joining the workforce. Aissa Sow, who lived in the centre, fled from Guinea without her family in 2011. Recently she was publicly interviewed. Her description of feeling like a prisoner in direct provision is a reminder of just how hard is the process. Her story ended happily as she was granted asylum and has now applied for her mother to join her. She is lucky.

There is no doubt people in direct provision have sought asylum to protect themselves and their children in the hope of providing a more secure future. In direct provision they are denied the capacity to live as a family and they are left waiting indefinitely for this future to begin. We need to do better.

**An Leas-Cheann Comhairle:** The Deputies have four minutes between them.

**Deputy Fiona O'Loughlin:** That is fine. We agreed it.

**Deputy Anne Rabbitte:** The first time the Minister of State and I met was at NUI Galway last year at the launch of the inclusive centenaries scholarships. It was a great day of celebration when scholarships were announced for young asylum seekers living in direct provision. NUI Galway is providing scholarships for people who have done incredibly well in education, giving them the opportunity to go forward. The young people told powerful stories, such as the first time Connacht won a European rugby competition, and how the young men sat in their bedrooms having to watch it on their phones while all of their friends were able to watch it in their houses. Some of the schoolchildren in the Gallery possibly do not really understand what we are speaking about with regard to direct provision. Children in direct provision have problems with studying. They face real challenges trying to study for the junior or leaving certificate when they go home in the evenings to their shared bedrooms. However, they have attained incredibly high standards, which was acknowledged by NUI Galway, which has opened up an opportunity for children whereby they will be funded to go to third level college. The young people also spoke very passionately about their lack of access to playgrounds. I am a mother of three children and people can take this for granted. We all have back gardens where we are

able to put up our slides and our swings. The children living in direct provision do not have this opportunity.

I acknowledge the work being done by the Minister of State, Deputy Stanton. He is completely compassionate and engaging and has done much work over the past 12 months, which as Deputy O'Loughlin has commented, can be seen. Much work remains to be done and nobody is denying this, but as spokesperson for children my emphasis is on their opportunity to study and to be like every other child in the country. We have invited them in and it is up to us to support them.

**Deputy Eugene Murphy:** Direct provision is not fit for purpose and Fianna Fáil believes independent oversight is needed. People have been in direct provision for far too long. I acknowledge the figures are dropping, but it is hard to imagine that almost 600 people have been in direct provision for more than five years. It is unthinkable that in this country people could be boxed up for so long. Let us reflect on the lives of children caught up in this disgraceful scenario with totally unsuitable living conditions. As Deputy Rabbitte stated, they have no proper play conditions and there are many other issues. This has impacted on the lives of young people and it is a major violation of human rights. One can only imagine what parents go through seeing what their children go through.

Direct provision was supposed to be a temporary measure, but some people have been in it for ten years.

**Deputy David Stanton:** No.

**Deputy Eugene Murphy:** There may be a limited number of them but they have been there for ten years. Why is it taking so long?

**Deputy David Stanton:** No.

**Deputy Eugene Murphy:** Some have been there for ten years and I will argue this point with the Minister of State. It is a limited number, but they are there.

**Deputy David Stanton:** They are not.

**Deputy Eugene Murphy:** Some of them are in the Minister of State's county.

**Deputy David Stanton:** No.

**Deputy Eugene Murphy:** Why is it taking so long to progress these cases? People are supposed to live on €19.10 per week. These unfortunate people cannot work or go to college and there is no integration with local people. This is a very important factor. I acknowledge the McMahon report has many good recommendations and I understand some of them are being implemented.

I am very impressed with the role of the Minister of State in this. I dealt with him with regard to Syrians coming to Ballaghaderreen and I know he is very compassionate and has a very good view of this. He is improving matters slowly but surely. I urge him to act for those people who have been in direct provision for far too long and give them a decent life. That is all they need. Many of them have come from very unfortunate circumstances.

**Deputy Donnchadh Ó Laoghaire:** Cuirim fáilte roimh an deis cainte ar an ábhar seo - so-

láthar díreach. Ba chóir go mbeadh níos mó plé ar an ábhar agus ba chóir go mbeadh an t-ábhar seo ag barr ár smaointe agus sinn ag plé mí-úsáid agus leatroid stairiúla agus sárú cearta daonna mar atáimid le roinnt seachtainí anuas.

On 10 April 2000, Ireland embarked on a renewed episode of mistreatment of the most vulnerable in Irish society. There has been much talk over recent weeks about President Trump's ban on people travelling from certain countries throughout the Middle East, about which the Irish people were outraged and rightly so. Successive Governments have failed to deal comprehensively with what I consider to be quite a discriminatory policy that lies directly at our feet. I acknowledge Deputy Stanton's bona fides and intentions in this area, but I consider it to be a discriminatory policy.

In 2000, the then Fianna Fáil Minister for Justice, John O'Donoghue, commenced a new programme aimed at tackling the issue of refugees coming here to seek asylum. These refugees, many of whom were fleeing war-torn areas, came to Ireland in search of safety, in the hope of escaping persecution in their countries of origin. The system was seen as a way of housing these people, providing them with basics while the asylum application was being processed. Today in Ireland 35 of these centres are active throughout the State, housing approximately 4,500 people.

Like Frankenstein's monster, the system has become much more than intended and is now quite grotesque, housing people for many years longer than intended and in unacceptable conditions. As Sinn Féin spokesperson on children I will speak on direct provision from a child protection and children's rights perspective. It was only last month the Minister, Deputy Fitzgerald, announced she had clarified legal issues that prohibited the Ombudsman for Children from receiving complaints from or regarding children living in direct provision. This is not before time and is long overdue. It is due to happen next month but should have happened many years ago.

Children living in direct provision are subject to substandard living conditions in an environment not conducive to growth and development. These children come from different areas of the world and from conditions so bleak they are practically unimaginable to us. They have experienced extraordinary amounts of trauma and have been persecuted from a very young age. Many of these children arrived in this country seeking asylum and a new life of dignity, allowing them to live rather than simply to exist. However, in many ways they face persecution and discrimination of a different type on entering the State.

Every year, the Children's Rights Alliance produces a report card. It scored the Government D minus for lack of progress on direct provision. I will highlight two issues from the McMahon report which have not been implemented adequately. In 2015, HIQA published a report which highlighted that the child protection referral rate is significantly higher for children in direct provision compared with the general population. I understand it remains quite high. The commitment to introduce national standards for direct provision centres was not realised in 2016. They are essential to ensure children in direct provision are afforded equity of care with all children in care and that service providers are required to maintain consistent standards across the different services. The working group highlighted this as an issue and that there are advantages but there has not been progress on it.

I was not present when the Minister of State made his contribution but I listened to it in my office. He spoke about the issue of food and the ability to cook, which is an issue that has come

up regularly. He said it was being rolled out. My understanding from RIA's monthly statistics is that there are 128 spaces in self-catering accommodation, which is a small proportion of the 4,500. According to the most recent RIA statistics from January, 128 people can be accommodated. It is something that needs to be resolved.

I could raise many other points. We should remove many of the hard edges from the system in terms of food, sleeping conditions, child protection, national standards and all the rest of it. Direct provision will always remain a problematic and discriminatory system. We need to allow people who are coming here seeking asylum a far greater degree of autonomy and control over their own lives. The Minister of State made a point about housing lists. I acknowledge there is enormous pressure on social housing and rented accommodation but the choice should be available. There should be a fall-back for people if they are unable to find accommodation. They should have the option of being able to find their own accommodation if they can, which is integrated into the community. We need to work towards that. They also deserve the right to work and to further their education. I have met many young people in direct provision, and one of their great frustrations is that they work very hard all the way through school, yet the possibility of progressing any further than their leaving certificate is very minimal. There is a programme for third level education but very small numbers avail of it. It is a cause of great frustration. They are the issues we need to deal with to allow people seeking asylum independent living and autonomy.

**Deputy Kathleen Funchion:** I welcome the opportunity to speak on this issue which is of huge concern to many of us here. With good reason, direct provision can be called the Magdalen laundries of our time. I believe it will be the subject of inquiry in years to come. Direct provision centres are often referred to as holding camps and sites of deportability. The Free Legal Advice Centres states that these privately owned centres which are administered by the Government constitute a direct provision industry which makes a profit on direct provision. It is a privatised system, initiated by Fianna Fáil and run by highly profitable private companies making more than €50 million a year. Recently a centre in Limerick was closed by the Department of Justice and Equality due to health and safety standards being ignored. There remains no accountability or transparency and no clear process of tendering for these centres. There are no support services or expertise among staff working on sites. Since the implementation of the International Protection Act only the legal elements of the McMahon report have been introduced. The issues around direct provision are still the same and, according to asylum seekers, are getting worse.

I have raised the issue of children growing up in direct provision previously in the Chamber on both the Grace case and on the Tuam mother and baby home. I have said that I fear direct provision will be the child protection scandal of our time. It is incredibly frustrating to hear representatives speak time and again about the wrongs in our system in the past while dangerous circumstances exist in direct provision centres all across the State. Will we all be here wringing our hands again in ten or 20 years? I fear we will. The issues surrounding child protection and children's health and well-being are huge. Families are sharing single rooms in cramped facilities with no space for children to study in peace. Children are regularly in close proximity to strangers. There is no place for recreation for children and no areas for visitors or school friends to come to spend time with them. Direct provision has been likened to an open prison, with people spending years in facilities that were originally built for people to remain in for six months. People have lost hope and their spirits are being killed. It is completely inhumane.

Where have we heard this sort of language before? Our history, which we recently dis-

cussed in the Chamber, is eerily similar. There is no independent complaints mechanism for people living in direct provision. There is no Ombudsman, Children's Ombudsman or HIQA oversight. This is institutional abuse of the highest order with vulnerable people being exploited for massive profit. People are existing on the €19 a week payment with no right to work and no right to education. Children who have grown up here within the school system, learning through English, study hard for their leaving certificate and receive the points for college only to be told they have no prospects for college or training and no chance to create a life and support themselves.

The International Protection Act was meant to solve this system but it appears to have been nothing but a Trojan horse. It has put direct provision on a permanent footing, and asylum seekers and NGOs who co-operated with the working group are extremely disappointed with the result. The introduction last month of a new asylum application procedure has created chaos for thousands of people living in direct provision. There are serious issues with the new single procedure for processing applications. People were sent a long application form recently with a totally unrealistic deadline and translations that were done using Google Translate, which beggars belief. There is a lack of people available to give legal advice and people are unfortunately making statements in error as a result of difficulties with the form, which will inevitably jeopardise their applications in future. The Department has given an extension after significant lobbying, which is welcome, but the whole system is stacked against people.

Direct provision should and must be scrapped. There are other models which can be looked at and which NGOs such as the Irish Refugee Council, Doras Luimní and Nasc have been proposing. At a time of unprecedented refugee crises across the world, when a focus on human rights is most needed, the whole system appears to be designed to facilitate and speed up deportations. We need to scrap direct provision and introduce a new system that treats people humanely, a system of which we can be proud rather than ashamed.

**Deputy Eoin Ó Broin:** I thank People Before Profit for putting this matter on the agenda today. I will reflect on my experience as a Deputy in Clondalkin. Clondalkin Towers, one of the largest direct provision centres, is in the constituency. Like many politicians, we work very closely with the residents at that location. Over the five or six years that I have been a public representative in the area, what has struck me most about direct provision is its purpose. Its purpose is to segregate people from the host community, to cut them off and make it more difficult for them to develop real relationships with the local community. That is probably one of the greatest shames of the system as it is designed. Other speakers have spoken about the cramped conditions, the inadequate eating and cooking facilities and the paltry payments that people receive. We all have stories of families who have been treated appallingly. There was one very prominent story a number of years ago of a family of two adults and three children in Clondalkin Towers. When the husband died after a prolonged illness, the family - adults and children - were expected to remain living in the same single bedroom. There is no justification that I can think of anywhere in the world that could support such a proposition. It is not just the length of time it is taking that is an issue, but the frustration with the process. People do not understand and are not being informed of what is happening at every stage.

I will not repeat the points people have made. Direct provision is a scandal. It is not a badly managed system. It is not a system that needs some tweaks and changes. It is a scandal. It is about time every politician in the House declared it a scandal and said it has to end. Then the conversation will change. It is not just about removing the rough edges, although Deputy Ó Laoghaire is right that it needs to happen, but replacing it completely with a system which



allows people, very soon after they arrive, to live and work in communities while their applications are being processed. It is not just the right thing to do from a human rights point of view; it is the right thing to do for the taxpayer. The cost of direct provision versus the cost of an asylum applicant living in the local community is very clear to see. I put in freedom of information requests about Clondalkin Towers and was given information of the payments the State has made to that facility over six years. We are talking about €1.7 million being spent over seven years. On average, 233 adults and children are meant to be there throughout the course of the year. In many cases, they are not there but the payment is still being made. This means that for a family of two adults and two children, for example, the cost of direct provision is €31,000, on average, per year. The equivalent cost for the same family on JSA and HAP is at least €10,000 per year cheaper. If people were allowed to work, particularly those with skills, the cost would be even less. Not only is this an appalling abuse of human rights; it is an appalling waste of taxpayers' money to the tune of millions of euro.

I wish to mention two other issues. The first is another scandal, namely, how the State treats people who have been granted leave to remain or their stamp 4. A total of 400 families who have the right to remain and work but who cannot get accommodation are trapped in direct provision. Those people are essentially homeless and direct provision has become their emergency accommodation. They are not getting jobseeker's allowance; they are still getting the reduced rate JSA, even though it is a JSA claim. They cannot save for a deposit. There are no additional supports for them to access private or public housing, let alone education or employment. I urge the Minister of State to consider the type of housing programme involved - he is looking at programme refugees, which I support - and making it available, with supports, to people transitioning out of direct provision.

While it is slightly off topic, the final issue I would like to raise is still relevant. There are 126,000 undocumented migrants in this State. Ministers and politicians from across the House were in the US recently calling on the US President to find a system for regularising undocumented Irish migrants in the US. We need to practice at home what we preach abroad. I acknowledge the Minister of State is examining this but I urge him to do here exactly what we want the US Administration to do and ensure that these 126,000 people have a process to regularise their status and have the security and safety they so rightly deserve.

**Deputy Ruth Coppinger:** Solidarity - People Before Profit Deputies pushed for this debate to be put on the agenda and it has been difficult to reach agreement. The Taoiseach justified visiting a racist, sexist American President and offering him the hand of friendship - I do not know why the Minister of State is making a face - on the grounds that he would make a case about immigration and the illegal, undocumented Irish in the US. However, we have two scenarios in this country of undocumented people who have no status and who are not getting any assistance and the scandal of people being kept in direct provision. Labour Party Members have not bothered their barney coming to the House for the debate. During the previous Dáil, we were led to believe by the former junior Minister, Senator Aodhán Ó Ríordáin, that he would end direct provision and that we were on the precipice of a great development but Labour Party Members have not even shown up for this debate, which is disappointing.

Direct provision is an inhumane system which should be ended immediately. Marie Williams, a constituent of mine, works with women who experience direct provision and helped establish the young mothers network with them. Ritah and Diane, who are also founders of the network, have been in contact and supplied some comments about living conditions. Ritah says:

The hardest thing was the loneliness, having no-one to talk to, no-one to reach out to, no-one to check-up on you. It's survival of the fittest in Direct Provision: people are always being moved, people are so stressed about their own situation, not knowing what the future holds, always being afraid of being deported. That's not an environment to develop stable relationships with people.

Diane was in an abusive relationship and she says, "[Direct provision] is that tough that I chose an abusive relationship rather than live in DP."

Asylum seekers are given €19.10 a week and are unable to cook for themselves or have anything approaching a normal family life for themselves and their children. There is not a normal level of privacy for individuals and families. We have also heard reports of sexual abuse and reports of people being vulnerable to all sorts of other abuse. It is an environment in which mental health problems absolutely flourish. Diane said:

You're made to feel less than human. I've no trust in people anymore. When you live with people you don't know, you develop a defence mechanism to keep yourself safe, and this has followed me. I don't know how to trust people to this day, or how to build stable relationships.

There is a profound impact on children in direct provision as well. They do not know anybody, they do not know the language and they see a social worker once a month. They have no adult supervision and their lives are in the hands of strangers.

There is also a huge power imbalance. One only need look at the most vulnerable people in society to know how the State would treat us all if it could get away with it. There is a massive power imbalance in the asylum system. Those seeking asylum have little power compared to the State and it is not unknown for people who raise issues about the conditions in particular centres to be moved to others. There were protests at direct provision centres in 2013 and 2014. Armed gardaí were used at the Mount Trenchard centre in Limerick to remove men who had peacefully protested against the conditions in which they lived. This arbitrary decision to move them was arrived at even after an agreement had been reached. What more of an illustration of the power imbalance in direct provision centres can I provide?

Following the protests, the Minister set up a round-table working group at which the voice of asylum seekers was meant to be listened to but the opposite was the case. The Government instead retained the direct provision system and then brought in major changes, such as the repressive International Protection Act 2015, without any consultation with people in direct provision. The number of refugees on our planet has greatly increased due to war, etc. According to UNHCR figures, 65.3 million people have been forcibly displaced, more than half of whom are children. Every day, 34,000 people have to flee conflict or persecution and, instead of offering assistance, the State took a decision to send a message to them that they are not wanted and that we have a concentration camp or prison camp-style system if they come here without prior agreement. There has been a spike in the number of refusals at points of entry to the State under this Act. People are turned away at preliminary interview stage. There has been a 32% decrease in asylum seeker claims in the State, yet the Taoiseach went abroad to tell all and sundry that he thinks immigration and migration are great.

I would like the Minister of State to comment on the form asylum seekers must complete. It is 60 pages long and extremely complex. The experience of asylum seekers is they are not

getting the legal advice they need. Asylum seekers and immigration solicitors have reported that there can be legal advice consultations of approximately ten minutes before the form is completed. People with language difficulties need longer and it took somebody with fluent English an hour and a half to fill in the form. What does this do only send a message that these people are not wanted? There was acute distress earlier this year when people experienced this.

The people have recently become increasingly aware of the barbarity of the institutionalisation of people by the church and State, with both of the latter taking control over so many lives in the 20th century, including in the context of mother and baby homes, Magdalen laundries and industrial schools. However, history will record the direct provision system as being equally outrageous and barbaric. The Solidarity Members stand for an immediate end to direct provision. Let people live in decent homes and accommodation.

**Deputy Bríd Smith:** I welcome those who are advocating for an end to direct provision and those who are in direct provision and who are present in the Gallery. I also welcome the debate. We have tabled a motion to end direct provision on the Dáil agenda and it has been signed by 37 Members to date. Unfortunately, we do not have a great deal of Private Members' time in which to take the motion but I am sure the Minister of State could respond on it.

I welcome his attempt to reform the system but I disagree with the reform of something that is rotten to the core. I would like to say something to the Fianna Fáil Members who have left the Chamber. It is a shame there is such a low participation in the debate.

**Acting Chairman (Deputy Eugene Murphy):** The Leas-Cheann Comhairle had to leave and I was asked to stand in for a few minutes, just to be fair to everybody. He will be back shortly.

**Deputy Bríd Smith:** My time is ticking away. I recognise that there is a lot happening, not least Deputy Paul Murphy's attendance in the courts. Missing Deputies are in the Four Courts with the Jobstown people. There is a great deal happening but this is important.

The direct provision system does not work.

It has been in existence since 1999. Fianna Fáil brought it in and maintained it for most of that period. I welcome the Deputies' Damascene conversion on this issue, but they maintained it for a long time. What we are looking at, as declared by the United Nations, Amnesty International, and Mr. Justice Bryan McMahon who delivered the report, is an inhumane, degrading system. I will quote Mr. Justice McMahon, "These people are like ghosts. They are dehuman-

*11 o'clock* ised and they are depressed." Even though the Minister of State cannot answer me now, he might answer in writing whether he agrees with that statement from Mr.

Justice McMahon, and more importantly, would the Minister of State agree with him that we should give a complete amnesty to everybody who has been in that system for over five years? Of course a reception centre is needed for refugees and asylum seekers when they arrive in this country, but they should not be left there to rear their children and live their lives in it for a long time. One woman I met has a 12 year old daughter who was born in the reception centre. She only got out of it when the child was 12. That is wrong and the mark of that will be left on that child and others for a long time.

The other issue, mentioned by other Deputies, is the question of the right to work and right to study. With every hungry belly comes a pair of hands. The reason for the high levels of mental ill health and depression in direct provision centres is the denial of the basic human

ability to do things, to toil, to be able to change the world around oneself and to make an impact on the planet. That is what distinguishes us as human beings. They are not allowed to do that at all. Of course they are depressed and mental health levels are very low. At the very least, we need to recognise that reception centres such as this are inappropriate for people who are going to stay in the State for long periods. They need to be given the freedom to work to make a contribution to society, and they certainly need to be given the freedom to use their brain, study, do third level degrees and improve their lives. We would be making a huge step forward if we could provide them with even that, but we cannot because of the nature of the direct provision system itself.

I notice that the Minister of State referred to the housing crisis many times in his speech. I want to tackle an argument that exists in society. I get it myself and I am sure I am going to get it after this debate today. How can we look after them when we cannot look after our own? I want to reject this idea, because our own are not being correctly looked after, if there is such a thing as our own. I regard everybody here as my own. Those I do not regard as my own are the people benefiting from the low corporation tax and refusing to pay it, the bankers and the developers who brought this country into a crisis and the people who are at the receiving end of the scandals around NAMA at the moment, who are profiting hugely from this. I regard everyone who lives in this country as my own. We would be able to look after them all if we were to justly and correctly implement a share-out of the wealth and to take back the empty properties, fix them up and to make housing accommodation available for all. We have more than enough resources to do so and to build decent social housing.

We cannot declare in the interim that one section of the population has to be isolated and treated in this way away from the rest of the population. I will reiterate something said by others here. The figures of profits made from the direct provision system over the years are outrageous. The Mosney direct provision centre was paid €100 million by the State and has made a donation of €4,000 to the Fianna Fáil Party. Aramark had a turnover of €223 million in 2013. Barlow Properties received €40 million from the State to run five centres. East Coast Catering received €90 million between 2000 and 2013. When the Minister of State appeals to people here to give him ideas, and he said he would welcome applications from groups and organisations with proposals to provide, run and manage accommodation centres, I would say that while we can give proposals, they will not be to manage and run accommodation centres that intern people for decades. I am sure there are organisations which have wonderful ways of treating people humanely. The main thing is to give them the right to work, housing and study. Once that is done, then there is a community which is contributing fairly to society.

**Deputy Richard Boyd Barrett:** I pay tribute to United Against Racism and the Movement of Asylum Seekers in Ireland - I know Mr. Memet Uludağ and Mr. Lucky Khambule and others are in the Visitors Gallery - for their efforts in bringing about this debate and in pressing the motion which has been signed by 37 Deputies. I think it is a matter of vital importance.

The Taoiseach was praised and praised himself lavishly for his comments in Washington about immigrants, both Irish immigrants and immigrants generally, and how he was a champion of immigrants. It is a little ironic, is it not, that he could do that and indeed at points imply criticism of the outrageous policies of US President Donald Trump *vis-à-vis* immigrants and asylum seekers in the United States and continue to stand over a degrading, inhumane, cruel system of direct provision, which is guilty of child neglect and abuse if nothing else. It is guilty of many other things too. The treatment of children living for years in this system of direct provision is a scandal beyond scandals. It is not an exaggeration to say that allowing this to persist is on a

par with industrial schools and the Magdalen laundries. Tinkering around and reforms, while they may improve things marginally, are just not good enough.

The key here is the issue of right to work that has already been alluded to. Nobody doubts that there is a housing emergency. We believe it can be solved, and with the right policies, everybody in direct provision and on our housing lists can be housed. A real move away from direct provision will not happen overnight, although a lot more could be done on it quickly if there was a change in policy, but the right to work is critical. It is unacceptable that people are expected to live on €19 a week, are imprisoned in these direct provision centres, not allowed to work, and are treated as second-class citizens. They are treated as a sort of subhuman group in the same way as those who were slaves in the Magdalen laundries or who were prisoners in the industrial schools were treated. All the crocodile tears or shame and regret about the Magdalen laundries and industrial schools can only be viewed as hypocrisy if the Government does not move to get rid of the system of direct provision and allow the people in that system - asylum seekers coming to this country who are here for any substantial period - the right to work and consequently integrate into society and be treated the same as other human beings who happen to be citizens of this country. I appeal to the Minister of State and Government to do this and they will have done something important and historic in allowing asylum seekers the right to work and to be treated as dignified human beings.

**Deputy Joan Collins:** The treatment of asylum seekers will go down in history as one of the most shameful episodes in the history of the State. Generations in ten and 20 years will be looking for redress for the treatment they received in this State since 16 years ago.

The direct provision system introduced more than 16 years ago was supposed to provide temporary accommodation for up to six months while a decision was made to accept or reject an asylum application. I propose that one of the first things that could be done is for those applications to be quickened up. We have had many people visit our constituency offices about it. I know every situation is different when an application is made, but they go on and on. Applicants are asked for more papers and it involves more work, while those applicants are still sitting in limbo in direct provision. We now have a situation where 55% of asylum seekers have been in direct provision for more than five years, 20% of whom have been in direct provision for more than seven years.

Children are growing up in detention centres and that has to stop. One example from a series in *The Irish Times* called “Lives in Limbo” was a 12 year old girl who has been living in a mobile home in a direct provision centre for eight years. There are 1,600 children in these centres. The Irish Refugee Council report on their situation found many other problems such as children living in rooms with entire families or with other families, lack of appropriate food, no child benefit or little access to play areas. Some recommendations are to ensure a safe environment and no exposure to inappropriate behaviour, access to private toilet facilities, adequate space for families, separate rooms for parents, an option for families to choose and cook healthy food - I note the point the Minister of State made earlier but this is 15 years on - and the reinstatement of child benefit for all children living here.

These are simple things. They are interim measures but I reiterate the point made earlier that the Irish Human Rights and Equality Commission described the direct provision system as a severe violation of human rights. Direct provision cuts off a whole community from another community. That is what happened in the industrial schools, the Magdalen laundries and the mother and baby homes. A whole layer of people was cut off from general society, was isolated



and its voice was cut off in many ways. While doing that was an attempt to keep the people down, those people fought on and raised their voices. I know people in direct provision, now and in the future, will do the same thing.

I support the calls to abolish the direct provision system, to end the €15 million going into the pockets of private contractors and to grant asylum seekers the right to work. Ireland is one of just two EU member states where asylum seekers are prohibited from working after a designated period. Even over in the UK, asylum seekers can work after a year, under certain conditions. That is one of the issues that needs to be addressed. Asylum seekers must have access to third level education. A basic requirement in society is an education. Asylum seekers should receive welfare benefits the same as all other residents and citizens of the State. A transparent immigration process must be put in place. The application process is not transparent in any shape or form.

I supported and signed a similar motion put forward by Deputy Bríd Smith and the other 38 Deputies who signed up to it. We debated this issue in September 2014, during the last Dáil, when Deputy Pringle put it on the agenda. This issue is not unknown to the Government. It is well aware of it.

I will make one last point about the international protection aspect and the 60-page document. Why and how did the Department send out a 60-page document to applicants which they were told to return in 20 days, when they had to get assistance, legal advice and papers that were already in the process and could not be accessed? Even doing that was an absolute shame and scandal. I am glad to hear there is an extension. That extension should be prolonged as long as necessary to assist asylum seekers in completing the document.

I will support the motion in the Dáil and hope it will come before the House soon. The Minister needs to be more proactive in this area. I do not accept the argument about housing - that there is a problem with housing or there is not enough and questioning where asylum seekers in direct provision would be put. There is money in this country. We know where the wealth is. We have, on many occasions, put forward proposals on how to deal with the housing crisis, both for our own people in emergency accommodation and for asylum seekers. That is the answer, not using the problem as an excuse not to deal with the issue.

**Deputy Thomas Pringle:** I welcome the opportunity to contribute to the statements on direct provision this morning. I worked with asylum seekers in Donegal town from 1999 to 2012 when the hostel there closed. I have seen at first hand the impact the direct provision system had on people in Donegal town. It was a totally male hostel. One could see the lack of motivation, the impact on people's mental health and the isolation that direct provision causes, even in a small town like Donegal town, when people are restricted from integrating.

We used to organise events and activities for the residents of the direct provision centre and because of the lack of motivation, the mental health issues and everything else, it was practically necessary to take people out of the centre to get them to attend the events or activities. There was absolutely no integration. Direct provision has never been about that. Anything the Department has said over the years about how it was encouraging integration was all lies. It was never what was intended.

I firmly believe in the ending of direct provision and I previously brought a motion before the House to that end in 2014. I firmly believe that the system of direct provision should be

ended and should be ended immediately. It would actually be cheaper for the State to give social welfare and rent allowance to all the asylum seekers and to let them live in the community and find work if they can. That would actually save money. In 2014, when I put forward my motion, direct provision was costing more than €52 million. Based on the number of asylum seekers and on calculations I have done, the State would have saved approximately €20 million by ending direct provision. We constantly have to deal with the Department of Justice and Equality, which believes there are hordes of people standing at our borders waiting for an easing of our system so that they can overrun us and swamp the whole country. That is absolute rubbish. We need to end this system and we need to end it quickly.

I know the Minister of State is going around and visiting all the centres around the country. That is a welcome sight, but we heard from asylum seekers in the AV room last week who said that things improve when the Minister of State is coming for a visit. They get better for a couple of days beforehand but then revert back to normal after he leaves. That is a very worrying situation and needs to be investigated and checked out actively and vigorously by the Department. Unfortunately I do not believe the refugee offices are interested in investigating complaints because we have experience of making complaints in the past which were never dealt with. I was barred from visiting the hostel in Donegal town for the last couple of years it was operating because it did not want any scrutiny of how the asylum seekers were being forced to live.

I want to focus very quickly on the working group report. The Department keeps putting out fancy figures saying 92% of the recommendations have been implemented. They probably have but the key recommendations that are important and make a real difference to peoples lives still have not been implemented. These are recommendations such as the right to work and guaranteeing the promised increase in allowances for people in direct provision. It is not enough to say that it is just put back into the general budgetary remit and to leave it at that.

On the aforementioned document to be completed, I spoke to the Minister of State personally on this and he accepted the time limit was a mistake and should not have been stressed. The time has been extended but it is vitally important that asylum seekers get good, sound legal advice as they fill in that application form. It is important that is dealt with. That is not in place for them at the moment. The agencies and NGOs are swamped and are unable to deal with the inquiries they have on hand at present regarding that form. The Minister of State needs to deal with this issue urgently.

Finally, on the argument that we do not have housing for people who are successful in obtaining refugee status and consequently could not do without the centres, I note there are 21,000 empty houses and apartments in the area of Dublin City Council alone. There are 200,000 empty houses and apartments across the country. Why can we not house people who are successful in the asylum process? Why can we not house our own citizens when there are 200,000 empty properties right across the country?

**Deputy Catherine Connolly:** I am delighted to take part in this debate although “delight” is the wrong word because I thought at this stage, one year after the election, that we would have decisions in respect of the most fundamental recommendation from the McMahon report, which was the right to work. I cannot imagine what would stop any Government from giving that right.

Second, one recommendation was that after a period of time, I believe it was five years, nobody should be kept in direct provision without having his or her status legalised. Those are

two basic requirements and here we are a year later, after a new election and new promises, still talking about direct provision.

As it is difficult to get information, the Minister of State should correct me if the figures have changed but, as of last July, 450 people had been resident in direct provision for more than seven years. Has that figure increased or decreased? I do not know but it is certainly shocking that we would keep people, including mothers and children, in very confined conditions for more than seven years and call ourselves a civilised society. We have international obligations. We are complying with those obligations in the most minimal way possible with direct provision. We have had direct provision as a temporary measure now for 17 years. It is now 2017, a Leas-Cheann Comhairle, and we started this direct provision in 2000 as a temporary measure. On top of that, I know in Galway and other centres that people have been granted asylum status but cannot leave direct provision.

Many other Deputies and I have asked many questions and we are going around in circles. We have been directed to the Department of Social Protection for people to get their entitlements, but that is not the issue. The issue is that the Department of Social Protection will not talk to people in direct provision if they do not have an address. A hostel address is not good enough for the Department. Having being granted asylum status, people are stuck in direct provision.

There are 35 centres around the country, seven of which are State owned and for which two companies have been contracted to provide services. The other 28 are privately operated and make huge profits. I am not criticising the providers because Government policy has allowed them to come forward. Our human rights obligations should not be fulfilled in such a way that companies and private operators are allowed to make profits. That is not the way to comply with our legal obligations.

The system should be streamlined, as the Government is trying to do with the new legislation. It is appalling that large profits are being made by those running direct provision centres while people cannot work or cook their own food. There have many discussions in the House regarding our obligations to children. Surely we will not distinguish between children based on the colour of their skin or country. I know the Minister of State is not the type of Minister to do that, but that is exactly what is happening in our policies. We are distinguishing between people because they are behind closed doors, which means we do not have to look at them.

There is a narrative that money is being thrown at these people. They have come to our country seeking refuge, as Irish people did elsewhere in the past. We are giving adults and children €19.10 and €15.60, respectively, per week and calling that humanity. On top of that, we are creating many problems for the future, as the Minister of State knows. If we were to try living like that, what effect would it have on our physical and mental health, not to mention that of the children in the system?

The pilot project was introduced in 2015 to allow certain residents to go to university. I would like to know how many have fulfilled the criteria involved. They are very restricted – I understand an applicant must have been in direct provision for five years and attended a school for a minimum of five years. I ask the Minister of State to outline how many people have qualified under the rules.

From many of the discussions we have had in the Dáil, the Minister of State appears to be

a very concerned Minister. How can he stand over direct provision, which was introduced as a temporary measure in 2000? Why not set a date to end it? It could be his legacy.

**Deputy Danny Healy-Rae:** It is very difficult to know what is going on. The Government has stated it will accept refugees. I asked what agency will deal with the people involved and where they will be housed. It was stated that local authorities would be responsible for housing the refugees concerned. The local authority for which I worked for many years does not have the required houses, facility or staff to deal with refugees and no extra staff have been deployed to cater for them.

The refugees we have agreed to accept and those in direct provision are all human beings. It is not right for a mother, father, teenagers and babies to be living in one room. An asylum seeker could be in the country for seven, eight or nine years, but all they are entitled to is €19.10 a week, which is not right.

It was promised that the direct provision system would cease and the time involved in deciding on a person's status reduced. Many people have been waiting for eight or nine years, which is not right and should not be happening. A limit of five years was promised to decide whether a person can stay or must leave the country. I ask that the system be reviewed. Having one family in one room, in particular those with growing children, is not right. We have to deal with the issue. Those involved are human beings.

It is grand to hear the Taoiseach agree to accept 4,000 or 5,000 refugees, but he must make provision for them in terms of housing. Local authorities are stretched. Some people in Kerry have been on housing lists for 12 or 14 years, some of whom were refugees or asylum seekers. They must get priority. If we are agreeing to accept refugees this year, the Government needs to tell us where housing is available and have a dedicated group of housing officers in place.

Staff in our local authority are vetting people and trying to find houses for them. They are stretched to the bone without having any more work placed on their shoulders. Those who have been on housing lists for 12 or 14 years will suffer and have to wait longer.

**Deputy Mattie McGrath:** I am delighted to speak on this very important issue, which will haunt us in the future. I welcome the visitors in the Gallery.

The system of direct provision for asylum seekers is almost 17 years old and from the beginning it has been a cause of significant controversy and debate. Among the issues raised most recently are the duration of the stay in direct provision, the impact of this on family life, as Deputy Healy-Rae mentioned, children, oversight and monitoring and the right to work.

In 2015, the Joint Committee on Public Services Oversight and Petitions stated the system was not fit for purpose and recommended that it be replaced. The Reception and Integration Agency, RIA, has a lovely name but behind it are abject failures. It oversees the direct provision system on behalf of the Department of Justice and Equality. The latest available RIA report revealed that there is a continual increase in the number of single males seeking asylum and availing of the offer of accommodation and referred to the opening of new centres to manage this influx.

From a humanitarian perspective, we are duty bound to offer whatever assistance we can to those genuinely in need of asylum and ensure those who enter the direct provision system are treated with dignity and respect. It is a duty of the State under any human rights charter, never

mind international human rights charters.

As Deputy Healy-Rae said, the Taoiseach needs to think things through when he agrees to accept refugees without considering all of the other issues involved. That is paramount. The human person must be at the centre of all of our laws. We are failing people and we have seen how we failed them in the past. If people are genuinely fleeing persecution and seeking refuge here, we need to extend our compassion and put into action the principles we spend so much time talking about. Talk is easy and talk is cheap. It is appalling to read reports that some children spend almost their entire childhoods in these centres in the direct provision system. It is incarceration, nothing less. Prisoners are treated better. This must end.

I recently submitted a parliamentary question to the Tánaiste seeking the number of children who have been born to those in the direct provision system since its introduction in 2000. I received a reply from the Minister of State, Deputy Stanton, that the information I had requested was not readily available as it was not collated by either the Department of Justice and Equality or the Registrar General of births, marriages and deaths. That is outrageous. I am not blaming the Minister of State for that but it is outrageous that we cannot tell the number of newborns in the centres. It is scandalous. It is extraordinary when one thinks about it. Presumably those children born to those in the asylum process are de facto part of that process, yet we have no data or numbers available. What is going on? Who are the RIA? We got rid of the IRA and we have agencies like this which are simply not fit for purpose. It cannot record that. Does it even know how many people are in the centres? My God.

While our humanitarian duty is clear, so also is the duty to the security of the State. The issue of oversight and monitoring and how the applications process is managed is critically important. We cannot bury our heads in the sand and pretend our asylum system, just like those in most European countries, is not open to abuse and violation. Of course it is. There are those who will seek to enter this State through the asylum system and who will not have our best interests at heart. Of course we must not confuse these people with the genuine asylum seeker, but the ones we have here and have had here since 2000, surely we would have learned at this stage, 17 years later, how to look after them. We must not be so innocent as to believe all applicants are genuine. The direct provision system, as part of the overall asylum process, certainly needs to become more robust, even as it seeks to become more fair.

The number of asylum seekers accommodated by the RIA on 31 December 2015 was 4,696, an increase of 332 persons or 7.6% on the same date in 2014. This is the second year-on-year increase in seven years. The RIA spent €57.025 million on accommodation for asylum seekers in 2015, an increase of 4.7% on 2014. We all know that there are some unscrupulous private entrepreneurs, some who have bought up hotels and places that are in despicable condition, and there are people incarcerated there. Worse than that, they entered into contracts. I know of one place in my own area that they never came to. There were huge objections, unfortunately, 17 years ago but a contract was signed with an individual for ten years. It was in the village of Clogheen in County Tipperary. Why do they have to sign contracts? Why not have a breakout clause after a year in case there are unscrupulous and unsuitable people who pretend to care but who only want a quick buck? Surely to God the system is not so useless and so fatigued that there cannot be checks and balances, that we cannot check out after a year or two whether the accommodation is suitable, and that there would be a breaking clause in the contract rather than having to buy it out. This is kindergarten stuff. Children would not write these contracts.

As the migrant crisis continues to show no signs of abating, we can be sure that the costs



and numbers of applicants within our asylum process will remain similar and more than likely increase in the coming years. In September of last year, I asked the Minister another parliamentary question about the number of forced deportations that were taking place. In her reply, the Minister noted that the overwhelming majority of persons who arrive at the frontiers of the State without permission to enter or reside here are refused leave to land without ever reaching the stage where they would be considered under the deportation process. She went on to say that the number of people arriving in this way rose substantially to almost 3,500 in 2015 and was expected to exceed 4,000 in 2016. They are frightening figures. Approximately 3,000 people removed or deported from Ireland in 2011, 2,200 in 2012, 2,700 in 2013, 3,790 in 2014 and 3,790 in 2015. According to the Department of Justice and Equality, the people who were refused entry or deported came mainly from five countries. The top countries of origin in percentage terms of deportation or removal are Albania, 9.2%, Brazil, 9.6%, Nigeria, 7.5%, South Africa, 7.4% and Pakistan 6%.

In September 2015, I also asked the Minister for Justice and Equality if she would address concerns around a designation of a hotel in Clonea Strand as an emergency reception and orientation centre. This was another farce which involved a wonderful tourist facility and caused a rumpus in the village. I do not believe anyone went to it.

**Minister of State at the Department of Justice and Equality Deputy David Stanton:** It is full.

**Deputy Mattie McGrath:** Since when? It was not full when I was there last summer season. It was not full; there was no one in it. Maybe the Minister of State would want to check the facts. It is very close to me, and I will be taking a walk along the strand and I will see and come back to him. I will accept if I am wrong. It was always full with people - holiday-makers and locals - but there was nobody in it when I was around there last July and August. The gates were locked and the doors closed. The concerns were brought to me by the local people who were deeply frustrated by the lack of engagement with them before the decision was made. That was the RIA again. It is like the NRA. It is all-powerful and listens to no one. As I said, we disbanded the IRA but we got a lot of agencies afterwards that we need peace processes or some sort of talks to get rid of them. We have quango after quango that are not accountable to anyone, either the Oireachtas, the Minister or anyone else other than themselves, and they get fine hefty cheques and fine hefty retirement packages.

As part of the reply I received, I was told that in such cases, potential centres were assessed from a number of perspectives, including access to local amenities, the provision of State services and suitability of the accommodation for its particular purposes. To return to Clonea, the Minister of State probably knows it. He is only up the road on the same coastline. With all those people we saw out on the sea, and I salute the Naval Service, the ships that were out there and the rescues they made, I would have thought the last place those people would want to rest would be beside the sea with the fright and the terror they encountered crossing it. Remember Clonea village has no shops, no recreation and no infrastructure, so someone was coddling someone there. I would have thought that it would be the last place, just from a human perspective. I am not saying that I am knowledgeable in this area but after such a terrorising trip across the sea, with some being rescued but so many drowned, I would have thought it would be the last place they would want to be sleeping or resting, that they would want to be in a place where they could not even hear the sea, and that they would want to be on *terra firma*, isteach san tír, inland. Someone would want to put on a thinking cap and see what is going on there.

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There is not one single mention of local engagement. I know this was for a refugee centre, which is not strictly the same as the asylum centres but I want to note how important it is that we bring a community with us when we are attempting to progress this matter in a manner that is fair to all concerned. I know the Minister of State engaged with people in Roscommon who are now on board, but again they had not been engaged with properly before. What is wrong with the system here that we cannot hold a public meeting, meet the different agencies, talk to the people and bring them with us? Ní neart go cur le chéile. Together we stand, divided we fall. We have all this Big Brother, this arm of the law. We have officials who are unelected and unaccountable to anyone, who make these decisions and frighten people, and then the image goes out of a local community that is anti-asylum seeker when nothing could be further from the truth. Consultation is very important. If we are building a hen house or a shed, we have to get planning permission and put a notice up on the ditch, but these officials can do anything they want to do. They ride in roughshod like John Wayne into Cong in that film he made in the west with Maureen O'Hara. This is reckless. This is 2016 and 2017 we are talking about, when we are supposed to be a modern, pluralist State with all the good things and the bad banished.

We will be here, or somebody else will be here, in 20 years having more inquiries into why people were incarcerated for 17 years. Deputy Connolly asked the Minister of State to give a date on putting some deadline on how long people should be kept for. Five years was envisaged at the start and even that was too long. We must be responsible and we must act on a human basis and try to alleviate all the suffering.

**Deputy Róisín Shortall:** I do not understand or know why we are here making statements on direct provision. What is this about? The Minister of State scheduled this time slot for statements.

**Deputy David Stanton:** No.

**Deputy Róisín Shortall:** Well the Business Committee did-----

**Deputy David Stanton:** Not me.

**Deputy Róisín Shortall:** -----but it is a Government statement. The Government opened with a statement on direct provision and we do not know if it is saying anything or not.

**Deputy David Stanton:** I cannot.

**Deputy Róisín Shortall:** It appears there is nothing new being said. There are no decisions being made in relation to the future of direct provision.

**Deputy David Stanton:** I would love to.

**Deputy Róisín Shortall:** Every party in this House acknowledges, and they did so in their election manifestos, that the current system is not working and is not acceptable.

What is required urgently is Government action, not more words. Direct provision was only ever intended to be a short-term response but it has since become a national disgrace. There is no disagreement with that assessment. If the current system cannot provide decisions within the six months that were initially envisioned, direct provision is not fit for purpose. The Government must accept responsibility for this and act. From the contributions we have heard this morning, it is clear this is not a controversial view. Everyone agrees. We all want the Government to act, as the quality of life of those currently living in direct provision will not be

improved by us making statements about the system's flaws. We need political action.

We need a more radical reform of our immigration system as a whole. For the time being, though, addressing the conditions for people currently held in direct provision must be the Government's priority. The recommendations of the McMahon report contained a number of practical steps to improve the system. To her credit, the Tánaiste has implemented the majority of those recommendations. However, some of the ones that could have the greatest impact on quality of life remain outstanding.

It goes without saying that basic resources like access to cooking facilities and private living spaces are fundamental to family life and well-being. The McMahon report recommended that this should be the norm in all centres by the end of 2016. Well into 2017, though, fewer than half of the accommodation centres under contract have some form of personal catering and it appears that the facilities on offer are far from consistent across the country.

In the progress table that the Tánaiste released, the Reception and Integration Agency did not respond to the recommendation that all requests for tender should specify the requirement for self-contained units and family quarters. This was particularly troubling, given the highly flexible terms of the contracts made with the providers. That requirement for basic family accommodation should have been a key element of the contracts awarded.

According to the Comptroller and Auditor General, these contracts did not include measurable outputs. Instead, they merely stated that accommodation must meet a standard that was reasonable having regard to the daily needs of asylum seekers. That is too vague. It must be borne in mind that these companies are commercial providers. Between 2011 and 2015, they were paid a total of €287 million, which is a vast amount of money. In the same period, nine companies were each paid in excess of €10 million. It seems that the only ones benefitting from direct provision are the companies running the centres. It is the nature of such companies to put their profit margins above the quality of their services. If the Government intends to continue with the privatisation of this care, it must ensure greater oversight of these facilities and enforce a standard level of quality throughout the system.

For too long, the State has kept these facilities at arm's length, choosing to ignore that the people they hold are a part of our communities. Nor does the State's responsibility to them end when they are granted leave to remain. As of last August, one in six residents in direct provision had been granted refugee status, subsidiary protection or leave to remain but had nowhere else to go. In our alternative budget, the Social Democrats proposed allocating €600,000 to provide for a multidisciplinary team to support individuals and families to transition from direct provision. We remain strongly of that view.

Rather than sharing the kind words and moral outrage about direct provision, what is needed from the Government is clear political action. Regardless of how or why someone comes to our country seeking asylum, failing to ensure that he or she is afforded a basic level of dignity and respect betrays the very decency that is so fundamental to our national identity. We need action quickly.

**Deputy Jan O'Sullivan:** I welcome the opportunity to speak on behalf of the Labour Party in this debate. I agree with Deputy Shortall's last point, in that we need action on and the full implementation of the McMahon report. The first independent working group to examine and identify improvements in the system, it was established in October 2014 because the matter had

been made a priority by the previous Government. My colleague, Senator Aodhán Ó Ríordáin, led the work on that priority. The report was published in July 2015 and signed off on by a number of NGOs and Departments, including the Department of Justice and Equality.

I do not doubt the intentions, work and commitment of the Minister of State as regards the implementation of the McMahon report but it needs to be implemented in full and acted upon. This is particularly so in terms of people who have been in direct provision for a long time. There are terrible stories of people who, having been there for years upon years, despair of ever getting their lives back. We need to acknowledge the progress that has been made. A large number of those who have been in direct provision for a long time have had their cases handled, but we need to reach the target of that not taking more than six months, which has not been achieved in respect of many people.

The issue of living conditions is important. We are referring to people's human rights. The Minister of State outlined that there had been progress to some extent, for example, cooking facilities and more space for families, but I have a clear picture in my head of a family that I visited in Knockalisheen, which is in County Clare but near Limerick city. A mother, father and two children were in a single tiny room with the children sitting on the bed trying to do their homework. There have been some improvements, but not everywhere. We need urgent action in this regard.

A statement was published by the Ombudsman and Ombudsman for Children just before I entered the Chamber indicating their offices would be available to people in direct provision from Monday next. That is to be welcomed and was one of the McMahon recommendations. The Ombudsman for Children, Dr. Niall Muldoon, stated:

Children in Direct Provision will now have equal access to the Ombudsman for Children's Office. This will enable my Office to make a constructive contribution to the overall welfare of children living in Direct Provision accommodation. Young people in Direct Provision can now be assured that there is a safe, secure and independent place they can come to make a complaint.

While access to the Office of the Ombudsman for Children is important, children should not have to live in direct provision and their families' applications should be dealt with speedily. This access must also apply to children whose cases have been completed but who are still in direct provision because their families have nowhere to go after being granted asylum or leave to remain. These practical issues need to be addressed urgently. The McMahon report must be fully implemented.

I will pick up on Deputy Connolly's point on access to higher education. As the Minister for Education and Skills, I was tasked with implementing the recommendation that young people should have access to higher education. As such, we brought in a scheme on foot of the direct recommendation in the McMahon report and I have met people who have been able to attend universities and institutes of technology as a result. If, however, the scheme is not capturing the number of young people who are in school and are deprived of that opportunity and, as such, it needs to be reviewed, it should be. From personal experience, I know that there are many people who would love to have the opportunity to access education and jobs.

The most effective thing we can do is ensure that cases are dealt with swiftly and that people are provided with their full entitlements where they qualify for leave to remain and-or asylum

in the State. The system has been broken and it does not serve the needs of some who are in the most desperate situations. That is what brings them to our country and we need to treat them with dignity and respect and to implement fully the recommendations of the report.

**An Leas-Cheann Comhairle:** Sin deireadh. Tá deich bomaite fágtha. Tá an Dáil ar fionraí go dtí meánlae.

**Deputy Donnchadh Ó Laoghaire:** Given that there are ten minutes until the Order of Business, is there any possibility that the Minister of State could respond?

**An Leas-Cheann Comhairle:** I have checked that possibility and while I do not want to be facetious, there is no possibility.

**Deputy Donnchadh Ó Laoghaire:** That is fine.

**Deputy David Stanton:** I would love to respond.

**An Leas-Cheann Comhairle:** It is a question of Standing Orders. I am sure the Minister of State will find a way to respond to the questions raised by Members. I am sorry but it is a matter of precedent.

*Sitting suspended at 11.50 a.m. and resumed at 12 noon.*

### **Leaders' Questions**

**Deputy Michael Moynihan:** Yesterday was the day the British Government finally, formally and officially triggered the signing of Brexit some nine months after the referendum in June. By any stretch of the imagination, it was a sad day for Europe and it is very worrying and will have major ramifications for the citizens of this island. It has been described in some of the newspapers this morning as not just a storm for Ireland but an earthquake. While the EU member states will be negotiating the terms of Brexit over the next two years and maybe longer, it is a fact that Ireland will be the country that loses most from this deal.

The British Government seems to be determined to fly the Union Jack more and more while singing "Rule Britannia". At the same time, it is saying it wants the most amicable and lovable divorce in the history of divorces. Citizens across our island, North and South, are genuinely worried about the ramifications of Brexit and how it would seem Ireland has very little influence on the actual outcome. People are worried about the Irish Government not being prepared enough, despite flying around from capital city to capital city, stating our case. However, in the six-page letter yesterday, the importance of not returning to hard borders was mentioned, as was the peace process, which was given priority. The Good Friday Agreement is, after all, an international agreement which has to be upheld. The comments in regard to the common travel area, while welcome, refer to a system in place since the 1920s.

What is really worrying from yesterday is that Chancellor Merkel responded to Prime Minister May by slapping down any parallel talks on trade while the negotiations are ongoing. The UK is traditionally our largest trading partner and we trade €1.2 billion in goods and services every week. Department of Finance officials have already stated that Ireland could face a 30% decline in exports to the UK and a significant rise in unemployment. We all agree the agrifood industry is the most significant industry, employing people right across the country. Exports



will be impacted upon, as will trade between North and South. Over 800 million litres of milk are imported from the North annually and we export and import thousands of cattle to the North.

All of these statistics are impacting on consumer confidence as the British are already talking up trade deals between the US, Canada and South American countries. The Minister will come back and say the Government is prepared. How can he say we are prepared, particularly in regard to agrifood industry, when Bord Bia, the agency charged by the State and the Government with selling our industry, has only employed an extra three staff in its Brexit section?

**Minister for Education and Skills (Deputy Richard Bruton):** I take the opportunity to express my sympathy on behalf of the Government to the family of the late Captain Mark Duffy, whose funeral is today and in whose memory the flag is flying at half mast. We also hope the other two families who are anxiously waiting will not have to wait long.

I thank Deputy Moynihan for his question. I can assure him the Government has entered into very long preparation for the event that occurred yesterday. This is certainly not of our choosing, I agree with him on that front, but we have done very deep sectoral SWOT analyses and looked at the strengths, weakness, opportunities and threats. The Deputy is right that there are threats to some sectors and opportunities in others. We have revised our trade strategy and job strategy and we have strengthened all of the agencies so they will be in a position to assist companies to diversify, train, adopt lean mechanisms, be more competitive in their markets and trade online. Many changes are being supported by our agencies to ensure companies are in a position to compete.

We have set out our priorities very clearly. Not only that, but we have a very clear track record. The Deputy will recall that, in the last six years, when economic trading conditions in Europe were the most difficult for decades, this Government adopted policies which helped grow employment by 2% per annum. We have 200,000 extra people back at work. That has been an export-led recovery based on stronger competitiveness and more diversification of our markets. We are in a strong position to deal with this decision by the United Kingdom.

We have secured support not just in Theresa May's letter, where very clearly one can see the Government's priorities reflected, but in that Michel Barnier has also indicated frequently his consciousness of Irish concerns. Those concerns have been very clearly set out by Government. We are preparing for the twists and turns of a very difficult negotiation. This is not a straight-forward single line of travel. It will be very difficult and there will be issues that we will have to reflect on as they come. However, we have put ourselves in a very strong position, both with regard to our influence with key European partners among the 27, with Michel Barnier and the negotiating team and, indeed, with the British. We are prepared to participate to the full in these discussions and negotiations, which will have a profound impact on our country but which will also offer opportunities as well and we are equally prepared to seize those opportunities.

**Deputy Michael Moynihan:** On behalf of my party, I would like to be associated with the expressions of sympathy to the family of Captain Mark Duffy and to all those involved in that horrendous accident.

I do not think the agrifood industry will take much solace from what the Minister has said. There is a huge industry out there and it is very important to note the talk-up by the British Government in regard to supposed trade deals with the US, Canada and South America. We have seen in recent days that the quality of food being produced in some of those countries leaves a

lot to be desired. The Irish agricultural industry has built enormously over the past 25 years and goes back centuries. It has prided itself on following the regulations stringently to produce one of the best and safest food industries in the world. Despite Bord Bia being the agency of the State that is charged with marketing our products, it has only four extra key officials in light of Brexit. The Minister said the Government was strengthening the agencies. If that is strengthening the agencies on behalf of the agrifood industry, heaven help us.

**Deputy Richard Bruton:** The position is that our agricultural sectors are supported not just by Bord Bia but by Enterprise Ireland and by all of the international agencies. Indeed, all of our embassies are now very closely aligned to the export drive that our companies are achieving. We are determined to open up new pathways and, as the Deputy knows, Enterprise Ireland has developed a pathfinder programme which allows agricultural companies in particular to open up new markets where they have not been trading before. That approach has been very successful.

The Deputy is right that the agricultural sector is one of those sectors most exposed because it has traditionally had a very high dependence on the UK market. We have to support our companies to diversify, which we will do, but we also need to secure in these negotiations the protection of the standards which the Deputy rightly says Europe values. I assure him that not just Ireland, but Europe, will be determined to protect the high standards of food which are vital to quality for consumers and the workings of our markets. As I have been involved in many trade discussions, I know those will be high priorities not just for Ireland but throughout the European Union and for the negotiators.

**Deputy Mary Lou McDonald:** I too extend our sympathy and solidarity to the family of Captain Mark Duffy and to those other families who still agonisingly await the return of their loved ones.

Yesterday, hundreds of people marched with the workers of Bus Éireann to the Dáil as part of their campaign to protect their livelihood and the public transport network in this State. Six days into their strike action, those workers are furious, frustrated and bewildered. Yesterday, inside the gates, the man who has the responsibility for this dispute to be resolved in a fair way, the Minister, Deputy Ross, was once again telling the Oireachtas transport committee that he would not intervene and would not do his job. He is happy to hide away in his office and sit on his hands while travel chaos unfolds all around communities that depend on the services of Bus Éireann. It is as though he found the entrance into Narnia and only pops back through the wardrobe every now and then to remind us of just how incompetent he is.

It is time for the Minister, Deputy Ross, to grow up. The invisible transport Minister is so hell-bent on pursuing his mission for privatisation that he is clearly oblivious to the fury of the workers and the exasperation of passengers throughout the State. Those workers who have children to feed and rent or mortgages to pay fear losing between 20% and 30% of their incomes. Passengers cannot get to work, to hospital appointments or to visit family members who rely upon their support. The crisis in the public transport network is causing hardship, stress and disarray. That is the fault of this Minister and the Government. The public is boiling with anger and rightly so. It is very important that this anger be directed at the right people and directed at those responsible. Those responsible are the Minister, Deputy Ross, the Government and the management at Bus Éireann.

The workers who stood on Kildare Street yesterday are taking a brave stand against a blatant

attack on their livelihoods and against the dismantling of a public service. It is not easy to be on strike. It is not easy for Bus Éireann workers to be on strike, but what choice do they have when faced with a Minister who is absolutely intent on shutting down Bus Éireann as a public service? We now have the ludicrous situation in which the Minister for Transport, Tourism and Sport - the person responsible for keeping Ireland moving - is willingly presiding over transport grinding to a halt. The Minister is actually sabotaging the transport network and this cannot be allowed. His position of non-intervention and his flimsy excuses cut no ice, neither with the public nor with the workers. I have a simple question. When will the Government demand that the Minister end his disastrous policy of non-intervention? When will the Government finally demand he do his job?

**Deputy Richard Bruton:** I completely reject the Deputy's position. I think the Minister, Deputy Ross, is doing his job. For example, this year and last year we have seen a 33% increase in the support for public service provision by Bus Éireann.

**Deputy Dara Calleary:** We have no buses.

**Deputy John Lahart:** We have traffic congestion.

**Deputy Richard Bruton:** The Minister is negotiating improved input into Bus Éireann services for the social protection-provided services, such as the free travel scheme. The Minister is making very real progress in providing a future for the public transport services provided by Bus Éireann. We know, and it is something that the Deputy and her party refuse to acknowledge, that the difficulties that arise with regard to Bus Éireann have come from the areas of its commercial operations, where it goes directly head to head against private competitors. Under law, it has been provided that that must be a level playing pitch. It is not open to the Minister, Deputy Ross, or indeed any other Minister to provide subvention to services in which there is a commercially open competition between both sides.

**Deputy Dessie Ellis:** Who started it?

**Deputy Richard Bruton:** Clearly, the National Transport Authority has indicated that should the restructuring require the withdrawal of certain services, it would be in a position to examine those and provide for substitute services where they are appropriate. The truth is that every time there is an industrial dispute, the Deputy and her party come in to the House and demand that Ministers come along and solve it. We and every party have seen the benefit of an approach to industrial relations in which we have professional people in the Workplace Relations Commission, WRC. If the Deputy seeks to elevate and politicise every dispute and looks for Ministers to come in with chequebooks to try to resolve them, we will never have a proper system of industrial relations.

**Deputy John Lahart:** He does not want to resolve it.

**Deputy Richard Bruton:** Management and unions have to address the issues that are here. It is very regrettable that this has flared into a dispute that is causing so much hardship, but it is not to the Minister that one looks for a solution. This has to be resolved through the negotiation supports that are available through the WRC and the Labour Court. They are long-experienced and seasoned. I am certainly not going to support attempts to undermine those tried and tested approaches in industrial relations.

**Deputy Mary Lou McDonald:** It seems the Minister is almost as deluded as his colleague,

the Minister, Deputy Ross. To describe the current fiasco as “very real progress” is really extreme even by the standards of his Government. Of course, the Minister, Deputy Ross, has previous form in looking the other way and sitting out his responsibilities. We saw how he did that with the Dublin Bus dispute last autumn. I invite the Minister, Deputy Bruton, to come out of his little bubble - perhaps even his Dublin bubble - and cast his eye beyond to understand that quite aside from the intercity services, which are now buckled, cities outside of Dublin have come to a virtual standstill. It is hurting businesses, families and communities and the Government does not seem to care. It seems to think it is a tenable position for a Minister for Transport, Tourism and Sport to opt out of resolving a massive transport dispute.

This is not simply an ordinary industrial relations dispute. This goes much deeper than that. This is actually a public policy crisis. The workers, the unions, the management and the Government know that. Yet, the Government seems prepared, in the case of the Minister, Deputy Ross, to sit it out and, in the case of the Minister, Deputy Bruton, to brazen it out. That is not good enough. At what point does the Minister, Deputy Ross, come off the benches, get onto the pitch and play his correct role?

**Deputy Richard Bruton:** The truth is that the approach of the Deputy and her party to industrial relations in the public service would lead to more industrial strife and result in more strikes, with taxpayers having to fund every strike and every claim.

**Deputy Mary Lou McDonald:** Really?

**Deputy Richard Bruton:** That is not a realistic approach. We have just been talking about Brexit and the challenges that poses for the competitiveness of the Irish economy, both in the public service and the private sector. We have to ensure that we can have companies that run their business commercially. There are identified efficiencies that are recognised on both sides. These issues have to be addressed in an industrial relations forum. We have provided that forum. That has to be the approach that is adopted. If we adopted the Deputy’s approach, we would have more and more industrial strife-----

**Deputy Mary Lou McDonald:** Under the Government’s approach, we have industrial chaos.

**Deputy Richard Bruton:** -----and the Deputy would be the cheerleader for that industrial strife.

**Deputy Dessie Ellis:** It is the Government’s privatisation that is doing it, and Fianna Fáil’s before it.

**Deputy Brendan Howlin:** My party and I would like to be associated with the votes of sympathy to the family of the late Captain Mark Duffy and wish well the recovery efforts still under way for the remaining two missing members of Rescue 116.

I met in Brussels yesterday with colleagues from across Europe to develop proposals to amend the fiscal rules that are constraining investment, investment that is certainly required now but will be much more urgently required into the future. This week, my party published a Brexit policy paper containing 20 specific concrete actions aimed at protecting the Irish economy in the face of the real challenges that are now on their way. Changing the fiscal rules is one of them. Also this week, the Irish Congress of Trade Unions and IBEC have called for specific policy actions. Over recent weeks, every party has been talking about Brexit, but in terms of

publishing tangible actions, only my own party has now put that on the table.

Ireland faces its greatest challenge since the Emergency. What is required now are not the generalisms that I already heard this morning from the Minister but concrete actions that will be taken. We have put out sensible policy proposals that will make a difference. We are calling for increased investment in a targeted programme to support companies in sectors like agrifoods, which were mentioned already. Among the 20 proposals are a €250 million Brexit trade adjustment fund, the suspension of state aid rules for two years after the UK leaves the EU, an early warning system that encompasses business, trade unions and other stakeholders and a new regional action plan in the Minister's old area of jobs to take the new reality of Brexit on board. Since last year I have raised the issue of the European globalisation adjustment fund a number of times and we still have no progress on that. We have already seen industries such as the mushroom industry devastated, and the beef and milk sectors will not be far behind if we do not have specific proposals for them. What contingency plans are in place, particularly for a hard Border and dealing with customs checks at our ports and our airports? Is the Government preparing to strengthen our transport links, especially our links to mainland Europe, and invest in our ports, and are there specific strategies to deal with these matters? We are calling for specific recognition of the unique challenges faced by Ireland in the negotiating mandate from the European Council to be provided by the European Commission, with the team to be led by Michel Barnier. Specifically, does the Government support special status for Northern Ireland, which is a matter which has already been voted upon by this House? Can we now hear a concrete line of specific actions? The game has now become real. The actions need to be spelled out in real terms. We do not need more generalisations, but rather specific proposals to make a difference for our people.

**Deputy Richard Bruton:** I thank the Deputy for his question. There is no doubt that the specific problems that will arise in Northern Ireland have been at the centre of the strategy the Government has been developing. It has been one of the planks of the four priorities the Government has set, and it revolves around making sure that we do not have a return to a hard Border. It revolves around supporting continued North-South co-operation and protecting the provisions of the Good Friday Agreement. All of those have been detailed to a considerable degree, and we have had an all-Ireland civic forum to ensure all points of view are provided for. We have very specific provisions also in terms of a job strategy, with Enterprise Ireland and IDA provisions. We have a capital plan which is being reviewed by the Minister, and it will be very conscious of the infrastructure requirements that will arise from Brexit. We have revised our trade strategy very specifically to look at diversification to the markets where we have the opportunity to grow, anticipating that it will not be so easy in the UK market and that we cannot be so reliant upon it.

I applaud Deputy Howlin's efforts to look afresh at the European Union. I share his view that we need to make sure that the Union, in the future, has a far greater focus on the needs of citizens and delivering for citizens against a backdrop where we have seen a number of fault-lines exposed within the structures of the EU in recent years. It is a sad situation that Europe has lost much of the commitment of ordinary people because it has been mired in trying to resolve its issues. It is very important that we start to look to the future. That debate is starting within the EU. The paper recently issued by the Commission is a first start. Perhaps it is not bold enough for any of us, but it begins to open up that debate. There will be a big obligation not just to negotiate the exit of Britain, but beginning later this year, to shape the new Europe that we want to see. I welcome Deputy Howlin's contribution to that debate, and all of the



House should be party to it.

**Deputy Brendan Howlin:** Specific proposals have not been made. Making a declaration that there will be no return to a hard Border is not a policy proposal. It is a meaningless declaration. At a minimum, we have said a new Irish protocol to the EU treaty will be required to recognise the common travel area, the Good Friday Agreement and the unique situation that will pertain on the island of Ireland. Is that a Government priority? The Taoiseach has told me previously that the Government will be drafting the Council response to the triggering of Article 50. With regard to the Government's support for a change in the Stability and Growth Pact, which I have been arguing for within my own political family, will the Government argue for its EPP family also to support a change to allow for vital investment?

**Deputy Richard Bruton:** We have always advocated for a growth policy within the European Union, and we have been strong advocates of that within the EPP. There has been some reflection of that - perhaps not enough - and we need to continue to focus on how we grow a competitive EU and how do we avoid a swing to protectionism, which is a risk within the EU and is something we need to protect against strongly. We have to work together for that, because Ireland has a huge interest in open, competitive borders and not in the closed and restricted borders that some would advocate.

I sympathise with the Deputy asking that I say, "Here is the outcome of two years of negotiations between Ireland and the European Union, and here in detail is how it protects Ireland." That is just not possible. We enter into a negotiating process, we have prepared very carefully and positioned ourselves very well, and we have the support of not only Britain in terms of the priorities we have set, especially in respect of Northern Ireland, but also of many colleagues in the EU. We will see in the coming days that that will be a major consideration early on in those negotiations, and we have positioned ourselves to be successful in the outcome. However, I cannot stand up here and name protections one to ten and detail exactly how each of those issues will be dealt with. That is not the nature of this sort of negotiation, and that is why we have had to put in this degree of preparation. We have to prepare for the unexpected as well as the favoured outcomes.

**Deputy Eamon Ryan:** On behalf of the Green Party I extend our sympathies to the family of Captain Duffy on their tragic loss and commend him on his heroism in the work that he and the other members of the Coast Guard have done.

It was interesting watching the Garda Commissioner in the Oireachtas committee this morning, and I have a number of questions for the Minister on the Government's position. This mess must be cleaned up. Has the Government considered, or will it consider, legislative changes to deal with those wrongful 14,700 convictions? Rather than have to go to court on an individual case-by-case basis which would clog up our courts and be hugely expensive and difficult for the litigants involved, could we not introduce a legislative amendment where all 14,700 would be scheduled and listed as an amendment to the legislation? This would allow for them to be quashed in a single legislative move, which would then allow us to move on to fix the redress which might arise in any particular cases. Has the Government considered such a legislative provision in its Cabinet meeting this week so that we at least deal with those cases in a timely, quick, cheap and efficient manner?

A key question I have concerns the Government's decision that the way to respond to this is another inquiry into the future of the Garda. What is the purpose of such an inquiry when

we have the likes of the Olson report, completed in November 2015, entitled “Changing Irish Policing”, which to my reading gives a very clear analysis of the difficulties we have and gives direction on what needs to be done? Why are we commissioning yet more studies into what might be done when we have, it seems to me, a perfectly well written, incisive, articulate and clear report that could very quickly provide us with a range of actionable items? It is particularly shocking that Deputy Commissioner Twomey, in the last meeting of the Policing Authority, said that one of the main recommendations in terms of employing staff in Castlebar on the data communications system had not yet been put in place. It was also shocking to hear the Commissioner say this morning that she had only now got the team she needed in place in terms of additional assistant commissioners. What is it in the public administrative system that is restricting us from being able to be flexible and fast in terms of moving people around and putting people in the right positions? Especially in this case the public system seems unable to provide this flexibility. I do not know whether it is a Garda problem or whether it applies to other areas of the public service. Why is it still taking us a year or two to get there? What both Deputy Commissioner Twomey and Commissioner O’Sullivan said is that they could not do it because they did not have authorisation to employ the necessary people. Why is our public administrative system so slow to put the people in the right place?

**Deputy Richard Bruton:** It is true to say that there is a lot of executive action changing things. I know, for example, that the divisional structure, which was criticised by the inspectorate, is being changed. I know that there is a new ICT plan being put into the Garda. There is a restructuring of the traffic section, as the Deputy knows. There are a whole range of things that are being implemented. The difficulty we have is that we are on a painful journey of reform and what we have seen in the last few days demonstrates that some of the cultural issues within An Garda Síochána have not been resolved by the programme of reform. I took note of the Garda Inspectorate’s reports and agree there is a huge amount of recommendations therein to be implemented. We now have a Policing Authority, just one year in position, which is taking on a stronger role. We are on a journey of reform but there is no doubt that what we have seen today has shaken peoples’ confidence in the way the system is working.

The Deputy has asked what a new review could do but this will not be a review like those of the past, where we looked specifically at whistleblowers, at one district or one segment of Garda operations. This will look at root and branch issues. For example, should we separate security from policing so that we could have a different approach to policing and different forms of accountability? That has been discussed in the past. Those issues are now on the table. We recognise that cultural change within An Garda Síochána will need more than just the approach that has been adopted to date. That is not to say that many of the proposals in the Garda Inspectorate’s reports and the proposals from the Policing Authority are not on the right track. However, when we turn up stones and find the scale of what happened on this occasion, we cannot just turn around and say it is business as usual and this will work. This has exposed real problems and the Government feels that we must address them in a different way. We must look at more serious structural issues as well as the ones that are already being addressed. That is why we are open to discussing, not just within Government but with other interested parties, the way in which we should structure this. It will not protect us from other issues being found out but we must have confidence that we have a structure that will deal with those issues as they arise.

**Deputy Eamon Ryan:** I agree that we need to look at the cultural background in An Garda Síochána that allowed this to take place. We should also look at the bigger, wider structural

issues in terms of what An Garda Síochána is and should be doing. However, we also have a structural problem in our Government and public administration system. When senior members of An Garda Síochána are asked questions in public fora, such as at today's meeting of the Joint Committee on Justice and Equality and the last meeting of the Policing Authority, as to why the clear recommendations, which we spent a lot of time formulating, on the immediate employment of the right people to start addressing problems have not been implemented, the answer we get is that they could not do that because they were not authorised to put the staff in place. We got rid of the employment control framework four years ago, which was a deeply damaging piece of administrative structuring. Why is it then that we still seem to have an inability to be flexible and to allow agencies to employ people quickly? We saw that it in here when the Select Committee on Budgetary Oversight could not get somebody for six months. What is the Minister's experience of this, as a line Minister? Is there a problem with agencies of the State being able to get swift authorisation to employ the right people?

I also ask the Minister to answer my first question, namely, does he agree that we should have a legislative amendment to enable the courts to run through all of the 14,700 wrongful convictions in one fell swoop?

**Deputy Richard Bruton:** I just do not accept that staff and resources are behind the sort of problems that we are seeing in An Garda Síochána. They are not behind the issues that we have put out to a tribunal or behind the issue of the falsifying of reporting that we have seen. Those issues cannot be explained by staffing and resources. Of course, staffing and resources will help in the context of implementing reform but we have had reform even with diminishing resources. Deputy Howlin will attest to the fact that even in times of diminishing resources, we must have reform. I do not accept that argument at all.

**Deputy Eamon Ryan:** That is their argument.

**Deputy Richard Bruton:** I do not accept that argument. The Garda Inspectorate made 81 recommendations and we need to see those implemented. They will take time but we need to do this root and branch investigation.

On the issue of the wrongful convictions and a single Act, as I understand it, 96% of those cases involved other issues as well. It is not a single, uniform batch that we can just change at the stroke of a pen. Many of these cases involved multiple charges on the charge sheet, as well as the one that arose in this case, where the fixed charge notice had not been sent out. I am not sure it is as simple as the Deputy describes but I know that An Garda Síochána and the Director of Public Prosecutions are looking at possible solutions. If there is a legislative element to that, I am sure the Government will consider it.

### **Questions on Promised Legislation**

**An Ceann Comhairle:** We have 15 minutes for questions on promised legislation and 15 Deputies have already indicated. Deputy Michael Moynihan is first.

**Deputy Michael Moynihan:** The programme for Government contains commitments to rural communities and refers to the post office network in particular. However, there does not seem to have been any serious attempt by the Government, particularly in recent weeks, to address damning reports on the closure of post offices. Three years ago the then Government

promised a whole-of-Government report on the post office network in the face of the local elections but nothing has been done since. Does the Government have a strategic policy on maintaining the post office network?

**An Ceann Comhairle:** Deputy Eugene Murphy, on the same issue.

**Deputy Eugene Murphy:** For four months I have questioned the Taoiseach and the Tánaiste on the status of the commitments in the programme for Government relating to post offices. In an article in *The Irish Times* yesterday, Pat Leahy stated that the Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Ring, had transferred responsibility for post offices over to the Minister for Communications, Climate Action and Environment, Deputy Naughten. What is going on as the post office network falls down around us? Is this a deliberate policy by the Government? Could we have an honest, direct answer today as to where we stand with regard to post offices?

**Minister for Education and Skills (Deputy Richard Bruton):** The Minister for Communications, Climate Action and Environment, Deputy Naughten, has clear responsibility for An Post. That has been confirmed this week in government but that does not mean that other useful work is not being undertaken to strengthen our post office network. The Minister of State, Deputy Ring, undertook work to look at models that could be developed that would help to bolster the long-term future of the post office network. He has come forward with proposals and I understand that he is supporting the possibility of pilot schemes to test some of the approaches. A lot of work is being done to try to protect the post office network. The issue cannot be solved simply within the narrow remit of the post. It is also about finding new services that can be transmitted, across all of Government, through the postal network. Those models have to be tested within the context of the oversight of the Minister for Communications, Climate Action and Environment of the specific operations of An Post.

**Deputy Mary Lou McDonald:** It is ten years since the United Nations Convention on the Rights of Persons with Disabilities was signed by the Government. Ten years on, when it is proposed that we will ratify this convention? The Minister will be aware that the ongoing delays and the failure to ratify the convention have caused frustration and hurt to people with disabilities, their carers, families and to Irish society in general. This matter has been raised more times than I care to remember. I hope that today we will see some light at the end of the tunnel and get a date from the Minister.

**An Ceann Comhairle:** Deputy Murphy O'Mahony, on the same matter.

**Deputy Margaret Murphy O'Mahony:** It is exactly ten years to the day since Ireland signed up to the UN Convention on the Rights of Persons with Disabilities. Despite a lot of promises and talk, the Oireachtas has yet to ratify that convention. I ask the Minister to tell us when this will happen and when the Disability (Miscellaneous Provisions) Bill 2016 will reach Committee Stage in order to move this on?

**Deputy Richard Bruton:** I cannot give a specific date but I do know that the Minister of State with responsibility for disability issues, Deputy Finian McGrath, is working very diligently on this.

**Deputy Brendan Howlin:** He said last May that it would be ratified within six months.

**Deputy Richard Bruton:** I am not aware of all of the details but that does not mean that we

are not making progress in many of the areas of provision. I know that in his own Department, he has made very specific provision for disability. In my Department, we provided additional resources for children with special educational needs. In terms of rolling out services, there is a very strong commitment by the Government to support people with disabilities. In terms of the actual ratification of the convention, which requires certain legal instruments, work is ongoing on that.

**Deputy Brendan Howlin:** I want to stay within the area of supports for people with disabilities, recognising that it is exactly ten years ago today that Ireland signed the aforementioned convention. We were among the first to sign it but are among the last to ratify it.

In terms of other related legislation, the health (transport support) Bill has been promised for months on end. Most recently, at the beginning of March, the Taoiseach congratulated all of those involved and promised that it would be done within two weeks. Where is that Bill? The delay underscores the fact that for all the talk about supporting people with disabilities on this important day, very little is actually happening on this Government's watch.

**Deputy Richard Bruton:** I understand that the proposals do raise budgetary issues. Obviously, they have to be considered in the context of budgetary provision as well as the policy statement.

**Deputy Brendan Howlin:** The Taoiseach was misleading us then when he said-----

**Deputy Richard Bruton:** Clearly, any new policy has to be backed with a credible implementation plan. I am sure that is where that discussion lies. As the Deputy will know from experience, this is a difficult matter to get right. I am not surprised it takes some time to put a full package together.

**Deputy Brendan Howlin:** When will we see the legislation?

**Deputy Richard Bruton:** It is being treated as a priority but those issues have to be resolved first.

**Deputy Brendan Howlin:** No date.

**Deputy Richard Boyd Barrett:** I will stay with the theme of disability. Probably 1,000 people outside the House are extremely angry regarding the failure of the Government to honour the promise made in the programme for Government. As the Minister knows, there have been several protests in recent months demanding that the Government stick to its promise. It is too late to stick to its promise to ratify the UN convention but it should deliver belatedly on it. What is the delay? The Minister keeps saying we need the legislation but we do not. Can the Minister confirm that? There is nothing whatsoever to stop the Government from ratifying now. The legislation can follow afterwards. Ratification would really be a great relief to the people outside, who do not want to be there. Many of them were saying how difficult it was to get here because of the transport difficulties. They also said they would continue to come back, however, if the Government did not indicate it would ratify the convention. Why does the Minister not just save them the hardship and ratify now, after which we can deal with the legislation?

**Deputy Richard Bruton:** The approach traditionally taken in other countries is to ratify in the way the Deputy suggests. They just sign up but nothing happens. We are making sure that



the provisions are embedded in law and that they will actually change what will happen thereafter. The approach to ratification that we take is more time-consuming but more reforming in the longer term because it is embedded in law.

**Deputy Mattie McGrath:** The programme for Government refers to the need to build general practitioner capacity to respond to patients' needs and provide access to X-rays, ultrasound and other investigative services, in addition to the need for chronic disease management by those in general practice. The outpatient unit and accident and emergency unit in Clonmel are overrun. Will the Minister visit Clonmel with me? General practitioners have the capacity to provide many of the treatments or carry out many of the examinations I have mentioned. It would reduce attendance at accident and emergency departments by at least one third. That has been proven. It was proven in a pilot project over eight days. We have chaos in the hospitals. Why will the HSE not allow a service to be offered to the public that is positive and good and that would take the chronic pressure off the accident and emergency unit in Clonmel?

**Deputy Richard Bruton:** That is at the heart of the strategy that the Minister for Health, Deputy Harris, is implementing. It is to see more procedures carried out at primary level and reduce the pressure on hospitals. He has endorsed that through the rolling out of a series of primary care centres. These are being built all over the country and they represent a means by which to provide resources in a way that takes the pressure off hospitals. Notwithstanding this, I acknowledge that the caseload in accident and emergency units has risen by close to 20%. As a result and notwithstanding the provision of the new centres, the level of demand relating to accident and emergency services has increased. There are challenges in meeting the requirements.

**Deputy Mattie McGrath:** Bureaucracy.

**Deputy Tony McLoughlin:** The programme for Government identifies the need for the establishment of a new schools excellence fund. Can the Minister advise me on the progress that has been made in respect of this Government priority? What new approaches to learning are being rewarded by the Minister's Department?

**Deputy Richard Bruton:** We have implemented changes in areas of disadvantage for the first time by using this approach. With the disadvantaged schools, we will be encouraging clusters of schools to develop programmes together that would achieve better approaches to teaching and to developing relationships with agencies in the public service and beyond to improve the delivery for children in disadvantaged areas. We have also introduced a call for higher education to open up new pathways for people with a disadvantage to participate at third level. Therefore, we are trying to use innovative funding mechanisms to get institutions to think a little beyond their own approaches in order to build partnerships to deliver better in the area of education.

**Deputy Niamh Smyth:** In the programme for Government, there is a clear commitment on the delivery of arts, specifically arts education. Has the Minister's Department had any specific engagement with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs on the establishment of the long-promised local arts and education partnerships in education and training boards throughout the country? As the Minister knows, there are only 16 of them so it should not be that difficult to do. Has there been any funding allocated specifically in this regard?

**Deputy Richard Bruton:** My Department has a number of initiatives in the arts area in conjunction with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. The initiatives cover music and other arts. I was very pleased to publish a research report showing the impact of bringing artists into the community and the quality of the engagement of young people with artists. The programmes embedding artists within schools are progressing and we will be expanding them.

**Deputy Danny Healy-Rae:** I suppose there is no hope the Government will pay the farmers the GLAS payments.

**An Ceann Comhairle:** That is not relevant to the Order of Business.

**Deputy Danny Healy-Rae:** It is the order of business that they were to be paid.

**An Ceann Comhairle:** It is to the farmers but I am afraid it is not relevant to the Order of Business.

**Deputy Danny Healy-Rae:** It is in the programme for Government to protect farmers' incomes. Over 4,500 farmers are still waiting to be paid.

**An Ceann Comhairle:** The Deputy should submit a Topical Issue.

**Deputy Danny Healy-Rae:** They were promised payment before the end of last year. Is it next year's payment or last year's payment that they are now to be paid? I am asking the Government to give up the blackguarding and pay the people. If the Exchequer were owed revenue or income tax, it would have to be paid.

**Deputy Josepha Madigan:** As far back as 2007, the then Council of Europe Commissioner for Human Rights, Mr. Thomas Hammarberg, said some of the delays in the criminal justice system could possibly be in breach of the European Convention on Human Rights. In that context, we have the criminal procedure Bill. I fail to understand why this is not priority legislation. It provides for pre-trial preliminary hearings and increased use of video link hearings. Could I please have an answer in respect of this matter?

**Deputy Richard Bruton:** The advice is that it will not be introduced during this session. I will, however, ask the relevant Minister to respond to the Deputy directly to ascertain whether it is possible to accelerate that work.

**Deputy Michael Healy-Rae:** The programme for Government contains a commitment on rural crime. Crime levels in Kerry have increased at a significant rate in recent weeks. On the weekend of 25 February, for example, there were six home invasions in the Muckross, Lough Guitane and Glenflesk areas by thieves who made their way out onto the N22, the Killarney-Cork road. Thousands of euro and jewellery were stolen. The thieves even went as far as robbing all-Ireland medals. There was another incident in Ardfert during which an elderly man was tied up for several hours while a gang of thugs raided his house. A substantial sum of money was taken. Where does the Government stand with regard to rural crime? What is it going to do to protect ordinary, decent citizens who are being terrorised in their homes in this way? The Government should stand up now. There is enough nonsense going on about senior gardaí and what they have been doing. I want the authorities to stand with the people in rural Ireland, including rural Kerry, and protect them and our farmers and their machinery and goods.

**Deputy Mattie McGrath:** And the medals.

**Deputy Richard Bruton:** A very specific initiative has been taken by the Garda and re-sourced by the Government. This initiative is designed to confront burglary in rural and urban areas and includes targeting mobile gangs. It has been very effective. There has been a very significant reduction in crime levels in the targeted areas. This is an area which the Garda has targeted and in respect of which it is showing results.

**Deputy John Curran:** I would not rely on those figures either.

**Deputy Mary Butler:** My question is on promised legislation. For the past three or four years, we have been promised legislation on wind farms. Recently, there has been a raft of planning applications for solar farms. There are no specific planning guidelines in place for these. We need to see them sooner rather than later.

**Deputy Richard Bruton:** Work is ongoing on the part of the two relevant Departments to figure out the exact underpinning of such legislation. I am not in a position to give the Deputy a categorical date.

**Deputy Bernard J. Durkan:** The building control Bill is promised legislation. In view of the extensive building works being and likely to be undertaken in response to housing needs, is it intended to bring the Bill before the House as soon as possible and expedite its passage?

**Deputy Richard Bruton:** I understand the heads are in preparation in the Department at present. Work on the Bill is progressing.

**Deputy Dessie Ellis:** The Minister for Housing, Planning, Community and Local Government, Deputy Coveney, promised he would bring forward a report on vacant houses. There are almost 200,000 vacant housing units across the country. Recent statistics have shown that there has been no let-up in the housing crisis and that there has been an increase in the number of people who are homeless. It is urgent that we address this issue, get to the bottom of how and why there are so many vacant units and discover whether any of these can be utilised. In light of the fact that urgent action is needed, when will this long-overdue report be issued?

**Deputy Richard Bruton:** I understand that work on the programme is ongoing. This has not stopped the Minister taking action, however. He has put in place an initiative to bring vacant properties back into use. I see from today's newspaper that six different areas in Dublin city have been identified and the council is engaging with voluntary housing agencies to undertake this work in order that housing might be delivered. There is tangible work going on in this area.

**Deputy John Brady:** The Government has committed to producing a report on the impact that discriminatory cuts to jobseeker's benefits for under 26s had on young people. Budget 2017 facilitated ridiculously tiny increases in the benefit of €2.70 for those aged 18 to 24 and €3.80 for 25 year olds. The report was promised for the second quarter of 2016. It is now 2017 and we have still to see any report on the discriminatory cuts and the impact they have had on young unemployed people. Where is the report? When will we see it and when will action to reverse those cuts be taken?

**Minister for Social Protection (Deputy Leo Varadkar):** The report is being done externally, so it is not yet ready for publication. I anticipate that it will be ready for publication within a matter of weeks. From recent information from the Central Statistics Office, the Deputy will know that unemployment is falling rapidly, particularly among young people. Youth unemployment is falling much faster than unemployment in general. Some of the policies we

are implementing must be having a positive effect. Work is always better than welfare.

**Deputy John Brady:** Yes, but it must be proper work.

**Deputy Tom Neville:** The programme for Government refers to funding for areas of natural constraint being increased by €25 million in 2018. Will the Government commit to providing that funding in 2018? Will it also explore an increase in that funding and restoring it to pre-2008 levels in light of the backdrop of Brexit and the current review of the areas of natural constraint scheme?

**Deputy Richard Bruton:** I am not in a position to answer the Deputy's question but I will get a reply for him.

### **Business of Dáil**

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** Pursuant to Standing Order 27E(8), it is proposed that No. 11, motion re proposed approval by Dáil Éireann of the Companies Act 2014 (Section 1313) Regulations 2017, be taken now without debate.

Question put and agreed to.

### **Companies Act 2014 (Section 1313) Regulations 2017: Motion**

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

That Dáil Éireann approves the following Regulations in draft:

Companies Act 2014 (Section 1313) Regulations 2017,

copies of which have been laid in draft form before Dáil Éireann on 9 February 2017.

Question put and agreed to.

### **Universal Jurisdiction of Human Rights Bill 2015: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** I must now deal with a postponed division relating to Second Stage of the Universal Jurisdiction of Human Rights Bill 2015, taken on Thursday, 9 March 2017. On the question, "That the Bill be now read a Second Time", a division was claimed and in accordance with Standing Order 70(2) that division must be taken now.

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

<i>The Dáil divided: Tá, 47; Níl, 86; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	

<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	
<i>Collins, Joan.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Michael.</i>	<i>Browne, James.</i>	
<i>Connolly, Catherine.</i>	<i>Bruton, Richard.</i>	
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Butler, Mary.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Catherine.</i>	
<i>Daly, Clare.</i>	<i>Byrne, Thomas.</i>	
<i>Doherty, Pearse.</i>	<i>Cahill, Jackie.</i>	
<i>Ellis, Dessie.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Funchion, Kathleen.</i>	<i>Cannon, Ciarán.</i>	
<i>Grealish, Noel.</i>	<i>Carey, Joe.</i>	
<i>Harty, Michael.</i>	<i>Casey, Pat.</i>	
<i>Healy-Rae, Danny.</i>	<i>Cassells, Shane.</i>	
<i>Healy-Rae, Michael.</i>	<i>Chambers, Jack.</i>	
<i>Healy, Seamus.</i>	<i>Chambers, Lisa.</i>	
<i>Howlin, Brendan.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Kelly, Alan.</i>	<i>Coveney, Simon.</i>	
<i>Kenny, Gino.</i>	<i>Cowen, Barry.</i>	
<i>McDonald, Mary Lou.</i>	<i>Creed, Michael.</i>	
<i>McGrath, Mattie.</i>	<i>Curran, John.</i>	
<i>Martin, Catherine.</i>	<i>Daly, Jim.</i>	
<i>Mitchell, Denise.</i>	<i>D'Arcy, Michael.</i>	
<i>Munster, Imelda.</i>	<i>Deasy, John.</i>	
<i>Murphy, Catherine.</i>	<i>Deering, Pat.</i>	
<i>Nolan, Carol.</i>	<i>Doherty, Regina.</i>	
<i>Ó Broin, Eoin.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donohoe, Paschal.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Doyle, Andrew.</i>	
<i>O'Reilly, Louise.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Sullivan, Jan.</i>	<i>English, Damien.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Fitzgerald, Frances.</i>	
<i>Penrose, Willie.</i>	<i>Flanagan, Charles.</i>	
<i>Pringle, Thomas.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Quinlivan, Maurice.</i>	<i>Griffin, Brendan.</i>	
<i>Ryan, Brendan.</i>	<i>Harris, Simon.</i>	
<i>Ryan, Eamon.</i>	<i>Haughey, Seán.</i>	
<i>Sherlock, Sean.</i>	<i>Humphreys, Heather.</i>	



<i>Smith, Bríd.</i>	<i>Kelleher, Billy.</i>	
<i>Stanley, Brian.</i>	<i>Kyne, Seán.</i>	
<i>Tóibín, Peadar.</i>	<i>Lahart, John.</i>	
<i>Wallace, Mick.</i>	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	

	<b><i>Zappone, Katherine.</i></b>	
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Tellers: Tá, Deputies Clare Daly and Mick Wallace; Níl, Deputies Regina Doherty and Tony McLoughlin.

Question declared lost.

### **Mother and Baby Homes: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Donnchadh Ó Laoghaire on Tuesday, 21 March 2017:

That Dáil Éireann:

- acknowledges that the discovery of bodies at the Tuam Mother and Baby Home has shocked the people of Ireland and brought considerable sadness and anger to Dáil Éireann;

- agrees that there are serious questions in relation to other mother and baby homes, particularly in the treatment, records and testimonies of survivors;

- recognises that since the formation of the State, mother and baby homes, industrial schools, county homes, Magdalene laundries and numerous other bodies and institutions were part of a systematic regime that resulted in the abuse and degradation of vulnerable women and their children and the State was complacent in allowing this to happen; and

- further recognises that, despite the high number of people who passed through homes and institutions and through the hands of various other bodies, the State has to date failed to initiate a meaningful process that would help to obtain the truth for survivors, nor has it provided a suitable forum that would allow the full story of these institutions and the system that underpinned them to be made public;

agrees that:

- a truth commission, involving international experts, should be established, that would be based on the principals of best practice from the truth processes in Chile, South Africa, Canada and Australia and would be developed in consultation with both victims and survivors groups;

- the purpose of a truth commission is to establish the truth of these institutions, to give the survivors the option to tell their testimony in a non-confrontational, non-adversarial manner and in either public or private, whichever they are at ease with; and

- its purpose is part of a wider process to identify the persons and institutions responsible for the systematic mistreatment and abuse of women and children within

these care homes and the system as a whole but is not a substitute for the justice system or future criminal proceedings should they be deemed necessary anywhere on the island of Ireland; and

further agrees that the truth commission shall:

- operate on a modular basis in order to ensure that older survivors are among the first to be heard;

- provide for public or private hearings, at the discretion of survivors, at suitable locations throughout the 32 counties where testimonies can be made;

- involve an advisory committee, including victims representatives;

- allow for testimonies from all survivors of care homes and their next of kin, without bias;

- ensure unfettered access to all information and documentation for all survivors, victims and next of kin of residential care homes, including to their information and

archival documentation;

- ensure hearings will include all Protestant mother and baby homes such as Bethany and Westbank mother and baby homes and all institutions, even if they are not included in the Government's prescribed list;

- preserve the documentation at the Magdalene laundry site in Donnybrook, which will be made available to survivors;

- ensure representatives of the organisations responsible appear to provide testimony and answer questions in public;

- provide, where necessary, legal representation for survivors, with costs being covered by the State;

- as a matter of urgency, ensure that all mother and baby homes and county home sites are subject to an injunction preventing structural changes to or interference with land where exhumations may be necessary until the final report of the truth commission is published;

- allow for the prevention of any interference with relevant sites and all ongoing work on these sites shall cease immediately to facilitate a thorough forensic inspection;

- examine the circumstances of the women and children affected from a constitutional and human rights perspective, including the circumstances of exit for women and children, as well as consider related matters such as the forced labour taken from women, illegal adoptions, vaccine trials and any other such matter that the

commission sees as appropriate, taking the report of the interdepartmental group on mother and baby homes into account;

- consider the manner in which women or children were placed in these institutions, the role the State had in placing them within these institutions and the responsibility it bears for the treatment and welfare of children more generally within these institutions;

- have the power to compel witnesses to come before a truth commission;

- publish a series of interim reports to Dáil Éireann, on a bi-monthly basis, on the progress of the truth commission and its recommendations regarding redress,

identity and access to personal documents, responsibility of institutions, memorialisa-

tion, current welfare of survivors, access to courts and the Statute of

Limitations and all other information it considers relevant; and

- ensure that the recommendations of the interim and final reports will be expedited as quickly as possible.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

recognises that the Government established a statutory Commission of Investigation into Mother and Baby Homes and Certain Related Matters in February 2015, to provide a thorough objective account of what happened to vulnerable women and children in these homes during the period 1922 to 1998;

notes that the commission was established following a motion passed by Dáil Éireann on 28th January 2015 to approve the draft Government order for the establishment of the commission and its terms of reference;

acknowledges:

- the important and person-centred work to date of the independent commission;

- the considerable public disquiet and demand for a thorough and holistic understanding of events, experiences and responsibilities following the confirmation, by the commission, of the discovery of human remains on the site of the Tuam Mother and Baby Home; and

- the plight of Irish women and children who were in institutions in this country in the last century, equally affirms their resilience and agency as survivors and stands in solidarity with all former residents, their loved ones and campaigners;

agrees that the commission must be given the opportunity to complete its sensitive and person-centred investigations in the public interest to establish the facts of what happened in and around these homes and to issue its report in accordance with the legal framework under which it was established;

further notes the co-ordinated approach by Government Departments and agencies to respond to the discovery of human remains in Tuam and to engage with the local community and other parties with family connections in a sensitive and inclusive manner, recognising the dignity and equality to which all stakeholders are entitled;

further recognises that:

- the independent commission has the scope and power to examine a broad range of public concerns in relation to these institutions, to make a determination on their relevance to the central issues in question, and to make any recommendations to the Government which the commission deems appropriate;

- the commission's terms of reference provide for a confidential committee forum to facilitate former residents of these Homes which may wish to provide accounts of their experience and to assist the commission to ground its work in the reality of the

experience of mothers and children;

- a commission of investigation's legal framework allows it to hold hearings in public where this would be in the interests of the investigation and fair procedures;

- major investigations have already been conducted into historical child abuse by the Commission to Inquire into Child Abuse which had a wide remit to inquire into the abuse of children in any place where children were cared for other than as members of their families; and

- the report of the interdepartmental committee into Magdalen laundries established the facts of State involvement with the laundries under the supervision of an independent chairperson;

further agrees that the three reports of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters which are due for completion by February 2018, namely, the social history report, the confidential committee report and the investigative report, are critically important in coming to terms with how Irish society responded to vulnerable single women and their children at a time when they most needed our support and assistance; and

welcomes the intention of the Minister for Children and Youth Affairs to:

- examine the potential for a gender-sensitive transitional justice approach, to facilitate former residents of institutions who may wish to provide accounts of their

experiences in public or in private, with a view to formally acknowledging and validating their experiences, and supporting reconciliation for former residents and

the public at large with the events of the past by enhancing public awareness and understanding of a range of past abuses and human rights failures;

- explore the potential for the application of a range of transitional justice mechanisms that would acknowledge and preserve the accounts of the past that have emerged in Tuam and elsewhere, honouring the accounts of victims by preserving memory, undoing stigma and honouring the lives of those who were residents of such homes, thereby guaranteeing non-repetition and affirming the dignity and equality values of the Constitution of Ireland;

- explore, in the context of these transitional justice measures, the scope for a truth commission which would examine broad societal issues of collective responsibility in this area and which would complement but be distinct from the work of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters;

- carry out a scoping exercise to consider the calls for an extension to the terms of reference of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters; and

- expedite the publication of the second interim report of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters.



30 March 2017

- (Minister for Children and Youth Affairs)

**An Ceann Comhairle:** I must now deal with a postponed division relating to amendment No. 1 to the motion regarding Mother and Baby Homes. On Thursday, 21 March, on the question that the amendment to the motion be agreed to, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 94; Níl, 42; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Barrett, Seán.</i>	<i>Brady, John.</i>	
<i>Brassil, John.</i>	<i>Broughan, Thomas P.</i>	
<i>Breen, Pat.</i>	<i>Buckley, Pat.</i>	
<i>Brophy, Colm.</i>	<i>Collins, Joan.</i>	
<i>Browne, James.</i>	<i>Connolly, Catherine.</i>	
<i>Bruton, Richard.</i>	<i>Coppinger, Ruth.</i>	
<i>Burke, Peter.</i>	<i>Crowe, Seán.</i>	
<i>Butler, Mary.</i>	<i>Cullinane, David.</i>	
<i>Byrne, Catherine.</i>	<i>Daly, Clare.</i>	
<i>Byrne, Thomas.</i>	<i>Doherty, Pearse.</i>	
<i>Cahill, Jackie.</i>	<i>Ellis, Dessie.</i>	
<i>Calleary, Dara.</i>	<i>Ferris, Martin.</i>	
<i>Canney, Seán.</i>	<i>Funchion, Kathleen.</i>	
<i>Cannon, Ciarán.</i>	<i>Healy, Seamus.</i>	
<i>Carey, Joe.</i>	<i>Howlin, Brendan.</i>	
<i>Casey, Pat.</i>	<i>Kelly, Alan.</i>	
<i>Cassells, Shane.</i>	<i>Kenny, Gino.</i>	
<i>Chambers, Jack.</i>	<i>Martin, Catherine.</i>	
<i>Chambers, Lisa.</i>	<i>McDonald, Mary Lou.</i>	
<i>Collins, Michael.</i>	<i>Mitchell, Denise.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Munster, Imelda.</i>	
<i>Coveney, Simon.</i>	<i>Murphy, Catherine.</i>	
<i>Cowen, Barry.</i>	<i>Nolan, Carol.</i>	
<i>Creed, Michael.</i>	<i>Ó Broin, Eoin.</i>	
<i>Curran, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>D'Arcy, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Daly, Jim.</i>	<i>O'Reilly, Louise.</i>	
<i>Deasy, John.</i>	<i>O'Sullivan, Jan.</i>	
<i>Deering, Pat.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Doherty, Regina.</i>	<i>Penrose, Willie.</i>	
<i>Donnelly, Stephen S.</i>	<i>Pringle, Thomas.</i>	

<i>Donohoe, Paschal.</i>	<i>Quinlivan, Maurice.</i>	
<i>Doyle, Andrew.</i>	<i>Ryan, Brendan.</i>	
<i>Durkan, Bernard J.</i>	<i>Ryan, Eamon.</i>	
<i>English, Damien.</i>	<i>Sherlock, Sean.</i>	
<i>Fitzgerald, Frances.</i>	<i>Shortall, Róisín.</i>	
<i>Flanagan, Charles.</i>	<i>Smith, Bríd.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>Stanley, Brian.</i>	
<i>Grealish, Noel.</i>	<i>Tóibín, Peadar.</i>	
<i>Griffin, Brendan.</i>	<i>Wallace, Mick.</i>	
<i>Halligan, John.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Healy-Rae, Danny.</i>		
<i>Healy-Rae, Michael.</i>		
<i>Humphreys, Heather.</i>		
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>MacSharry, Marc.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		

<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 94; Níl, 43; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Barry, Mick.</i>	
<i>Bailey, Maria.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Barrett, Seán.</i>	<i>Brady, John.</i>	
<i>Brassil, John.</i>	<i>Broughan, Thomas P.</i>	
<i>Breen, Pat.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Collins, Joan.</i>	
<i>Bruton, Richard.</i>	<i>Connolly, Catherine.</i>	
<i>Burke, Peter.</i>	<i>Coppinger, Ruth.</i>	
<i>Butler, Mary.</i>	<i>Crowe, Seán.</i>	
<i>Byrne, Catherine.</i>	<i>Cullinane, David.</i>	
<i>Byrne, Thomas.</i>	<i>Daly, Clare.</i>	
<i>Cahill, Jackie.</i>	<i>Doherty, Pearse.</i>	
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>	
<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Cannon, Ciarán.</i>	<i>Funchion, Kathleen.</i>	
<i>Carey, Joe.</i>	<i>Healy, Seamus.</i>	

<i>Casey, Pat.</i>	<i>Howlin, Brendan.</i>	
<i>Cassells, Shane.</i>	<i>Kelly, Alan.</i>	
<i>Chambers, Jack.</i>	<i>Kenny, Gino.</i>	
<i>Chambers, Lisa.</i>	<i>McDonald, Mary Lou.</i>	
<i>Collins, Michael.</i>	<i>Martin, Catherine.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Mitchell, Denise.</i>	
<i>Coveney, Simon.</i>	<i>Munster, Imelda.</i>	
<i>Cowen, Barry.</i>	<i>Murphy, Catherine.</i>	
<i>Creed, Michael.</i>	<i>Nolan, Carol.</i>	
<i>Curran, John.</i>	<i>Ó Broin, Eoin.</i>	
<i>D'Arcy, Michael.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Daly, Jim.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Deasy, John.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Deering, Pat.</i>	<i>O'Reilly, Louise.</i>	
<i>Doherty, Regina.</i>	<i>O'Sullivan, Jan.</i>	
<i>Donnelly, Stephen S.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Donohoe, Paschal.</i>	<i>Penrose, Willie.</i>	
<i>Doyle, Andrew.</i>	<i>Pringle, Thomas.</i>	
<i>Durkan, Bernard J.</i>	<i>Quinlivan, Maurice.</i>	
<i>English, Damien.</i>	<i>Ryan, Brendan.</i>	
<i>Farrell, Alan.</i>	<i>Ryan, Eamon.</i>	
<i>Fitzgerald, Frances.</i>	<i>Sherlock, Sean.</i>	
<i>Flanagan, Charles.</i>	<i>Shortall, Róisín.</i>	
<i>Gallagher, Pat The Cope.</i>	<i>Smith, Bríd.</i>	
<i>Grealish, Noel.</i>	<i>Stanley, Brian.</i>	
<i>Griffin, Brendan.</i>	<i>Tóibín, Peadar.</i>	
<i>Halligan, John.</i>	<i>Wallace, Mick.</i>	
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Healy-Rae, Danny.</i>		
<i>Healy-Rae, Michael.</i>		
<i>Humphreys, Heather.</i>		
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>MacSharry, Marc.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		

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<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>Mitchell O'Connor, Mary.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegard.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Rourke, Frank.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

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

Question declared carried.



**An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Cearta Eacnamaíochta, Sóisialacha agus Cultúir), 2016: An Dara Céim (Atógáil) [Comhaltaí Príobháideacha]**

**Thirty-fifth Amendment of the Constitution (Economic, Social and Cultural Rights) Bill 2016: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** Rinneadh vótáil a lorg Dé Céadaoin, an 22 Márta 2017, ar an gceist go ndéanfaí An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Cearta Eacnamaíochta, Sóisialacha agus Cultúir), 2016 a léamh an Dara hUair. De réir Bhuan-Ordaithe 70(2), ní foláir an vótáil sin a thógáil anois.

A division was challenged on Wednesday, 22 March 2017, on the question that the Thirty-fifth Amendment of the Constitution (Economic, Social and Cultural Rights) Bill 2016 be read a Second Time. In accordance with Standing Order 70(2), that division must be taken now.

Cuireadh an cheist arís: Go léifear an Bille an Dara hUair anois.

Question again put: “That the Bill be now read a Second Time.”

<i>The Dáil divided: Tá, 48; Níl, 90; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	
<i>Collins, Joan.</i>	<i>Browne, James.</i>	
<i>Connolly, Catherine.</i>	<i>Bruton, Richard.</i>	
<i>Coppinger, Ruth.</i>	<i>Burke, Peter.</i>	
<i>Crowe, Seán.</i>	<i>Butler, Mary.</i>	
<i>Cullinane, David.</i>	<i>Byrne, Catherine.</i>	
<i>Daly, Clare.</i>	<i>Byrne, Thomas.</i>	
<i>Doherty, Pearse.</i>	<i>Cahill, Jackie.</i>	
<i>Ellis, Dessie.</i>	<i>Calleary, Dara.</i>	
<i>Ferris, Martin.</i>	<i>Canney, Seán.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Cannon, Ciarán.</i>	
<i>Funchion, Kathleen.</i>	<i>Carey, Joe.</i>	
<i>Grealish, Noel.</i>	<i>Casey, Pat.</i>	
<i>Healy-Rae, Danny.</i>	<i>Cassells, Shane.</i>	
<i>Healy-Rae, Michael.</i>	<i>Chambers, Jack.</i>	
<i>Healy, Seamus.</i>	<i>Chambers, Lisa.</i>	
<i>Howlin, Brendan.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Kelly, Alan.</i>	<i>Coveney, Simon.</i>	
<i>Kenny, Gino.</i>	<i>Cowen, Barry.</i>	

<i>McDonald, Mary Lou.</i>	<i>Creed, Michael.</i>	
<i>McGrath, Mattie.</i>	<i>Curran, John.</i>	
<i>Martin, Catherine.</i>	<i>D'Arcy, Michael.</i>	
<i>Mitchell, Denise.</i>	<i>Daly, Jim.</i>	
<i>Munster, Imelda.</i>	<i>Deasy, John.</i>	
<i>Murphy, Catherine.</i>	<i>Deering, Pat.</i>	
<i>Nolan, Carol.</i>	<i>Doherty, Regina.</i>	
<i>Ó Broin, Eoin.</i>	<i>Donnelly, Stephen S.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Donohoe, Paschal.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Doyle, Andrew.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Reilly, Louise.</i>	<i>English, Damien.</i>	
<i>O'Sullivan, Jan.</i>	<i>Farrell, Alan.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Fitzgerald, Frances.</i>	
<i>Penrose, Willie.</i>	<i>Flanagan, Charles.</i>	
<i>Pringle, Thomas.</i>	<i>Fleming, Sean.</i>	
<i>Quinlivan, Maurice.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Ryan, Brendan.</i>	<i>Griffin, Brendan.</i>	
<i>Ryan, Eamon.</i>	<i>Halligan, John.</i>	
<i>Sherlock, Sean.</i>	<i>Harris, Simon.</i>	
<i>Shortall, Róisín.</i>	<i>Harty, Michael.</i>	
<i>Smith, Bríd.</i>	<i>Haughey, Seán.</i>	
<i>Stanley, Brian.</i>	<i>Humphreys, Heather.</i>	
<i>Tóibín, Peadar.</i>	<i>Kelleher, Billy.</i>	
<i>Wallace, Mick.</i>	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	

	<i><b>Murphy O'Mahony, Margaret.</b></i>	
	<i><b>Murphy, Eoghan.</b></i>	
	<i><b>Murphy, Eugene.</b></i>	
	<i><b>Naughten, Denis.</b></i>	
	<i><b>Naughton, Hildegard.</b></i>	
	<i><b>Neville, Tom.</b></i>	
	<i><b>Noonan, Michael.</b></i>	
	<i><b>O'Brien, Darragh.</b></i>	
	<i><b>O'Callaghan, Jim.</b></i>	
	<i><b>O'Connell, Kate.</b></i>	
	<i><b>O'Dea, Willie.</b></i>	
	<i><b>O'Donovan, Patrick.</b></i>	
	<i><b>O'Keeffe, Kevin.</b></i>	
	<i><b>O'Rourke, Frank.</b></i>	
	<i><b>Phelan, John Paul.</b></i>	
	<i><b>Rabbitte, Anne.</b></i>	
	<i><b>Ring, Michael.</b></i>	
	<i><b>Rock, Noel.</b></i>	
	<i><b>Scanlon, Eamon.</b></i>	
	<i><b>Smith, Brendan.</b></i>	
	<i><b>Smyth, Niamh.</b></i>	
	<i><b>Stanton, David.</b></i>	
	<i><b>Troy, Robert.</b></i>	
	<i><b>Varadkar, Leo.</b></i>	
	<i><b>Zappone, Katherine.</b></i>	

Tellers: Tá, Deputies Thomas Pringle and Maureen O'Sullivan; Níl, Deputies Regina Doherty and Tony McLoughlin.

Question declared lost.

Faisnéiseadh go rabhthas tar éis diúltú don cheist.

### **Money Advice and Budgeting Service and Citizens Information Centres: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Willie O'Dea on Tuesday, 28 March 2017:

That Dáil Éireann:

accepts:

- the vitally important work undertaken by the Citizens Information services, CIS, and the Money Advice and Budgeting Service, MABS, offices across the country in providing information, advice and also helping citizens to manage and overcome debt; and

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- the significant role these services have had in recent years assisting families with distressed mortgages;

recognises:

- that MABS and CIS offices are an intrinsic part of, and deeply embedded in, local communities which depend on them greatly;

- a that voluntarism is a central component of the MABS and CIS services and ethos;

- the genuine and growing concern about the manner in which the restructuring of MABS and CIS is being undertaken and the potential negative implications of the proposed regional model;

- that the restructuring process is disenfranchising volunteers which is counterproductive;

- the growing concern about the proposed changes to local boards and the implications for members and services; and

- that those directly affected by this restructuring process believe that it is taking place without any meaningful dialogue; and

calls on the Minister for Social Protection to:

- immediately utilise the power he has under the Citizens Information Act 2007 to issue a directive to halt this proposed regionalisation;

- conduct a cost-benefit analysis of the restructuring process and the proposed regional model;

- heed the concerns of those who have voiced their strong reservations about the restructuring process and to ensure that all stakeholders involved are consulted and allowed to engage in meaningful constructive dialogue to secure an outcome that is agreeable to all; and

- ensure that any restructuring process does not result in the downgrading of the quality, effectiveness and accessibility of services to citizens.

Debate resumed on amendment No. 2:

To delete all words after “Dáil Éireann” and substitute the following:

wholeheartedly commends the important work undertaken by the Citizens Information Board, CIB, together with its network of delivery partner services, including the Citizens Information service, CIS, and the Money Advice and Budgeting Service, MABS, in fulfilling its statutory remit to provide information, advice, including money advice and budgeting advice, and advocacy services on a wide range of public and social services for citizens across the country;

notes:

- the decision taken by the statutory board of the CIB, on 15 February 2017, to restructure the governance arrangements from ninety three individual local service

company boards to a new 16 company board model, to bring the CIS and MABS better into line with modern public service governance guidelines and requirements;

and

- the CIB's key assurance that there will be no job losses, no closure of services, no change to service delivery locations and no change to the terms and conditions of serving staff during the lifetime of the restructuring;

recognises that the decision taken by the statutory board of the CIB is for improved governance reasons due to the significant State funding involved and will in no way reduce access to, or the range of, services available to citizens;

acknowledges that the restructured model is necessary to assist the CIB in its compliance with the Code of Practice for the Governance of State Bodies and the implementation of recommendations from the Office of the Comptroller and Auditor General;

agrees that the decision taken by the statutory board of the CIB is in keeping with successive strategic plans of the board, including the current strategic plan for the period 2015 to 2018, which in accordance with governing legislative provisions was submitted to, and approved by, the Minister for Social Protection, and subsequently noted by Government and laid before the Houses of the Oireachtas in January 2016;

further recognises the work carried out by the employed staff of MABS and the employees and many volunteers who work in the CIS countrywide;

acknowledges the input of the volunteer boards of the CIS and MABS companies to date and notes that those with the necessary skills and expertise can remain involved by putting themselves forward for consideration as members of the new regional boards;

welcomes the undertaking of the CIB to conduct a full cost-benefit analysis of the 16 regional company model;

further acknowledges the CIB's commitment to ongoing consultation through the establishment of a restructuring implementation group comprising members of the board of the CIB and representatives of the local network of the CIS, MABS and CIB staff members;

further welcomes the intention of the CIB to engage in constructive, structured dialogue with the relevant representative bodies in the context of moving to the new restructured governance arrangements; and

further notes that the Attorney General has advised that the Minister for Social Protection does not have power to instruct the CIB in its day to day operations and, specifically, does not have the power to order a reversal of a decision such as the restructuring of its governance arrangements.

- (Minister for Social Protection)

**An Ceann Comhairle:** I must now deal with a postponed division relating to amendment No. 2 to the motion regarding restructuring of the Money Advice & Budgeting Service and Citizens Information Service. On Tuesday, 28 March 2017, on the question that the amendment to



the motion be agreed to, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 51; Níl, 90; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>	
<i>Barrett, Seán.</i>	<i>Barry, Mick.</i>	
<i>Breen, Pat.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brophy, Colm.</i>	<i>Brady, John.</i>	
<i>Bruton, Richard.</i>	<i>Brassil, John.</i>	
<i>Burke, Peter.</i>	<i>Broughan, Thomas P.</i>	
<i>Byrne, Catherine.</i>	<i>Browne, James.</i>	
<i>Canney, Seán.</i>	<i>Buckley, Pat.</i>	
<i>Cannon, Ciarán.</i>	<i>Butler, Mary.</i>	
<i>Carey, Joe.</i>	<i>Byrne, Thomas.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Cahill, Jackie.</i>	
<i>Coveney, Simon.</i>	<i>Calleary, Dara.</i>	
<i>Creed, Michael.</i>	<i>Casey, Pat.</i>	
<i>D'Arcy, Michael.</i>	<i>Cassells, Shane.</i>	
<i>Daly, Jim.</i>	<i>Chambers, Jack.</i>	
<i>Deasy, John.</i>	<i>Chambers, Lisa.</i>	
<i>Deering, Pat.</i>	<i>Collins, Joan.</i>	
<i>Doherty, Regina.</i>	<i>Collins, Michael.</i>	
<i>Donohoe, Paschal.</i>	<i>Connolly, Catherine.</i>	
<i>Doyle, Andrew.</i>	<i>Coppinger, Ruth.</i>	
<i>Durkan, Bernard J.</i>	<i>Cowen, Barry.</i>	
<i>English, Damien.</i>	<i>Crowe, Seán.</i>	
<i>Farrell, Alan.</i>	<i>Cullinane, David.</i>	
<i>Fitzgerald, Frances.</i>	<i>Curran, John.</i>	
<i>Flanagan, Charles.</i>	<i>Daly, Clare.</i>	
<i>Griffin, Brendan.</i>	<i>Doherty, Pearse.</i>	
<i>Halligan, John.</i>	<i>Donnelly, Stephen S.</i>	
<i>Harris, Simon.</i>	<i>Ellis, Dessie.</i>	
<i>Humphreys, Heather.</i>	<i>Ferris, Martin.</i>	
<i>Kyne, Seán.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Lowry, Michael.</i>	<i>Fleming, Sean.</i>	
<i>McEntee, Helen.</i>	<i>Funchion, Kathleen.</i>	
<i>McGrath, Finian.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>McHugh, Joe.</i>	<i>Grealish, Noel.</i>	
<i>McLoughlin, Tony.</i>	<i>Harty, Michael.</i>	
<i>Madigan, Josepha.</i>	<i>Haughey, Seán.</i>	

<i>Mitchell O'Connor, Mary.</i>	<i>Healy-Rae, Danny.</i>	
<i>Moran, Kevin Boxer.</i>	<i>Healy-Rae, Michael.</i>	
<i>Murphy, Eoghan.</i>	<i>Healy, Seamus.</i>	
<i>Naughten, Denis.</i>	<i>Howlin, Brendan.</i>	
<i>Naughton, Hildegard.</i>	<i>Kelleher, Billy.</i>	
<i>Neville, Tom.</i>	<i>Kelly, Alan.</i>	
<i>Noonan, Michael.</i>	<i>Kenny, Gino.</i>	
<i>O'Connell, Kate.</i>	<i>Lahart, John.</i>	
<i>O'Donovan, Patrick.</i>	<i>Lawless, James.</i>	
<i>Phelan, John Paul.</i>	<i>MacSharry, Marc.</i>	
<i>Ring, Michael.</i>	<i>McConalogue, Charlie.</i>	
<i>Rock, Noel.</i>	<i>McDonald, Mary Lou.</i>	
<i>Stanton, David.</i>	<i>McGrath, Mattie.</i>	
<i>Varadkar, Leo.</i>	<i>McGrath, Michael.</i>	
<i>Zappone, Katherine.</i>	<i>McGuinness, John.</i>	
	<i>Martin, Catherine.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell, Denise.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Munster, Imelda.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Catherine.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Nolan, Carol.</i>	
	<i>Ó Broin, Eoin.</i>	
	<i>Ó Caoláin, Caoimhghín.</i>	
	<i>Ó Laoghaire, Donnchadh.</i>	
	<i>Ó Snodaigh, Aengus.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Reilly, Louise.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>O'Sullivan, Jan.</i>	
	<i>O'Sullivan, Maureen.</i>	
	<i>Penrose, Willie.</i>	
	<i>Pringle, Thomas.</i>	
	<i>Quinlivan, Maurice.</i>	
	<i>Rabbitte, Anne.</i>	

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	<i>Ryan, Brendan.</i>	
	<i>Ryan, Eamon.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Sherlock, Sean.</i>	
	<i>Shortall, Róisín.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smith, Bríd.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanley, Brian.</i>	
	<i>Tóibín, Peadar.</i>	
	<i>Troy, Robert.</i>	
	<i>Wallace, Mick.</i>	

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Michael Moynihan and Willie O’Dea.

Amendment declared lost.

**An Ceann Comhairle:** We may now proceed to consider amendment No. 1. Can I ask the Sinn Féin Deputies how stands the amendment?

**Deputy Aengus Ó Snodaigh:** We are pressing it. I move amendment No. 1:

To delete all words after “to halt this proposed regionalisation” and substitute the following:

“— recognise that given the voluntary nature of the service in its current form a cost benefit analysis is unnecessary; and

— ensure that the existing model, where independent management of the service is drawn from both the local community and voluntary sector, is maintained.”

Amendment put:

<i>The Dáil divided: Tá, 44; Níl, 96; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Bailey, Maria.</i>	
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	
<i>Collins, Joan.</i>	<i>Brophy, Colm.</i>	
<i>Connolly, Catherine.</i>	<i>Browne, James.</i>	
<i>Coppinger, Ruth.</i>	<i>Bruton, Richard.</i>	
<i>Crowe, Seán.</i>	<i>Burke, Peter.</i>	
<i>Cullinane, David.</i>	<i>Butler, Mary.</i>	
<i>Daly, Clare.</i>	<i>Byrne, Catherine.</i>	

<i>Doherty, Pearse.</i>	<i>Byrne, Thomas.</i>	
<i>Ellis, Dessie.</i>	<i>Cahill, Jackie.</i>	
<i>Ferris, Martin.</i>	<i>Calleary, Dara.</i>	
<i>Fitzmaurice, Michael.</i>	<i>Canney, Seán.</i>	
<i>Funchion, Kathleen.</i>	<i>Cannon, Ciarán.</i>	
<i>Healy, Seamus.</i>	<i>Carey, Joe.</i>	
<i>Howlin, Brendan.</i>	<i>Casey, Pat.</i>	
<i>Kelly, Alan.</i>	<i>Cassells, Shane.</i>	
<i>Kenny, Gino.</i>	<i>Chambers, Jack.</i>	
<i>McDonald, Mary Lou.</i>	<i>Chambers, Lisa.</i>	
<i>Martin, Catherine.</i>	<i>Collins, Michael.</i>	
<i>Mitchell, Denise.</i>	<i>Corcoran Kennedy, Mar- cella.</i>	
<i>Munster, Imelda.</i>	<i>Coveney, Simon.</i>	
<i>Murphy, Catherine.</i>	<i>Cowen, Barry.</i>	
<i>Nolan, Carol.</i>	<i>Creed, Michael.</i>	
<i>Ó Broin, Eoin.</i>	<i>Curran, John.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Daly, Jim,</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>D'Arcy, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Deasy, John.</i>	
<i>O'Reilly, Louise.</i>	<i>Deering, Pat.</i>	
<i>O'Sullivan, Jan.</i>	<i>Doherty, Regina.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Donnelly, Stephen S.</i>	
<i>Penrose, Willie.</i>	<i>Donohoe, Paschal.</i>	
<i>Pringle, Thomas.</i>	<i>Doyle, Andrew.</i>	
<i>Quinlivan, Maurice.</i>	<i>Durkan, Bernard J.</i>	
<i>Ryan, Brendan.</i>	<i>English, Damien.</i>	
<i>Ryan, Eamon.</i>	<i>Farrell, Alan.</i>	
<i>Sherlock, Sean.</i>	<i>Fitzgerald, Frances.</i>	
<i>Shortall, Róisín.</i>	<i>Flanagan, Charles.</i>	
<i>Smith, Bríd.</i>	<i>Fleming, Sean.</i>	
<i>Stanley, Brian.</i>	<i>Gallagher, Pat The Cope.</i>	
<i>Tóibín, Peadar.</i>	<i>Grealish, Noel.</i>	
<i>Wallace, Mick.</i>	<i>Griffin, Brendan.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	

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	<i>Lawless, James.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Moynihan, Michael.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Murphy, Eugene.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegard.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dea, Willie.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Varadkar, Leo.</i>	



	<b><i>Zappone, Katherine.</i></b>	
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Tellers: Tá, Deputies Aengus Ó Snodaigh and John Brady; Níl, Deputies Michael Moynihan and Willie O'Dea.

Amendment declared lost.

Motion put and agreed to.

### **National Children's Hospital: Motion (Resumed) [Private Members]**

The following motion was moved by Deputy Mattie McGrath on Wednesday, 29 March 2017:

That Dáil Éireann:

notes:

— the urgent need to develop appropriately sited, world class prenatal, perinatal and paediatric medical services for all the nation's children and their families;

— the critical need for a short corridor-linked or full service maternity hospital, integrated with the National Children's Hospital to prevent the current situation of avoidable death and disability in newborn infants;

— that the existing hospital infrastructure that caters for sick children is no longer fit for purpose;

— that the shortage of specialised nursing and medical staff is a serious impediment in attaining optimal medical outcomes for children, which will be aggravated by the proposed site;

— that the cost of construction of the National Children's Hospital has increased from €404 million in 2012, to approximately €1.1 billion and rising in 2017;

— the recent doubling of the estimated cost of building the National Maternity Hospital on a brownfield as opposed to a greenfield site, at St. Vincent's University Hospital, and that differential would also apply to the St. James's Hospital site;

— that the creation of a site at St. James's Hospital to accommodate a maternity hospital will prove hugely expensive, requiring major additional rebuilding of the adult hospital;

— that the assessment of the National Children's Hospital project by An Bord Pleanála did not adequately address several important aspects of the proposal relating to the medical functioning of the site;

— that, due to the restricted nature of the proposed St. James's Hospital site, parking provision for the National Children's Hospital is dramatically lower and hugely more expensive than that of international comparator hospitals;

— that the Independent Review of the National Children's Hospital project (2011)

and the Review Group on the National Children's Hospital (2012) stated that it would be 25 per cent less expensive to build on a greenfield site than on an urban site; and

- that accessibility to the proposed St. James's Hospital site for patients, staff and medical personnel will lead to extreme levels of congestion and increase the risks of adverse medical outcomes;

acknowledges:

- the commitments given in the Programme for a Partnership Government to develop a world class National Children's Hospital;

- the desire of all political parties, groups and members to improve and prioritise medical outcomes for the nation's sick children; and

- the significant financial commitments given by the Minister for Health and the Government to progress the National Children's Hospital project; and

calls on the Government to:

- provide evidence to support their repeated claim of improved clinical outcomes resulting from adult hospital co-location;

- undertake a full cost-benefit analysis on all aspects of the National Children's Hospital project, as required by the Department of Finance's Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector;

- ensure that all the requirements of the Public Spending Code have been met;

- clarify the exact mandate, statutory and legal standing of the Children's Hospital Group Board and the National Paediatric Hospital Development Board;

- justify the costs related to the construction of the National Children's Hospital at St. James's Hospital;

- reconsider the co-location of the National Children's Hospital with the new Rotunda Maternity Hospital, and in the event of opposition to this reconsideration, to justify, on clinical grounds, why such co-location cannot occur;

- ensure all the requirements of the Public Spending Code in relation to the maternity hospital development are met before the construction contract of the children's hospital is awarded by Cabinet, as absence of such an assessment would indicate failure of the Government's duty of care to its newborn citizens, and that tri-location is not a commitment by the sanctioning authority (the Department of Health); and

- utilise any site preparation work already started at St. James's Hospital, to develop a satellite Children's Urgent Care Centre and further adult services.

Debate resumed on amendment No. 2:

To delete all words after "Dáil Éireann" and substitute the following:

"notes:

— the urgent need to develop an appropriately sited, world class facility to care for children and young people from all over Ireland who are in need of specialist and complex care;

— that clinical considerations were paramount in the decision by the Government in 2012 to co-locate the new National Children's Hospital with St. James's Hospital, in line with independent reviews affirming the importance of co-location with a major adult academic teaching hospital;

— that the Government decision to proceed with the construction of the new National Children's Hospital on the St. James's Hospital campus was endorsed by the Dáil in 2012;

— the Government decision to re-develop the Coombe Women and Infants University Hospital on the St. James's Hospital campus, in the context of achieving tri-location of adult, paediatric and maternity services on that campus as the optimum configuration to best support paediatrics, highly complex foetal and high risk maternal medicine, and chronic disease management in young people;

— the capacity of the site at St. James's Hospital to accommodate the new National Children's Hospital and maternity hospital, and the incorporation into the design of the National Children's Hospital of the required operational links with both maternity and adult hospitals on the St. James's Hospital campus;

— that St. James's is the hospital best served by public transport in the country, including easy access to the M50 and Heuston Station, and that safe underground car parking for 1,000 cars, including 675 dedicated to patients and families and 31 drop-off emergency spaces, will be provided and be commercially funded;

— the Government decision to develop satellite centres on the campuses of Tallaght Hospital and Connolly Hospital which will be easily accessible to local populations for the management of minor illness and injuries, and attendance at outpatient and chronic disease clinics;

— that planning permission, unanimously granted by An Bord Pleanála in April 2016, supported the development of the hospital on the St. James's Hospital site and the satellite centres at Tallaght Hospital and Connolly Hospital; and

— the vision of the new National Children's Hospital as a research-intensive, academic healthcare institution and the potential to attract and retain specialised nursing and medical staff and health and social care professionals;

acknowledges:

— the commitments given in the Programme for a Partnership Government to develop a world class children's hospital;

— the desire of all political parties, groups and members to improve and prioritise medical outcomes for the nation's sick children;

— the significant financial commitments given by the Minister for Health and the Government to progress the National Children's Hospital project, including the avail-

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ability of €650 million Exchequer funding earmarked for the core construction costs of the hospital and associated satellite centres;

— the progress made to date as the first phase of construction (site clearing works) on the site of the new hospital will be substantially completed within a matter of weeks;

— that the new National Children's Hospital accommodation is being designed to ensure that children and young people receive their care in the best organised and most clinically suitable setting, with facilities for parents to comfortably stay overnight;

— the link between the hospital and local and regional paediatric units, through an integrated national clinical network aimed at delivering services to children as close to home as possible;

— the robust governance arrangements in place to manage and oversee the new National Children's Hospital project;

— the adherence to the Public Spending Code requirements at all stages of the project;

— the Minister for Health's intention to bring a Memorandum to Government shortly on the new National Children's Hospital, setting out full details of the project costs; and

— the Minister for Health's intention to bring a General Scheme to Government shortly, seeking permission to draft legislation establishing the new National Children's Hospital as a statutory body to take over the services provided by the three existing Dublin paediatric hospitals; and

supports the Government priority to make progress on the new hospital on the St. James's Hospital campus and satellite centres at Connolly Hospital and Tallaght Hospital as soon as possible, to support best clinical outcomes for children and young people in Ireland."

- (Minister for Health)

**An Ceann Comhairle:** I must now deal with a postponed division relating to amendment No. 2 to the motion regarding the national children's hospital. On Wednesday, 29 March 2017, on the question that the amendment to the motion be agreed to, a division was claimed, and in accordance with Standing Order 70(2), that division must be taken now.

Amendment put:

<i>The Dáil divided: Tá, 57; Níl, 38; Staon, 44.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	<i>Brassil, John.</i>
<i>Breen, Pat.</i>	<i>Brady, John.</i>	<i>Browne, James.</i>
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	<i>Butler, Mary.</i>
<i>Broughan, Thomas P.</i>	<i>Collins, Michael.</i>	<i>Byrne, Thomas.</i>
<i>Bruton, Richard.</i>	<i>Connolly, Catherine.</i>	<i>Cahill, Jackie.</i>
<i>Burke, Peter.</i>	<i>Coppinger, Ruth.</i>	<i>Calleary, Dara.</i>

<i>Byrne, Catherine.</i>	<i>Crowe, Seán.</i>	<i>Casey, Pat.</i>
<i>Canney, Seán.</i>	<i>Cullinane, David.</i>	<i>Cassells, Shane.</i>
<i>Cannon, Ciarán.</i>	<i>Daly, Clare.</i>	<i>Chambers, Jack.</i>
<i>Carey, Joe.</i>	<i>Doherty, Pearse.</i>	<i>Chambers, Lisa.</i>
<i>Collins, Joan.</i>	<i>Ellis, Dessie.</i>	<i>Cowen, Barry.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Ferris, Martin.</i>	<i>Curran, John.</i>
<i>Coveney, Simon.</i>	<i>Fitzmaurice, Michael.</i>	<i>Donnelly, Stephen S.</i>
<i>Creed, Michael.</i>	<i>Funchion, Kathleen.</i>	<i>Fleming, Sean.</i>
<i>D'Arcy, Michael.</i>	<i>Grealish, Noel.</i>	<i>Gallagher, Pat The Cope.</i>
<i>Daly, Jim.</i>	<i>Harty, Michael.</i>	<i>Haughey, Seán.</i>
<i>Deasy, John.</i>	<i>Healy-Rae, Danny.</i>	<i>Kelleher, Billy.</i>
<i>Deering, Pat.</i>	<i>Healy-Rae, Michael.</i>	<i>Lahart, John.</i>
<i>Doherty, Regina.</i>	<i>Healy, Seamus.</i>	<i>Lawless, James.</i>
<i>Donohoe, Paschal.</i>	<i>Kenny, Gino.</i>	<i>MacSharry, Marc.</i>
<i>Doyle, Andrew.</i>	<i>Lowry, Michael.</i>	<i>McConalogue, Charlie.</i>
<i>Durkan, Bernard J.</i>	<i>McDonald, Mary Lou.</i>	<i>McGrath, Michael.</i>
<i>English, Damien.</i>	<i>McGrath, Mattie.</i>	<i>McGuinness, John.</i>
<i>Farrell, Alan.</i>	<i>Mitchell, Denise.</i>	<i>Martin, Catherine.</i>
<i>Fitzgerald, Frances.</i>	<i>Munster, Imelda.</i>	<i>Martin, Micheál.</i>
<i>Flanagan, Charles.</i>	<i>Nolan, Carol.</i>	<i>Moynihan, Aindrias.</i>
<i>Griffin, Brendan.</i>	<i>Ó Broin, Eoin.</i>	<i>Moynihan, Michael.</i>
<i>Harris, Simon.</i>	<i>Ó Caoláin, Caoimhghín.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Howlin, Brendan.</i>	<i>Ó Laoghaire, Donnchadh.</i>	<i>Murphy, Catherine.</i>
<i>Humphreys, Heather.</i>	<i>Ó Snodaigh, Aengus.</i>	<i>Murphy, Eugene.</i>
<i>Kelly, Alan.</i>	<i>O'Reilly, Louise.</i>	<i>O'Brien, Darragh.</i>
<i>Kyne, Seán.</i>	<i>Pringle, Thomas.</i>	<i>O'Callaghan, Jim.</i>
<i>McEntee, Helen.</i>	<i>Quinlivan, Maurice.</i>	<i>O'Dea, Willie.</i>
<i>McGrath, Finian.</i>	<i>Smith, Bríd.</i>	<i>O'Keeffe, Kevin.</i>
<i>McHugh, Joe.</i>	<i>Stanley, Brian.</i>	<i>O'Loughlin, Fiona.</i>
<i>McLoughlin, Tony.</i>	<i>Tóibín, Peadar.</i>	<i>O'Rourke, Frank.</i>
<i>Madigan, Josepha.</i>	<i>Wallace, Mick.</i>	<i>Rabbitte, Anne.</i>
<i>Mitchell O'Connor, Mary.</i>		<i>Ryan, Eamon.</i>
<i>Moran, Kevin Boxer.</i>		<i>Scanlon, Eamon.</i>
<i>Murphy, Eoghan.</i>		<i>Shortall, Róisín.</i>
<i>Naughten, Denis.</i>		<i>Smith, Brendan.</i>
<i>Naughton, Hildegard.</i>		<i>Smyth, Niamh.</i>
<i>Neville, Tom.</i>		<i>Troy, Robert.</i>
<i>Noonan, Michael.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Sullivan, Jan.</i>		



<i>O'Sullivan, Maureen.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ryan, Brendan.</i>		
<i>Sherlock, Sean.</i>		
<i>Stanton, David.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Mattie McGrath and Michael Harty.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

<i>The Dáil divided: Tá, 58; Níl, 18; Staon, 61.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	<i>Brady, John.</i>
<i>Breen, Pat.</i>	<i>Collins, Michael.</i>	<i>Brassil, John.</i>
<i>Brophy, Colm.</i>	<i>Connolly, Catherine.</i>	<i>Browne, James.</i>
<i>Broughan, Thomas P.</i>	<i>Coppinger, Ruth.</i>	<i>Buckley, Pat.</i>
<i>Bruton, Richard.</i>	<i>Daly, Clare.</i>	<i>Butler, Mary.</i>
<i>Burke, Peter.</i>	<i>Fitzmaurice, Michael.</i>	<i>Byrne, Thomas.</i>
<i>Byrne, Catherine.</i>	<i>Grealish, Noel.</i>	<i>Cahill, Jackie.</i>
<i>Canney, Seán.</i>	<i>Harty, Michael.</i>	<i>Calleary, Dara.</i>
<i>Cannon, Ciarán.</i>	<i>Healy-Rae, Danny.</i>	<i>Casey, Pat.</i>
<i>Carey, Joe.</i>	<i>Healy-Rae, Michael.</i>	<i>Cassells, Shane.</i>
<i>Collins, Joan.</i>	<i>Healy, Seamus.</i>	<i>Chambers, Jack.</i>
<i>Corcoran Kennedy, Marcella.</i>	<i>Kenny, Gino.</i>	<i>Chambers, Lisa.</i>
<i>Coveney, Simon.</i>	<i>Lowry, Michael.</i>	<i>Cowen, Barry.</i>
<i>Creed, Michael.</i>	<i>McGrath, Mattie.</i>	<i>Crowe, Seán.</i>
<i>D'Arcy, Michael.</i>	<i>Pringle, Thomas.</i>	<i>Cullinane, David.</i>
<i>Daly, Jim.</i>	<i>Smith, Brid.</i>	<i>Curran, John.</i>
<i>Deasy, John.</i>	<i>Wallace, Mick.</i>	<i>Doherty, Pearse.</i>
<i>Deering, Pat.</i>		<i>Donnelly, Stephen S.</i>
<i>Doherty, Regina.</i>		<i>Ellis, Dessie.</i>
<i>Donohoe, Paschal.</i>		<i>Ferris, Martin.</i>
<i>Doyle, Andrew.</i>		<i>Fleming, Sean.</i>
<i>Durkan, Bernard J.</i>		<i>Funchion, Kathleen.</i>
<i>English, Damien.</i>		<i>Gallagher, Pat The Cope.</i>
<i>Farrell, Alan.</i>		<i>Haughey, Seán.</i>

<i>Fitzgerald, Frances.</i>		<i>Kelleher, Billy.</i>
<i>Flanagan, Charles.</i>		<i>Lahart, John.</i>
<i>Griffin, Brendan.</i>		<i>Lawless, James.</i>
<i>Harris, Simon.</i>		<i>MacSharry, Marc.</i>
<i>Howlin, Brendan.</i>		<i>McConalogue, Charlie.</i>
<i>Humphreys, Heather.</i>		<i>McDonald, Mary Lou.</i>
<i>Kelly, Alan.</i>		<i>McGrath, Michael.</i>
<i>Kyne, Seán.</i>		<i>McGuinness, John.</i>
<i>McEntee, Helen.</i>		<i>Martin, Micheál.</i>
<i>McGrath, Finian.</i>		<i>Mitchell, Denise.</i>
<i>McHugh, Joe.</i>		<i>Moynihan, Aindrias.</i>
<i>McLoughlin, Tony.</i>		<i>Moynihan, Michael.</i>
<i>Madigan, Josepha.</i>		<i>Munster, Imelda.</i>
<i>Martin, Catherine.</i>		<i>Murphy O'Mahony, Margaret.</i>
<i>Mitchell O'Connor, Mary.</i>		<i>Murphy, Catherine.</i>
<i>Murphy, Eoghan.</i>		<i>Murphy, Eugene.</i>
<i>Naughten, Denis.</i>		<i>Nolan, Carol.</i>
<i>Naughton, Hildegard.</i>		<i>Ó Broin, Eoin.</i>
<i>Neville, Tom.</i>		<i>Ó Caoláin, Caoimhghín.</i>
<i>Noonan, Michael.</i>		<i>Ó Laoghaire, Donnchadh.</i>
<i>O'Connell, Kate.</i>		<i>Ó Snodaigh, Aengus.</i>
<i>O'Donovan, Patrick.</i>		<i>O'Brien, Darragh.</i>
<i>O'Sullivan, Jan.</i>		<i>O'Dea, Willie.</i>
<i>O'Sullivan, Maureen.</i>		<i>O'Keeffe, Kevin.</i>
<i>Phelan, John Paul.</i>		<i>O'Loughlin, Fiona.</i>
<i>Ring, Michael.</i>		<i>O'Reilly, Louise.</i>
<i>Rock, Noel.</i>		<i>O'Rourke, Frank.</i>
<i>Ryan, Brendan.</i>		<i>Quinlivan, Maurice.</i>
<i>Ryan, Eamon.</i>		<i>Rabbitte, Anne.</i>
<i>Sherlock, Sean.</i>		<i>Scanlon, Eamon.</i>
<i>Stanton, David.</i>		<i>Shortall, Róisín.</i>
<i>Varadkar, Leo.</i>		<i>Smith, Brendan.</i>
<i>Zappone, Katherine.</i>		<i>Smyth, Niamh.</i>
		<i>Stanley, Brian.</i>
		<i>Tóibín, Peadar.</i>
		<i>Troy, Robert.</i>

Tellers: Tá, Deputies Regina Doherty and Tony McLoughlin; Níl, Deputies Mattie McGrath and Michael Harty.

Question declared carried.

*Sitting suspended at 2 p.m. and resumed at 2.40 p.m.*

30 March 2017

## Message from Seanad

**An Leas-Cheann Comhairle:** Seanad Éireann has passed the Health (Amendment) Bill 2017 without amendment.

### Misuse of Drugs (Supervised Injecting Facilities) Bill 2017: Order for Report Stage

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I move: “That Report Stage be taken now.”

Question put and agreed to.

### Misuse of Drugs (Supervised Injecting Facilities) Bill 2017: Report and Final Stages

**An Leas-Cheann Comhairle:** Amendments Nos. 1 to 4, inclusive, have been ruled out of order as they do not arise out of Committee Stage proceedings.

Amendments Nos. 1 to 4, inclusive, not moved.

**Deputy Maureen O’Sullivan:** I move amendment No. 5:

In page 4, line 29, to delete “and An Garda Síochána” and substitute “, An Garda Síochána and Local Drugs and Alcohol Task Forces.”.

As the Minister of State knows, I am very much in support of medically supervised injecting centres. However, issues have been coming up in the work I am doing in my constituency and also in a number of committees on which I serve. There was a concern that the Garda should be informed if the person who is making use of the injecting centre is no longer eligible to be there as a prescribed user. That is what this amendment addresses. It is a question of keeping in mind the best reputation of these centres, to allow their work to be done in a fair and impartial way and also in a dignified way that respects those who are using them. There would be concerns that if somebody was no longer eligible and this was not known there could be an abuse of the services at the centre.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** With all due respect to Deputy O’Sullivan, I do not consider that this amendment is necessary nor that it adds anything further to the Bill, since under this section the Minister is already enabled to consult with local drugs and alcohol task forces when determining whether to grant a licence.

Under section 3(2), as published, the Minister is not restricted to the stakeholders that can be consulted with in determining a licence application. In different areas, and in different circumstances, certain stakeholder groups will be better placed to advise the Minister on a licence application.

**Deputy Jack Chambers:** I understand where Deputy O’Sullivan is coming from. On Committee Stage, I raised the prescriptive nature of the consultative process that may have to occur. What the Minister of State said then was that there is a proper process of consultation, in the context of the Garda and the various stakeholders, which occurs through the regulations that are published. On Committee Stage, the Minister of State also said that if she prescribed a

certain body and excluded others from the consultation process, it could have an adverse effect on the legal interpretation of the Bill. I take her word that this is what the Attorney General has advised her. However, the consultation process is really important and will have to be detailed further when regulations are published.

Fianna Fáil supports this Bill and what it is trying to achieve.

**Deputy Maureen O’Sullivan:** The Minister of State might clarify how it will be determined and known if somebody is no longer eligible to have a service in the centre. This would be in the interests of the other people in addiction using that service. There is a broader issue around the licence and the liability of the person or centre holding it. Aspects of this are not really clear in the Bill. Obviously, the person in addiction takes a certain amount of responsibility; it is not a “Big Brother is watching you” kind of situation. However, if by any chance they contravene the conditions for being in the centre, it would be in their own interests and in the interests of those supporting them that this would be known. How will it be known and what will happen? What is the procedure in those circumstances?

**Deputy Catherine Byrne:** I may have misunderstood what Deputy O’Sullivan said in the beginning. Amendment No. 7 was ruled out of order, even though the Deputy spoke on it.

**An Leas-Cheann Comhairle:** We are discussing amendment No. 5.

**Deputy Catherine Byrne:** I gave the response to that amendment. It will be down to the people who will be charged with running the centre to determine the use of the centre. That will come out in the consultation process, when there will be an opportunity to make clear how the persons or place will be determined by those who are going to run the centre. They will continue to brief people, in public consultation, on who will be using the centre and who will not be able to use it. There are no restrictions in legislation currently as to who will be using it. They will be identified by An Garda Síochána. There will not be anybody selling drugs within the centre. That will not be allowed anyway. There will be public consultation but it does depend on whoever is going to be given the opportunity to run the centre; that part of the legislation can be interpreted by those who are going to run it.

**An Leas-Cheann Comhairle:** Is Deputy O’Sullivan pressing the amendment?

**Deputy Maureen O’Sullivan:** No.

Amendment, by leave, withdrawn.

**Deputy Catherine Byrne:** I move amendment No. 6:

In page 6, line 21, to delete “centre” and substitute “facility”.

This amendment will correct a typo in the current version of the Bill where the term supervised injecting centre has been used incorrectly. This should read as supervised injecting facility; the term defined in section 1 of the Bill.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 7 and 8 do not arise out of committee proceedings and have been ruled out of order.

Amendments Nos. 7 and 8 not moved.

**Deputy Catherine Byrne:** I move amendment No. 9:

In page 6, line 39, after “holder” to insert “or any person acting under the direction of the licence holder”.

Section 9 provides an exemption for licence holders from a liability in respect of the provision of an injection centre and for any assistance, advice or care provided to an authorised user. This will include any servants or agents of the licence holder. However, in order to adopt a belt-and-braces approach to ensure that a civil action could not be taken against a member of staff acting in a professional capacity, the Office of the Parliamentary Counsel has offered this short clarifying amendment.

Amendment agreed to.

**An Leas-Cheann Comhairle:** Amendment No. 10 is out of order.

Amendment No. 10 not moved.

**Deputy Maureen O’Sullivan:** I move amendment No. 11:

In page 8, between lines 6 and 7, to insert the following:

“(4) This Act shall be laid before each House of the Oireachtas for renewal every two years so that both Houses are assured that it continues to operate to its most effective, having regard to the highest standards of individual and public health and safety.”.

This amendment seeks to promote the best interests of the centres or facilities and relates to the environment in which they operate. The Minister of State knows there will be great difficulty in regard to location and there are concerns. The constituency I represent has a very high level of hostel-type accommodation, emergency accommodation and addiction services. The fear is not coming from a position of “not in my back yard”, however, but from the fact there are so many services in one area and they are attracting people who are dealing in drugs. We want to give the people who will be using these centres every chance that this will help their health and might also encourage them into recovery at some point. We know there are certain areas in this city and outside the city that would not for one second tolerate any kind of addiction centre being anywhere near them. That is why we need to keep a close eye on this. It is the responsibility of the Oireachtas to have a role to ensure the centres are effective and that there are high standards of individual public health and safety. I am not taking from any of the addiction services which may apply to have the injecting rooms in their centre. I accept that this is innovative, inventive and totally new and I want it to work. That is why I want it to have every opportunity to work.

**Deputy Seán Barrett:** I support Deputy Maureen O’Sullivan in her request for a review of this legislation on a two-yearly basis. I raised this matter on Committee Stage and I thought the Minister of State might have listened and given some sense of comfort in regard to this whole new idea. I wish to state that I support the concept of helping people with drug problems. As I said on Committee Stage, I have lived with a methadone centre just down the road from my constituency office. Despite various pressures I came under over the years, I have supported the retention of that centre.

This is a totally new ball game and it is very questionable in terms of how people get drugs in the first instance. They have to bring illegal drugs, as is made clear in the explanatory memo-

random to the Bill. Therefore, there is a whole area of questioning as to the actual operation of this legislation. We are asking people to close an eye to illegal drugs being purchased outside these centres and brought in to be consumed inside. Whatever about relieving the liability on anybody about the consumption of those drugs in one of these centres, it still begs the question about drugs dealers on the streets outside selling drugs to people who are using the facility.

I am a pragmatist and I know that drugs are going to be got, but this is legislation which we are responsible for as legislators. Therefore, I think the very minimum we should do is to have a clause in the legislation to review the situation after a two-year period. I would like to support Deputy Maureen O'Sullivan. I had mentioned this on Committee Stage, including the two-year period. It is not that people want to be heartless or soulless in terms of dealing with this terrible issue but we, as legislators, have a responsibility to be able to answer questions. We cannot put through legislation that has a big question mark over it. There is a huge question mark in respect of this Bill because we cannot, or at least I cannot, answer the question if asked about allowing people to buy illegal drugs from drug dealers out in the street because there is no other way they can get them.

There are serious issues to be addressed. However, if one questions any of these things, one is seen to be unsympathetic to what is sought to be achieved here. My ambition is that these centres would eventually lead to people getting off drugs. Again, however, the legislation does not include anything about the availability of people in these centres to give help and assistance to drug users to get off drugs. Maybe that can be done by way of regulation but it is not in the legislation, and we have to look at what is before us. We need a provision whereby we can review this legislation, whether annually or every two years. To be realistic, I feel we would have to give a reasonable period of, say, two years so that people can then sit and coldly look at how this is working. Information I have received recently suggests that some of the countries - particularly New Zealand - in which these centres are already in place are having a rethink in respect of them.

Be that as it may, we are dealing with our situation. I do not think we would damage the legislation in any way by allowing the House to review matters after two years in order to see how it is working. Therefore, without creating any difficulties, I think it is reasonable that we should agree to a review after two years.

**Deputy Aengus Ó Snodaigh:** I have supported this legislation from the start. Although I have not been engaged with it in committee, I remember the furore that arose and the upset that was caused to some people when methadone clinics were first proposed throughout the city. However, the world did not stop. Nonetheless, there were teething problems and some of the latter will again arise in respect of this initiative. One teething problem was that people were coming from outside an area to avail of a service that was offered to them. Unless these supervised facilities are rolled out across the country, there will be people who will come from outside, along with the baggage they sometimes bring with them. That is one of the concerns and, obviously, it is a concern that can be dealt with when the regulations are put in place for the licence, in that whoever gets the licence can start to address who exactly the facility is targeted at.

The point the previous speaker made in terms of support services is very valid. I presume that any facility which applied for a licence would have to be one that has all of those support services available.



If somebody who is using a facility decides at that stage that he or she wants additional supports, that must be available as near as possible to the injecting facility.

I do not think we should be afraid, as I have argued in respect of much legislation in the House, of having a review or referring it at the very least to the Dáil committee that has expertise on it. While the Dáil committee can do that anyway, it would be reasonable for the matter to arise there. There will be consequences to these measures and hopefully they will have the desired effects, are successful and can be rolled out. At the end of the day, this is aimed at protecting the health of the public in general and in particular those who are availing, whether we like it or not, of illegal drugs and injecting them. A variety of different concoctions are being injected at this very moment and it is not just what most people presume is heroin. We saw that in particular when the head shops existed. People were mixing every single type of chemical possible and we saw the effects that had in the accident and emergency rooms across the country. The doctors did not understand how to treat them because they were not aware of what was going into the person. At least if there are supervised injecting centres, they might have quicker information as to what may have been injected in order that they can address some of the side effects of these drugs if people present in accidents and emergency departments.

I think the amendment is reasonable enough. It is not a repeal of the Act every two years. In some cases, that is what people want. This is just to try to strengthen it. It might be just a once-off, but in two years' time we will have the first two years' experience. From that, we will have learned a lot and will be able to tighten up the legislation and the regulations and licence that pertain to it. The main thing is that we learn. Whichever are the pilot facilities, the ones that are granted a licence thereafter will be able to learn from the first ones into the breach.

**Deputy Jack Chambers:** I hear the points Deputies Maureen O'Sullivan and Ó Snodaigh have made. The Minister of State should justify her opposition to this. I do not think we should fear the Dáil discussing this every two years or having a report come before it with regard to how it is working, what the issues might be and how we can make it work better in the context of rehabilitation and harm reduction. I am not sure why there is an attempt to exclude from this legislation the opportunity for the Dáil to make the regulations that underpin it more effective for the people this Bill is trying to help. We all know there are a lot of legislative items on which a Minister must report to the Dáil on an annual basis or every two years with regard to various health matters. It is recorded in the Dáil. Sometimes there is a debate and sometimes there is not. The amendment is worthy of consideration. We are not changing the thrust of this Bill; we are just saying that the Dáil could potentially make it better. Without leaving executive control completely in the Bill, we are saying that the Dáil could have a discussion every two years to make it work better and see how it is doing. It would also be an opportunity to improve the legislation and regulations for the very people we are trying to help. I think it is a very reasoned and fair amendment. I am not sure why the Government is opposing it.

**Deputy Richard Boyd Barrett:** I will speak in a similar vein. I have not been a participant in the debates on this Bill to date but I am very supportive of the legislation. I believe it is a significant step forward in a progressive direction to have supervised injecting facilities and to try to create a safer environment for people with addiction problems in which to inject. I would not support any amendment that would cast doubt over the value of moving in this direction rather than having things driven underground into parks, alleyways, subways or wherever it is. However, I do not think that is the purpose of this amendment. The purpose of this amendment is to ensure that we discuss this on a regular basis, see how it is going, monitor it closely and

try to improve things as we go along. We are entering, for this country at least, into new territory, and it is good territory as far as I am concerned. It is territory that brings something out of the shadows, acknowledges the reality of it and tries to address it. I believe it is a sensible amendment.

It might set a precedent for other debates of a similar nature that we are going to have in the next few weeks on the question of medicinal cannabis. I know that in that area, the Government and possibly some others in the Opposition are going to express concern about potential implications and knock-on and spill-over effects, as they might see it, of decriminalising medicinal cannabis. I do not share those concerns, but if, as I hope, the medicinal cannabis Bill passes, I suspect that the Government and those who have those concerns will propose an amendment just like this one and state that the House will need to constantly review matters to see what the impact, efficacy, benefits and shortcomings of it are. I think that is a sensible approach. It would therefore be inconsistent for the Government to oppose this amendment and to then, very likely, make the opposite argument in a few weeks' time when we come to debate another area of decriminalisation around particular drugs, during which the Government will argue for caution, monitoring and so on and so forth.

I think the Minister should seriously consider this amendment and accept it. There is nothing to lose. There are no dangers in this. It is just a sensible measure to ensure that this issue stays in focus and that we move from this positive step on a trajectory of making things better over time to address the reality of what is a fact of our society, that is, the injection of these drugs. I hope the Government will accept the amendment. Aside from the Government's concerns, everybody else in the House seems to share that view.

**Deputy Catherine Byrne:** I wish to pick up on one or two points that have been made. I share Deputy Maureen O'Sullivan's concerns about communities that have been loaded in the past with facilities compared with other communities. The direction of this supervised injection centre is all about where the need is greater. That is why the HSE and the Department are engaged in a mapping process to try to identify where people are injecting and where people have left litter. When the legislation comes into force, that will help to identify where exactly the location should be and will give those who are going to provide the service a real insight into where the centre should be located. I certainly share some of Deputy O'Sullivan's concerns. I hope that when the legislation is approved and when the people are ready to provide the service, it will be possible to consider many of these concerns during the consultation. Where the need is greater, the services will be allocated.

I wish to pick up on something that Deputy Ó Snodaigh said. Deputy Ó Snodaigh knows a lot about this Bill, like a lot of Members here. We do not anticipate there being a honey pot effect. It does not happen in other countries and we are taking on board the experiences of other countries. People are not attracted from far and wide but rather it deals with people in the location of the facility.

The supervised needle injection facility is all about a health-lead approach. It has to be, for those chronic people who are coming in off the street. They are probably not in any other service, but as part of the service there will be doctors, nurses and clinical staff there, and there will be people able to forward users into other services. That is the whole idea of this service. It gives an opportunity to chronic users to be able to build up trust in the centre with the staff and to be able then if they wish to go further into their recovery. That is what we all want as legislators. A crucial part of the supervised injection service is that we have a wraparound ser-

vice around it. Otherwise I do not believe it will work.

Regarding the amendment, I am advised that the amendment offered would not achieve what the Deputy intends. The two yearly review of the legislation, rather than the outcomes of the centre, would be overly burdensome and could ultimately prevent the Bill achieving its goals. I know this is not the intention of Deputy O'Sullivan, who has been an advocate for injecting centres for many years and spoke so favourably about the Bill some weeks ago.

I am advised that there is no similar provision on the Statute Book. I understand that it may be the Deputy's intention to provide what is known as a sunset clause, where the law shall cease to have effect unless further legislative action is taken to extend it. However, I have been advised that the amendment in this section does not achieve this and I cannot accept it. I do not consider this measure to be necessary given that the Bill clearly sets out that any licence issued will be for a defined period of time. The Minister is not obliged to grant a licence under the Bill. Similarly the Minister is not obliged to renew a licence either. However, under section 5 the Minister is empowered to suspend or revoke a licence. This includes where the Minister is satisfied that the licence holder is no longer eligible to hold the licence or is breach of the conditions of the licence or any regulations made under the Act. The Minister will consult with the HSE and the Garda and may bring issues to the attention of the Minister in this respect.

As the Misuse of Drugs Acts currently stand, it is illegal to operate and use an injecting centre of any sort. This Government has made a commitment to maintaining a health-lead rather than criminal justice approach to drug use. It is our intention to open an injecting centre on a pilot basis in Dublin city centre where, as many Members have agreed, there is a problem of street injection and the related challenges such behaviour gives rise to. We know the evidence internationally is very much in favour of injecting centres. However, this pilot centre will be subject to a thorough evaluation in order to assess it in an Irish context and the ability of the centre to meet the needs of people who inject drugs in Ireland. It will be evaluated to determine its safety, cost-effectiveness and benefits. The results of this pilot project will inform decisions about any further injecting centres, including whether or not the pilot facility should continue to stay open. These decisions will be based on the evidence. The pilot centre will be subject to ongoing monitoring and review, with input from the Garda, the HSE and others. While I expect the pilot centre to be a success, if for some reason it is not, then the Minister is not obliged to renew the licence or grant any other licence. If the evidence does not support the pilot service continuing, or the ongoing monitoring process suggests that the centre is not operating as intended, then the Bill enables the Minister to revoke the licence. In this way I do not see the need for any form of review clause in this Bill. Licences and centres will be subject to regular and ongoing reviews and structured evaluation.

We have witnessed this in other countries where a review of this nature became a hurdle to the work of the centre and was ultimately removed from the legislation. This was despite the fact there was a huge amount of evidence to support the injecting centre there.

There is no injection facility in New Zealand at the moment. However, an injection centre will shortly be opening in Glasgow and one opened in Paris just before Christmas. In Sydney, where there is an injection centre, authorities are returning to Parliament to look for another injection centre to be opened because the Bill at that time only sought one centre. In this Bill we are looking at having facilities so that we will not have to come back seeking further legislation.

**Deputy Maureen O'Sullivan:** When I hear the Oireachtas is not going to have any role in

reviewing this it rings alarm bells, because we all know how little debate there has been here and how little discussion there has been about addiction, whether it is drugs, alcohol or gambling. It is good that we are having this particular discussion today. I do not remember too many debates. There have been periods since I have been here that we did not have a Minister with specific responsibility for the drugs strategy, and there was a long gap before Senator Ó Ríordáin took up the mantle in the last Dáil. Despite the Minister of State saying that she will have the power to suspend the licence, I have a fear that unless we have somebody who is particularly interested and dedicated to this area, someone who understands the issues, we could have a situation where any unintended consequences might go on for much longer than they would. To me that would be detrimental to the work of the injecting centres.

One thing I would love to see beside every injecting centre - I hope there will be more than one if the need is there - is a recovery café. Great work is being undertaken by the recovery academy, and they are not on the agenda at all. We have to show the examples and let it be visible that people are in recovery and that there are opportunities for people to go into recovery and to stay in recovery. In other countries they have recovery business centres and recovery cafés. That would be very good. It is not a “Big Brother is watching” type thing. This is to make it better, and other people in the House, whoever they may be, at other stages who have an interest in this and who are concerned about it should have a continuous input.

Deputy Ó Snodaigh mentioned the methadone clinics. There were unintended consequences and they are still going on. People are spending far too long on methadone and they are not having the opportunity to reduce their use or to come off methadone completely. We still have a lack of dignity for people who are visibly queueing up for methadone on the streets. I would hate to see something like that happening at the injection centres. I am disappointed that we are not considering this more.

**Deputy Aengus Ó Snodaigh:** The Minister of State said that such clauses are not contained within other legislation. I know of several pieces of legislation that have a clause where a report goes to a committee of the House or the Dáil. For example, any of the Ombudsman Acts facilitate an ombudsman making a report to the Dáil. It is laid before the House. In some instances they are to report to relevant committees. I would not go down the road of a sunset clause because I do not believe that this should be repealed. It should be reviewed by the Committee on Health. It can be done without it being in the legislation. It would be nice if it was contained within the legislation because that is a guarantee that it will happen, whether in the next Dáil or the one after it. At least then they are discussing the drugs issue and whether this pilot is successful or not.

This is a pilot scheme and I welcome it and have no problem with it at all. However, if the pilot goes on for three or four years, when will it be properly reviewed to see whether it will go on beyond the pilot? Sometimes the pilot just continues and it becomes a established mainstream, in drug taskforce language. If it is mainstream is another one piloted somewhere else?

The Minister of State said the international evidence suggests that people do not come from too far away. Dublin and Cork are very small cities and people can travel from one side of the city to the other. That has consequences, and they are good consequences if people’s health is improved, but I know it has other consequences in some of the services. There were suggestions that a service in our own locality was being closed and there was a fear that some of those who would be put into a new facility were from different elements of a feuding gang. Sometimes there are unforeseen consequences and in that context, it is useful to review legislation.

Whether such a review would be on a once-off basis or ongoing is not something about which I am too concerned but there should be some review at least.

**Deputy Seán Barrett:** Again, I just do not understand what difficulty there could be about having a clause in legislation that it would come before the House again after a two-year period. We all learn from experience and things change. Hopefully there will be less and less demand for these sorts of centres because we will get on top of this very sad issue. That is what Parliament is all about; being able to review what it has done. For the life of me, I cannot understand what difficulty there could be with this. I do not think it should be a contentious issue.

I would like to mention to the Minister of State, whose officials gave her a note about New Zealand, that I have a note about New Zealand too. That country is putting through legislation called the Substance Addiction (Compulsory Assessment and Treatment) Bill, which will replace a 1966 Act. That might be of interest to the Department.

The amendment, which seems to be fairly well supported in the House today, provides that we insert a clause that will not cause any difficulty or delay matters. One can word it in whatever way one likes but it is simply that a review would take place every two years to see if the legislation can be improved - perhaps the latter phrase could be included. I just do not understand why it cannot be considered.

**Deputy Catherine Byrne:** The amendment tabled by Deputy Maureen O'Sullivan proposes to review the Act, not to review the centres in terms of their success or failure. I have already made it very clear that reviews will be conducted by An Garda Síochána and the HSE. They will monitor and review the centres. We would expect that there will be a period of time - possibly 18 months to two years - before such a review will take place. We will also have an independent review, which is very important. I will not be accepting the amendment.

**Deputy Jack Chambers:** I seek clarification. Is the word "review" or "renew"?

**Deputy Catherine Byrne:** It is "review".

**Deputy Maureen O'Sullivan:** The Minister of State has mentioned that An Garda Síochána and the HSE will be involved in the consultation. While gardaí may have local knowledge, I am not too sure that the HSE would have its finger on the pulse in a particular area. One of my other amendments related to the involvement of local drugs task forces and the use of soft knowledge, which is important. When the review or monitoring of this takes place, that monitoring must be done correctly. I am not sure, from what the Minister of State has said today, that it will happen in the way that it should. I say this in the context of the methadone clinics, which were not reviewed, evaluated or monitored enough. While I do not disagree with methadone, which has helped to save many lives, we now have people who are more addicted to methadone than they ever were to heroin. They are possibly in a more difficult situation today than they would have been otherwise.

It is disappointing that the Minister of State is not accepting my amendment. Does this mean that we will never be able to review legislation once it is passed unless that be through a different mechanism?

**Deputy Jack Chambers:** Just on a point of clarification, the Minister of State made reference to "review" but the amendment refers to "renewal". That is a more positive term than "review", which has negative connotations. The amendment calls for the renewal of the Act,



in the context of public safety. That is what is written in the amendment before us. It is quite a positive amendment in the context of what we are trying to do. The amendment provides that “This Act shall be laid before each House of the Oireachtas for renewal every two years” and does not refer to a review.

**Deputy Catherine Byrne:** Yes, the Deputy is correct. The word is “renewal”.

**Deputy Jack Chambers:** Renewal is very different to review in terms of what has been said.

**An Leas-Cheann Comhairle:** I will allow the Minister of State to provide clarification and then we must move on.

**Deputy Catherine Byrne:** I did say that the pilot centre would be subject to ongoing monitoring and review.

**An Leas-Cheann Comhairle:** Is Deputy O’Sullivan pressing her amendment?

**Deputy Maureen O’Sullivan:** Yes.

Amendment put and declared lost.

Bill, as amended, received for final consideration and passed.

**An Leas-Cheann Comhairle:** The Bill will now be sent to Seanad Éireann.

### **Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 [Seanad]: Second Stage (Resumed)**

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

**An Leas-Cheann Comhairle:** Deputy Ó Snodaigh was in possession when the debate adjourned. The Deputy has 18 minutes remaining.

**Deputy Aengus Ó Snodaigh:** Yesterday I began my contribution to the debate on the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill which aims to ratify the 1954 Hague Convention and the 1999 protocol to that convention by stating that my party supports and welcomes this Bill. As was mentioned earlier, it is ten years since we signed the UN Convention on the Rights of Persons with Disabilities and we have not yet ratified it. The UN Convention which is the subject of the Bill before us today is even older. I know that of the 124 states that are a party to it, only four have signed it but not yet ratified it and Ireland is one of those. Last night I noted that similar legislation was passed by the Northern Ireland Assembly at the behest of my party colleague, Ms Carál Ní Chuilín when she was Minister of Culture, Arts and Leisure in the Six Counties and it is timely that we are now following suit. Hopefully this legislation will have good effect.

We have seen throughout the world the effects of some of the most recent wars on UNESCO cultural institutions and heritage sites. We have seen how different groups have specifically targeted the historical wealth that exists in this world that helps to explain to the public where we came from and to some extent, where we are going. We have had our own history of that here. Giraldus Cambrensis, also known as Gerald of Wales, wrote about Ireland long ago. He deni-



grated the Irish and set out that they were a different race who should be set aside. In today's parlance, his suggestion was that the Irish were second class, or even third class and somewhat akin to the caste system that operates in India, that we were worthless. As we saw subsequently with the Statutes of Kilkenny and the Penal Laws, the conqueror often tries to destroy the identity of the conquered, to deny them their language, their history and their traditions. In those days, there would not have been as much built heritage. In the past couple of hundred years, however, there is much more. As we have seen from recent wars in the Middle East, some of that region's built heritage is much older than that in northern Europe. Ireland has some built heritage, however, such as Newgrange, Knowth, Dowth and other major graves. Structures such as Dún Aonghasa are built heritage, but built heritage of its era is not as common as it is in other parts of the world. This is the type of built heritage we want to protect.

We want to protect the heritage of whole civilisations that no longer exist and that have left us a legacy. The legacy might not be in writing but in the graphics on the side of caves. The civilisations have left us a heritage of artefacts. That is what this Bill is trying to capture, such that during a war the combatants do not target specifically for destruction artefacts that are 1,000 years old or regard them as the spoils of war to be robbed and expatriated to their country. We have some expatriated artefacts in our museums here. In England, there was a fight over the years to have certain artefacts repatriated to the countries from which they were stolen in the first place. Artefacts were often taken when soldiers were pillaging, or there was a systematic attempt to rid countries a wealth, perhaps through an imperialist power taking all the gold, be it in the form of an artefact or otherwise, and expatriating it and melting it down. The Spanish and Portuguese did this with the wealth of the South Americans. They destroyed gold material that was more than 1,000 years old at the time just to satisfy the greed of an empire. It was melted down to make coins.

In preparation for this debate, I read Fintan O'Toole's article about the Reclining Buddha, a beautiful Buddha now in the National Museum of Ireland, where my father worked years ago. It is imperial loot; that is specifically what it is. Mr. O'Toole names the person responsible. He states:

Col Sir Charles Fitzgerald, an Irishman in the British army in India, stole it while on a punitive military expedition to Burma in 1885-6. In 1891, Fitzgerald sent it, along with other looted Burmese statues, to the museum.

What else is in our museums that should be repatriated or at least offered up to some of the countries in question? In some ways, while we possess the objects we hold them illegally. In this day and age, we could make facsimiles which would be just as good as the originals. We could say that, for years, we held the original and that in some ways we held it in trust because we were not imperialists. The Irish Government did not set out to rob the artefacts or pillage and plunder in other countries, but because our territory was part of the British empire, some museums and stately houses in Ireland have plundered artefacts as a consequence. We should consider that. If we are passing legislation such as this, it would be appropriate to have an audit of our museums to ascertain what we hold.

There was a long dispute over the Elgin Marbles in London. The Egyptians were demanding their return. It is an ongoing battle of which I am aware. In the past, there have been requests to return many of the Korans held in museums in this State, such as the Chester Beatty Library. Rather than holding on to artefacts that are not only religiously very valuable but also historically very valuable to the areas from which they originated, they might be returned. Before

doing so, we could make facsimiles. There was an example of this in this House only recently. The last portrait that was erected in this House is a facsimile of one from Westminster, a painting of the Irish parliamentarians in Westminster entitled “The Men who made Home Rule”. We do not have the original, yet the facsimile conveys the same message. It is appropriate that we consider that when examining this matter.

Over the years in Ireland, we have not been as respectful as we should have been to our own built heritage. I remember the controversy over the demolition of Frascati House in Blackrock when I was very young. It became a Roches Stores supermarket for a while. The house was the summer house of the Fitzgerald family, the family of the Earl of Kildare who owned Leinster House, yet it was demolished just to facilitate the building of a supermarket.

We all remember, with the possible exception of those younger than me, the destruction at Wood Quay. The State is not always as protective as it should be. This was in peacetime. Think of what could be done during war. With regard to Wood Quay, I remember my own brother going to the city dump and coming back with coins and a sword from the Viking period. That was the scale of the destruction. We cannot undo that. In passing this legislation, we should not be hypocrites either. We should make a bigger step to protect what we have.

It is welcome news that there is some progress on Moore Street. There was a danger that the street, which is part of our built heritage, would be destroyed. Maybe there is a greater understanding of the benefit of history to future generations, especially given the considerable interest last year in the history of the events of 1916. People understood their importance and wanted to be associated with them. We can build on that in regard to our history. The same was true when we were commemorating the Famine of 1845 to 1850. We should never bulldoze history.

As I said, we should have an audit. We should also ask the other signatories to audit what is held in their libraries and museums. Many of the pillaged books that were in monasteries in Ireland ended up in the British libraries and were used as the covers for books. The hardback covers were made up of old manuscripts or parchment from the works of monks throughout Ireland who transcribed and decorated religious works and also medical books. They ended up being squashed together with glue and made into the hardback covers of many of the books in some of the most famous libraries in England. Former imperial powers would probably understand better than most what they have done in war. I hope that, in signing up to this instrument, as they have, they understand the consequences of the wars they wage.

Occurrences such as the blanket bombing in Yemen, for example, can have consequences if there are heritage sites in the affected areas. We have seen what is happening in Iraq and Syria. We saw what happened in Afghanistan, where various groups set out specifically to target the historical artefacts to try to change the outlook of the world. The same was also true when the crusaders roamed Europe and the Middle East. There is much that is still contained in libraries here that should be considered in this regard. We should remind the English in particular that they pillaged not only Ireland but also other countries during different wars. There are materials in British museums which were taken as loot or the spoils of war during 1916 and afterwards and which should be returned to Ireland, and not on loan. We got the Fianna flag back last year. The British ambassador was very accommodating in getting the English Queen to allow us to have that flag, which was confiscated by the British, back on loan for a few months. That has now been extended to a lifetime loan. It should be granted back to us in perpetuity, but a loan is better than nothing. It is part of our heritage. The same goes for Roger Casement’s trunk. It

was taken when his house was raided. It had nothing to do with his trial for treason, but it has never been returned to his family. It is on display in the British Imperial War Museum. It never belonged to them and should be returned. There are other museums in this country which have materials from other periods and wars. Those institutions should consider what to do with the materials in question.

I support the Bill's intent and, hopefully, it will have the desired effect. It can only have that effect if countries partaking in a war are willing to abide by it, however. That is one of the biggest problems with many of these international covenants. In the case of the destruction of cultural properties, the biggest transgressors do not care less what convention is in place. How do we impress upon them the need to protect the history of the world? Those are the major cultural properties that need to be protected under this legislation. If a transgressor specifically targets the archaeological or built heritage of a country, what are the sanctions? Who will make the complaint against the transgressors and who will impose sanctions in the middle of or after a war? Sometimes, it is too late and the damage is done. Hopefully, there should not be a need to have recourse to this legislation but I am also enough of a realist to accept that there could be.

I remind Members that in war the priority must be to protect civilians and get them out of harm's way. Often, the protection of cultural property comes second to this. That is a pity, but the priority we set is that life is more sacred than property. The world is worse off when things are lost as a result of such events. Thankfully, in the modern age we have, at the very least, photographs, films, records of the dimensions of buildings, etc. Some 200 years ago, when destruction was wrought upon the built heritage of a country, there might have been nothing left after a week or two. As there were no photographs, buildings, etc., were destroyed and gone for ever more.

I wish the Bill well and support it.

**Deputy Richard Boyd Barrett:** This debate on the Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 is important in and of itself. It also raises several issues about our role in conflict, however. While I support the Bill, I will consider tabling amendments to it on Committee Stage. I am also concerned about the motivation behind this Bill and why the Government is introducing it now. There is no question about how good it is that we should sign up to a convention where we commit to protecting humanity's cultural and artistic heritage from destruction in war. However, when the Minister set out the case for supporting this legislation, not surprisingly, he referred to Palmyra and recent events in Syria. Of course, those events should be mentioned. Any discussion of the destruction of cultural artefacts and heritage in conflict could not but include mention of the appalling scenes we saw of Daesh deliberately destroying an absolutely irreplaceable part of humanity's cultural heritage in Syria. We witnessed the remains of one of the great ancient civilisations being systematically destroyed.

What is incredible is that the Minister only referred to what happened to the Arch of Triumph in Palmyra. That is a pretty extraordinary one-sidedness when we are debating the rationale behind signing up to a convention about the protection of cultural property. Why would the Minister not talk about the destruction of the National Museum of Iraq and the damage done to the ancient site of Babylon during the US-led war in Iraq? According to those people and organisations charged with the protection of humanity's cultural heritage, the worst act, bar one, of cultural destruction and vandalism was the destruction of the National Museum of Iraq in Baghdad and the damage done to the ancient site of Babylon, one of the most ancient

locations of early human civilisation, during the US-led war in Iraq. At these sites, there were three different fires. Ancient documents were looted and burned. Contamination and destruction were visited upon the ancient heritage site of Babylon. The latter was done explicitly by the US forces which, incredibly, used that site as their military headquarters during 2003. All of this happened, despite warnings from universities and organisations - in the US itself and other countries - representatives from which with Pentagon officials on several occasions before the war was launched. These individuals pleaded with the American authorities to do nothing that would lead to the destruction of that heritage site and the museum and cause irreversible damage to our human heritage. The Pentagon ignored them and did absolutely nothing to protect the Baghdad museum, even though they were pre-warned. It is not as if this just happened and they were not warned in advance. They were warned again and again that this was going to happen if they went ahead with their planned invasion and bombing without taking some measures - setting aside the debate about the war itself - in terms of having specific measures to protect that heritage but they ignored those warnings. Donald Rumsfeld, who was questioned about this after the first looting began, completely dismissed it. They maintained the military base on the Babylon site and then handed it over to the Polish forces afterwards. They used the soil and sand there, which was packed with archaeological artefacts, for sandbags for the US soldiers, which they set up around the site. They brought in diggers and tractors, dug up the ground, contaminated the site and removed soil containing artefacts which will never be recovered. The Baghdad national museum was completely looted.

I will tell the Leas-Cheann Comhairle something even worse about all this. At the time all the serious and respectable cultural institutions and universities met collectors, museum directors and so on who were lobbying the Pentagon prior to the war. If the Minister remembers back to 2003, as anti-war activists our biggest concern was about the human destruction that was going to be visited on the population of Iraq but we also warned, as did many, about the cultural destruction that would take place in one of the most ancient civilisations in the world bar none. At the time, another small group called the American Council for Cultural Property was founded in late 2002. That group, which had very close contacts with the Bush Administration, started lobbying the Administration for a different approach to the cultural property that might fall into US hands when the war started and it said that as soon as they got into Iraq, they should relax the laws on the collection, export, sale and the putting into the market of artefacts, documents, heritages pieces and that might fall into US military hands. When the Baghdad museum was looted - although some looting was done by common thieves and some of it involved Iraqi people who were trying to protect their heritage and took artefacts away until after the conflict - the reports were clear subsequently that much of what went on involved people who were organised and who knew exactly what they were looking for and that such artefacts found their way into the market and were sold for profit. This had been well organised in advance by outside forces. We can put those two things together, namely, the failure of the Bush Administration, despite warnings, and the military forces under its auspices to protect these artefacts and then an organised theft of much of those artefacts taking place. Nobody stopped them and this was at the time that the world was screaming about what was happening. When the first looting started Rumsfeld and his gang said there was nothing to see there. It was only weeks later that they eventually put in some tokenistic protections when the horse had already bolted, the destruction and fires had happened and all the looting had taken place. I will tell the Minister what I believe. I believe our friends, the American Council for Cultural Property, founded months before the invasion in late 2002 and with close contacts with the Bush Administration, had a well-organised plan, which was facilitated - or at least a blind eye was turned deliberately - by the US forces. Is that not what they went on to do to the rest of the country - to its resources and

its oil? They went in to loot the country and, of course, most importantly, kill 1 million people while they were doing it. I find it amazing that the Minister did not mention this.

I would also mention in passing what Israel has done in Gaza. Does the Minister know how many mosques were destroyed by Israel in Gaza during its recent assaults? A total of 203 mosques were attacked during Operation Protective Edge, 73 were completely destroyed and two churches were also extremely badly damaged. These include, for example, the Al-Omari Mosque in Jabaliya, Gaza's oldest and largest mosque built in the seventh century and named after the second caliph, Umar bin Al-Khattab. It dates back to 649 AD, making it 1,365 years old and it was totally destroyed by Israel. The time available does not permit me to go through the rest of them on the list but systematic deliberate destruction of ancient Palestinian heritage, and also human heritage, part of the ancient civilisations of this area, took place.

I wonder why the Minister does not mention these matters. They are recent events. Why do we not talk about that? Why do we talk only about Palmyra and the crimes of ISIS, which, of course, must be mentioned and roundly condemned? I suspect, like everything else, that we are completely one-sided in our apparent concern about these matters. When one side that is deemed to be the enemy, the adversary or the problem engages in such destruction, we will condemn it but when our allies do it, we keep shut, even when they are signatories of this convention. The US signed the first protocol. Israel is probably not a signatory, I am not sure about that - the Minister can probably confirm that - but the United States certainly is a signatory. Why does the Minister not mention those matters? I suspect it is because there are two different standards, particularly when it applies to the United States.

This brings me on to another point I want to make. I welcome the fact that the Minister or Fianna Fáil are supporting the Hague Convention-----

**Deputy Aengus Ó Snodaigh:** Or Sinn Féin.

**Deputy Richard Boyd Barrett:** -----or Sinn Féin, of course, but there is also the Hague Convention of 1907, which defines neutrality. It is very clear in its definition of it. Article 2 of that convention states "Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power." That convention also states "A neutral power must not allow any of the acts referred to in [Article 2] ... to occur on its territory." That is the internationally accepted definition of neutrality. I should read into the record Article 29 of our Constitution which deals with neutrality. It states:

1 Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality.

2 Ireland affirms its adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination.

3 Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other State.

I wish to refer to what Mr. Justice Kearns said when Ed Horgan took his case about the goings on in Shannon Airport through which 2 million US troops passed on their way to conduct the war in Iraq, which has claimed 1 million lives and which opened the door to the destruction of the cultural heritage of Iraq that I have outlined. In fact, ISIS would not exist were it not for the US invasion of Iraq in 2003, and I do not believe any serious commentator would suggest



otherwise. ISIS is the bitter fruit of that assault by the United States.

**An Ceann Comhairle:** The Deputy has five minutes remaining but we must now proceed, by order of the House, to Questions to the Tánaiste and Minister for Justice and Equality.

Debated adjourned.

## **Ceisteanna - Questions**

### **Priority Questions**

#### **Policing Issues**

1. **Deputy Jim O'Callaghan** asked the Tánaiste and Minister for Justice and Equality the status of the proposed independent review of An Garda Síochána; and if she will make a statement on the matter. [15901/17]

**Deputy Jim O'Callaghan:** Obviously, it has been quite an eventful week for justice and An Garda Síochána. Will the Tánaiste give an indication to the House of the status of the proposed independent review of An Garda Síochána which the Government announced earlier this week, and will she make a statement on the issue?

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** The Deputy will be aware that the Government had agreed to engage the services of an independent international expert with a background in policing to carry out a review into issues of culture and ethos in An Garda Síochána, and considerable work had been done to progress the review. The three oversight bodies, the Policing Authority, the Garda Síochána Ombudsman Commission and the Garda Inspectorate, had been consulted and my Department was in the process of preparing a proposal for consideration by the Government setting out the work to be done by the expert.

However, as the Deputy will be aware, the Government decided yesterday that a more fundamental review of An Garda Síochána - really, a fundamental review of policing in Ireland - may now be required. I will bring initial proposals to Government next week. In this regard, we will have to consider whether the review of the culture and ethos of An Garda Síochána should be undertaken as a discrete piece of work, as originally intended or whether it should be part of any wider review. My view is that it should be part of the wider review. The culture and ethos of An Garda Síochána are very much part and parcel of the whole and should be dealt with as such. The Garda Inspectorate's report, *Changing Policing in Ireland*, devotes a chapter to the culture of An Garda Síochána. As a result of the report, the Commissioner was in the process of arranging for the conduct of a cultural audit which was being overseen by the Policing Authority. The Deputy will be familiar with this. This work must all be done together now.

I have seen the Deputy's motion regarding an independent review of certain aspects of Garda recruitment and training and I would like to discuss these ideas with him further. It would be



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better to have an agreed approach to the issue across the House. I would like to see the greatest consensus possible because it is in all our interests and in the interest of the future of An Garda Síochána that we make very sure the terms of reference capture everything that needs to be done at this point and take account of the very important work of the Policing Authority and the bodies already in place. The review should build on their work, and I will consult them closely. As I said, the next discussion on the matter will be in Cabinet, but I hope to consult colleagues across the House next week and the following week.

**Deputy Jim O’Callaghan:** I thank the Tánaiste for her reply. I agree that it would be appropriate, if there will be mid to long-term changes in An Garda Síochána, that we as Members of the Oireachtas try to get some form of agreed approach in respect of the review. Nonetheless, there are issues which remain arising from the two controversies highlighted by An Garda Síochána this day last week for the first time when they came into the public domain. It is important we try to get to the bottom of these issues. I am concerned that we may not have fully got to the bottom of them yet. The Garda Commissioner came before the Committee on Justice and Equality this morning and she and her colleagues gave a number of pieces of information to the committee. I am concerned, however, about the information given about the southern audit, the national audit and the general publication of information about the breath test data last week. I am concerned that there may have been an intention on the part of An Garda Síochána that this information would not enter the public domain. In fact, it only entered the public domain as a result of an article published in *The Irish Times* on 20 February 2017, which prompted Garda activity. I do not know whether the Tánaiste has anything to say in respect of that.

**Deputy Frances Fitzgerald:** The Deputy and other members of the justice committee had the opportunity this morning for a very detailed discussion with members of An Garda Síochána, which I watched. I saw that the Commissioner said she would provide further information, and I am sure that further information will be provided. I think she also addressed a point, which I think the Deputy is also raising, about timely information being given to all the bodies she named. There are four or five involved. This is about timely, transparent information. The role of the Policing Authority will be critical in this regard because there were some discussions in that body about these issues.

The Garda, in the meantime, is getting on with the audit, which is not yet completed in respect of one of the issues. As I told the House, I had expected it in June, in the second quarter of this year, and the information was put out by An Garda Síochána as it explained this morning. I think the Garda wanted the information to be in the public arena but I also think in retrospect - of course, things are always clearer in retrospect - there was a place for the information to be shared more fully all along the way. That is a lesson the Commissioner has learned, as she said.

**Deputy Jim O’Callaghan:** I wish to indicate to the Tánaiste the basis for my concern about the timelines. In the statement on the timelines provided by senior management of An Garda Síochána, they outlined that it was on 24 February 2017 that a sample of data was received from the Medical Bureau of Road Safety. I asked the witnesses before the Committee on Justice and Equality today when they sought this information from the Medical Bureau of Road Safety and was informed that they did so days in advance of 24 February 2017. In light of the fact the Garda did not seek information from the Medical Bureau of Road Safety for the southern audit and had not sought it for the national audit until that stage, even though the Garda was able to change its IT system on foot of the indications from that national audit, I am concerned that the contact with the Medical Bureau of Road Safety in February 2017 was prompted by an article in a newspaper. Taking into account that the Policing Authority was not told about this and, as

I believe, the Tánaiste was not told about it, there may be some legitimacy to my concern.

**Deputy Frances Fitzgerald:** I will take up the point about the role of the Medical Bureau of Road Safety because it is a very important one. I met Professor Cusack earlier this week, I think, at the transport meeting and had a detailed discussion with him about the data the bureau has. It seems that there needs to be far greater co-operation - “contact” is probably the right word - and exchange of information between the two bodies. I think the new machines now being introduced with global positioning system, GPS, functionality and greater detail and the other new systems that have been put in place will make a difference.

I have no doubt that the Deputy will pursue the matter of the delay further and that more information will become available, but my understanding as to the reason for the delay is that the Garda was gathering a vast amount of written, paper-based material from 108 districts, which was very difficult to gather. This is what Assistant Commissioner Finn told me last Monday, and it was repeated this morning. It was when the Garda had finally gathered this material that it was then in a position to compare it with that of the Medical Bureau of Road Safety. I take the Deputy’s point that if the Garda had had access to the database earlier or had started the comparisons earlier, perhaps this would have given a more comprehensive picture. He is probably right about that, but my assumption at this point, based on the information I have, is that the Garda was waiting to gather as much material as it could from the paper-based trail in respect of which it was operating.

## **Policing Issues**

2. **Deputy Jonathan O’Brien** asked the Tánaiste and Minister for Justice and Equality when she was first informed of the serious discrepancies in the way in which the Garda recorded roadside alcohol tests and the reasons 14,700 persons convicted in the courts were prosecuted without fixed-charge notices first being issued; her plans to address these very serious matters; and if her attention has been drawn to any additional issues by the Garda Commissioner that have yet to be made public which may bring the Garda into further disrepute. [15900/17]

**Deputy Aengus Ó Snodaigh:** When was the Tánaiste first informed of the serious discrepancies in the way in which the Garda recorded roadside alcohol tests and the reasons 14,700 persons convicted in the courts were prosecuted without fixed-charge notices first being issued? What are her plans to address these issues?

**Deputy Frances Fitzgerald:** I answered questions similar to these comprehensively during the course of the debate yesterday in the House over two hours, and what I said was confirmed at the committee meeting this morning.

An anonymous complaint was made to the Road Safety Authority by a person claiming to be a member of the Garda Reserve in the western region, outlining a number of issues, including the operation of the mandatory alcohol testing, MAT, checkpoints. The Road Safety Authority, RSA, forwarded the correspondence to the then Minister for Transport, Tourism and Sport, who wrote to the Garda Commissioner in April 2014. He copied that correspondence and the letter to the Commissioner to the then Minister for Justice and Equality, Alan Shatter, on 11 April 2014. Mr. Shatter immediately took the matter up and wrote to the Garda Commissioner on 16 April seeking a full report on the findings of an examination of the allegations.

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An Garda Síochána indicated in a detailed response to my Department in May 2014, which I spoke about last night, that it had looked into the claims regarding MAT checkpoints in the western region and that it was satisfied that correct procedures were in place to account for MAT checkpoints that ultimately went ahead and those which did not proceed. The report indicated that further inquiries were to be conducted, and accordingly the Garda Commissioner was asked by my Department in August 2014 for an update. A further report on 8 January 2015 indicated that it was not possible to identify the author, but that was not really the point. They had further consultation and liaison with the western region and the reserves around the country. I think the Garda Commissioner went into detail on that.

Following a submission of these reports to me on 21 January 2015, a letter issued at my request to the Garda Commissioner asking that the Commissioner consider whether there was scope for issuing any further instructions from Garda management regarding day to day operations in relation to MAT within An Garda Síochána.

I received a reply to that letter on 2 March 2015 which indicated that the assistant commissioner with responsibility for traffic had been directed to issue an instruction regarding monitoring the mechanisms in place surrounding the operation of MAT checkpoints, as opposed to the alcohol tests. On 10 June 2016, An Garda Síochána notified the Department that, following an audit of the southern region from 2009-2014, discrepancies had been identified in the breath test data held by An Garda Síochána on the PULSE system and, consequently, in the data published on the Garda website. That same month, An Garda Síochána directed that a national audit should take place of all the data recorded on the Garda PULSE system relating to the number of roadside breath tests conducted at MATs in each Garda division. This audit covered the period 1 January 2009 to 30 June 2016. Public information was given on this and a notice was published on An Garda Síochána's website in June 2016. In February this year, An Garda Síochána indicated to my Department that the full results of the breath test statistics audit would be available by the end of the second quarter of 2017. As the Deputy knows, we then had the press conference that gave the figure, which was when I heard for the first time about the serious discrepancies there.

*Additional information not given on the floor of the House*

In so far as the issues relating to fixed charge notices, FCNs, are concerned, the Department was first made aware of several errors relating to the fixed charge processing system, FCPS, on 10 June 2016. In a press statement issued on the same date, An Garda Síochána confirmed that it had commenced a review of prosecutions in respect of all fixed charge offences. An Garda Síochána subsequently provided a further update to the Department on 14 March 2017 of its review of the errors surrounding fixed charge notices. The letter indicated that the review of all summonses issued in respect of fixed charge notices for the period of 1 January 2014 to 27 May 2016 had been completed and that, following consultation with the Office of the Director of Public Prosecutions, a review of all such summonses dating back to the introduction of fixed charge notices in 2006 was under way.

As the Deputy is aware, the full statistics in regard to the FCN review for the period dating back to 2006 were presented by An Garda Síochána at its press conference on 23 March 2017. In addition, An Garda Síochána also presented at that press conference, for the first time, the figures on the huge disparity between the number of breath tests conducted at MAT checkpoints as per PULSE records, compared with the number of test kits used.

The Deputy will be aware that An Garda Síochána has confirmed that it has put solutions in place to deal with the procedural and practice issues that have been detected to ensure that such errors do not recur. Specifically, I have been assured by An Garda Síochána that a permanent and comprehensive information technology, IT, solution is now in place to cover the majority of FCPS issues identified and An Garda Síochána is satisfied that the errors that occurred cannot be repeated. In the case of breath tests or mandatory alcohol testing, MAT, I am informed that An Garda Síochána initially put in place new paper-based recording and verification processes and, in November 2016, a new specific data recording IT upgrade was installed on the Garda PULSE system. The net effect of the new IT upgrade was that personnel now have to record the serial number of the device used for each breath test plus the meter reading before and after the checkpoint was concluded. Data from the device is now used to verify the total number of breath tests conducted at each checkpoint.

In so far as the 14,700 people convicted of road traffic offences in court following the incorrect issuing of a summons are concerned, An Garda Síochána has established a dedicated support helpline for members of the public with queries in relation to their cases. An Garda Síochána is also writing to all affected members of the public, explaining what has happened and outlining the solution to rectify the situation. An Garda Síochána has indicated that it has been advised by the Director of Public Prosecutions and Courts Service that these 14,700 cases must be brought back before the courts at Circuit Court level with a view to requesting that the erroneous convictions be set aside. An Garda Síochána has established a dedicated team to this end and is liaising with the Court Service to expedite this process. Members of the public affected by the road traffic enforcement errors referred to are requested to await the aforementioned correspondence from An Garda Síochána which will provide further clarification on the matter. I have raised these issues with the Garda Commissioner and the chairperson of the Policing Authority and have outlined my very serious concerns.

The Deputy will be aware that in addition to outlining the issues, how they had come to light, and the remedial steps taken so far, at her press conference on 27 March 2017, the Commissioner announced the restructuring of traffic policing with the creation of a new roads policing unit to be led by Assistant Commissioner Mick Finn; announced the creation of a dedicated team under newly-appointed Assistant Commissioner Michael O'Sullivan to investigate in detail the MATs issue, including with a view to identifying and holding responsible for their actions any Garda members, whether at junior, supervisory or management level, who acted improperly; and committed to forwarding the report of this investigation to the Policing Authority and Department of Justice and Equality when completed.

Assistant Commissioner Finn outlined new arrangements agreed this week with the Medical Bureau of Road Safety, MBRS, to the effect that body would supply An Garda Síochána with its data on breath testing devices on a quarterly basis, in order to ensure an independent benchmark against which Garda data can be measured. The MBRS will shortly be tendering for new breath testing equipment. New equipment, which is available in the marketplace has the capacity to record the time, GPS location and number of persons breath tested, and has the capacity to download the information automatically, reducing the chances of errors occurring in the data.

Notwithstanding any internal review, the Government believes that an external investigation into these two specific matters needs be carried out. The Government believes the level of public concern is so profound that it may now be time to conduct a thorough, comprehensive and independent root and branch review of An Garda Síochána. That is clearly a proposal that will require further detailed consideration by the Government. The Government also believes

that any such proposal should command widespread support in the Oireachtas and accordingly be the subject of consultation with the Opposition, and ultimately approval by the Oireachtas.

The Garda Commissioner had already referred the breath test and FCN matters to the Policing Authority. The chairperson of the Policing Authority, Josephine Feehily, has confirmed that the authority will continue to examine these matters. The reason I prioritised and set up the authority was to shine a light on, and examine, issues such as these. Ms Feehily indicated that the Policing Authority would have an independent professional audit undertaken of the steps taken to resolve the issues; oversee the ongoing cultural audit of the Garda Síochána which is already being put in place and oversee the investigation being undertaken by Assistant Commissioner O'Sullivan. Ms Feehily also confirmed, as already announced, that the focus of its public meeting with the Garda Commissioner to be held on 27 April will be roads policing.

I share the many concerns voiced in recent days about the extent of the road traffic enforcement issues highlighted by An Garda Síochána and the numbers involved. The Garda Commissioner has given me her personal undertaking that all necessary steps will be taken to ensure that these errors cannot reoccur. I have emphasised to the Garda Commissioner that the practices that allowed breath test misreporting and FCN errors to happen within An Garda Síochána over many years need to be fully addressed and the new systems that she has put in place will need to be robust, tested and verified in the time ahead.

I am not aware of any further concerns relating to Garda practices and procedures, but I will continue to maintain close contact with the Garda Commissioner in relation to any and all issues requiring my attention.

**Deputy Aengus Ó Snodaigh:** This area was comprehensively dealt with here for two hours although I am not sure if we got all the answers. It was also dealt with by the Oireachtas Joint Committee on Justice and Equality this morning. I am still trying to grapple with the question of whether the Tánaiste could have confidence in a Garda Commissioner who did not inform her of the scale of the problem or the issue at hand prior to announcing it to the world in a press conference. Has the Tánaiste asked the Commissioner why it was done in that way, why she bypassed her and why she ignored what I presume is the usual protocol in respect of an issue of such great importance, where the Tánaiste would be informed by letter, e-mail or phone call? The Tánaiste said in the Dáil last Tuesday that she was left to find out, like the rest of us, from a report at a press conference. That is not the way to do business. Has she had any conversation as to how or why that came about?

**Deputy Frances Fitzgerald:** I met the Garda Commissioner and her team last Monday. I also met the chairperson of the Policing Authority and I have articulated my very serious concerns over the past week to her and in general about the extent of the road traffic enforcement issues highlighted by An Garda Síochána and the significant numbers involved. I am also very concerned about the confidence issues the public has in respect of An Garda Síochána. It is critical that confidence is restored. We depend on An Garda Síochána for the security of this State and to police it. Over the decades, it has faced many challenging issues of law and order. Many members of the public have interacted and will interact with An Garda Síochána in the context of road traffic enforcement. I also think today of the victims of road traffic accidents. One of the very disturbing points that has emerged as a result of this audit is that the number of people drinking and driving is double what we thought it was. There is an even greater challenge in respect of enforcement and dealing with that issue than we were aware of, although we were all concerned about that issue.



**Deputy Aengus Ó Snodaigh:** The falsification of these records is highly suspect and further facts will emerge I presume when the Tánaiste raises this matter with the Commissioner. Given that the Tánaiste says she was not aware and was as astonished as the rest of us, I hope she expressed her displeasure and admonished the Garda Síochána for the way in which it handled the release of these figures.

Separately, the Garda Commissioner suggested last week, although she now seems to be rowing back on this, that she was aware of other areas of Garda malpractice which would emerge in the future. In her conversation on Monday, was any hint given to the Tánaiste of where those malpractices were and of their scale or did the Commissioner present it, as she did at the committee meeting today, in such a way as to suggest that once one starts digging, one finds something? She seems to suggest that there is much more untoward activity in An Garda Síochána than she ever thought, which does not seem to show much confidence in her officers.

**Deputy Frances Fitzgerald:** Of course I raised that question with her because many colleagues in the House were asking me what precisely was meant by the fact that there could be other issues and I was concerned to know if she was referring to any specific area of concern. The information she gave me in reply was that it was by way of a more general concern or belief that other issues may emerge. Statistics and their reliability would be one of the key areas.

The Government and I have invested over €200 million in the information technology, IT, systems. We can see from what emerged at the committee meeting this morning and through this week that this area is very data rich. There is a huge issue with management of data and having appropriate systems. I am the first Minister to put together a committee with the Department of Public Expenditure and Reform, An Garda Síochána and the Department of Justice and Equality to make sure we give it the money to try to get the systems up to date. During the recession, it got no funds. We can see that one area of real concern is making sure An Garda Síochána has the ability to gather the data. The records it has had to go back over were paper-based. The development of the IT system is critical to managing policy and investigating crime and it is now in a better position to do that. It was general, as the Commissioner said this morning. I said when I replied to questions here on Tuesday that I was aware the audit would be coming out. I thought she might have been referring to that as well.

### **Workplace Relations Commission**

3. **Deputy Jim O’Callaghan** asked the Tánaiste and Minister for Justice and Equality her views on the inclusion of the Garda representative organisations in the working group that is examining industrial relations structures for An Garda Síochána; and if she will make a statement on the matter. [15902/17]

**Deputy Jim O’Callaghan:** This is also a question about An Garda Síochána, which is probably no surprise, but it is in respect of a different area. As the Tánaiste is aware, some months ago we came very close to a Garda strike which would have been unprecedented in the history of the State. The Tánaiste and the Government agreed to consider mechanisms whereby the Garda representative associations would have access to the industrial relations mechanism of the State. I note the Tánaiste has set up a working group to consider this issue. Has any consideration been given to, or what is the Tánaiste’s opinion of, whether members of the representative associations should be involved in that working group?



**Deputy Frances Fitzgerald:** This working group has been established to consider the technical legislative changes required to provide the Garda associations with access to the Workplace Relations Commission and the Labour Court. This will involve consideration of a number of important and complex issues. The group brings together officials from the Departments and bodies with the relevant expertise and responsibility in these areas and Mr. John Murphy, retired Secretary General in the Department of Jobs, Enterprise and Innovation, is chairing the group.

I accept that the Garda associations have a very significant interest in the work being done here. I am certainly not excluding them from this process. In the past few weeks, I have met the Garda associations and had detailed discussions with them on these matters. The working group is to report to me with proposals to amend existing legislation. I want the working group to take an initial view on these complex and technical issues. I want them to consult with all interested parties. I have made arrangements for them to meet with all representative associations in a timely manner. I have made that very clear to the associations and to the chair of the working group. Some of those meetings have taken place and there are more to come. The initial consultations with the Garda associations took place on 16 March. A consultation paper setting out options in respect of the key issues under consideration will shortly circulate to the associations. There will be further consultations and very close contact with the associations.

How this issue is dealt with is of vital interest to the associations, the Government and society. The associations are certainly not being excluded from the process.

**Deputy Jim O’Callaghan:** This is a very important issue. It involves very complicated factors such as whether gardaí would have a right to strike. At present, they do not have that right. I am not suggesting that the Garda Representative Association, GRA, or the Association of Garda Sergeants and Inspectors, AGSI, should have a veto on proposed legislation. However, it is important, if we are setting up a working group to put forward proposals as to what nature of contact Garda associations will have with the industrial relations mechanism, that the working group is aware from the outset whether it has the approval of the associations or what involvement or interest the associations have in respect of it. It would be beneficial if the working group could include members of the representative associations so that their views are heard. I am not suggesting that the associations should be given some form of a monopoly or veto. If we are going to have fundamental changes in the law in respect of gardaí, it would be beneficial to hear whether they find the changes acceptable.

**Deputy Frances Fitzgerald:** There is very close involvement. I encourage the associations to have very close involvement with the consultation process. I will ensure that the associations are integrated into the second phase of the working group, which concerns industrial relations in An Garda Síochána. I have asked officials in the Department to liaise with the chair of the working group and the associations to explore how this can be done. The focus is currently on the legislation. We need to get the technical work done. It should be completed shortly. The intention is to complete it by May. The associations will be fully integrated into the process. I am figuring out the mechanisms for doing that. I want ongoing consultation. This will only work if there is full consultation with the people that this issue affects the most, namely, serving members of An Garda Síochána.

As Deputy O’Callaghan has said on a number of occasions, there is huge societal interest in how we deal with the issue of whether An Garda Síochána have the right to strike. We are discussing access for gardaí to the Workplace Relations Commission and the Labour Court. There are very detailed discussions ahead.

**Deputy Jim O’Callaghan:** I welcome that the Tánaiste has indicated that the representative associations will be integrated into the second phase of the process. It is important that their views are heard. The industrial dispute a number of months ago damaged An Garda Síochána in the eyes of the public. The prospect that members of An Garda Síochána would not be available to protect the public was regarded as a very dangerous step. That it was such a shock to the public was indicative of the reliance that the public have upon An Garda Síochána. I want to acknowledge, as I have previously, that the Garda is going through a difficult time at present. It is important to emphasise that, notwithstanding the dent in public confidence in the Garda as a result of recent events, most Irish people, when they have interaction with An Garda Síochána, have a positive experience. We must ensure that we enhance and promote the credibility of An Garda Síochána. Deputies know that most members of An Garda Síochána seek to do their best. The process of getting industrial relations right is part of ensuring that gardaí recognise the important role they have in Irish society.

**Deputy Frances Fitzgerald:** I welcome what Deputy O’Callaghan has said about the importance of rebuilding confidence in An Garda Síochána. We have to take what happened extremely seriously and put all the resources we can into ensuring that oversight is stronger and that public confidence is restored. More transparency within An Garda Síochána is one of the ways forward. Government has a role in terms of providing resources and supporting that work.

The issues raised in the Deputy’s question are of huge societal importance. Recent events, in particular the threat of Garda strike action, go to the core of the safety of Irish citizens. These are issues which the relevant committees, including the Joint Committee on Justice and Equality, and the House should consider. There will be an opportunity to do that as the relevant legislation is being prepared. We should look for submissions from other parties. Pre-legislative scrutiny of this legislation will be critical.

### **Garda College**

4. **Deputy Michael Lowry** asked the Tánaiste and Minister for Justice and Equality the details and costs of the refurbishment works already completed or currently under way at the Garda College, Templemore, for the purpose of improving existing accommodation and providing additional accommodation and facilities; if funding is in place to construct a new administrative block; the expected timeframe for completion; if her attention has been drawn to the fact that there are eight official Garda houses which have been vacant for some considerable time and have fallen into disrepair (details supplied); the way it is intended to address the accommodation and facility needs of the college in view of the increased demand arising from the accelerated recruitment; and if she will make a statement on the matter. [15903/17]

**Deputy Michael Lowry:** I ask the Tánaiste for the details of the costs of the refurbishment works at the Garda College, Templemore, over the past year. The works were carried out for the purpose of improving existing accommodation and providing additional accommodation and facilities at the college. How it is intended to address the accommodation and facility needs of the college in view of increased demand arising from accelerated recruitment?

**Deputy Frances Fitzgerald:** As Deputy Lowry will appreciate, the programme of replacement and refurbishment of Garda accommodation is progressed by the Garda authorities and the Office of Public Works. As Minister, I have no direct role in these matters. However, I want

to give the Deputy as much information as possible.

The Deputy will be aware that the Garda College was reopened following the lifting of the moratorium on Garda recruitment. There is now greater demand on the services and accommodation there which have to cope with hundreds of new recruits. Another 750 trainee gardaí are scheduled to attest this year. There will be a need for further development in Templemore.

I am informed by the Garda authorities that, while a number of new facilities were built at the college in the early 2000s, including new administration, catering and recreation facilities, it is accepted that the college infrastructure is in need of further modernisation. Of the seven blocks requiring upgrades, six have been completed, with costs of some €4 million being incurred in recent years.

The Deputy asked about plans for the future. There has been an in-depth examination of the infrastructural needs of the Garda College. My Department's initial submission in the context of the mid-term review of the capital plan references the need for funding for the following proposed developments in Templemore: a ten-unit classroom block; a new purpose-built education and training facility; and a residential accommodation block for trainee gardaí. There is an indicative costing of €35 million. That is entirely dependent on available resources and will be discussed with the Department of Public Expenditure and Reform.

There is greater demand on the college due to increased recruitment. We must ensure that there is a programme of work which will fulfil the needs generated by that increased demand.

**Deputy Michael Lowry:** I very much welcome the response from the Tánaiste. It represents a very positive commitment to the future of the Garda College, Templemore. There are practical and logistical problems arising from the success of the recruitment campaign. I welcome the Tánaiste's commitment to the new infrastructure at the college.

The Tánaiste has estimated the cost of the works as being €35 million. Has the Department of Justice and Equality made a proposal in that regard to the Department of Public Expenditure and Reform? If so, when are decisions expected to be made in regard to capital expenditure? Is it part of the capital expenditure review that is currently under way?

With regard to the golf club at Templemore, there are more than 300 members of the club. There are options available to expand and develop the Garda training facilities at Templemore without encroaching on the golf club, which is used extensively by the local community. I ask that the development programme the Tánaiste is proposing would take that into account, in other words, the development can take place without encroaching on the club.

**Deputy Frances Fitzgerald:** My Department's initial submission, and I stress it is an initial submission, in the context of the mid-term review of the capital plan references the need for funding for the proposed developments as follows. As I told the Deputy, it is the ten-unit classroom, the new purpose-built education and training facility and a residential accommodation block. I stress that the costs are only indicative at this point but in terms of my Department, it has been included in our discussions on the paper, which we have made available and on which we have had to respond to the Department of Public Expenditure and Reform regarding the mid-term review. That mid-term review will be in June of this year. There will be many discussions about the precise capital that is available and it will have to be considered in the context of the overall priorities of the Department of Justice and Equality and of the Government in terms of the amount available into the future. However, with the increased recruitment and the

new recruits in Templemore and given the development of training we want to see take place, which is made all the more obvious by this week's events, we want to have very good training facilities provided, and I can only see those being more necessary and developing in the future.

**Deputy Michael Lowry:** The Tánaiste may not have this information to hand but I ask that she communicate with me on it. Currently in Templemore, there are eight houses which are part of the housing stock available to the college, traditionally and historically. Those eight houses are unoccupied and in disrepair and it does not make sense, at a time of a housing crisis, for a Government agency to have housing stock that is not being availed of. There are many people working in the college, including instructors and staff, who travel long distances and who would happily avail of that accommodation. Will the Tánaiste confirm in whose ownership are those houses? Whose responsibility is it to refurbish the houses, and will she ensure that they are brought back into the housing stock?

**Deputy Frances Fitzgerald:** Regarding official accommodation, the position is that seven properties have been sold by the Office of Public Works and the sale of one further property is agreed. Four properties are occupied by serving Garda members. Two properties are to be allocated for training purposes, and six properties are under consideration as to their future use. I take the point the Deputy is making.

In light of the Government's approval that the Garda workforce should increase in size to 21,000 by 2021 and the additional training requirements arising under the Garda modernisation programme, the future use of a number of properties attached to the Garda college is now under consideration by the Garda authorities and the Office of Public Works. It is the Office of Public Works which is in the discussions on these properties. That consideration will have regard to the condition of the properties and the cost of restoring them. It is a live issue that is being examined both by the college and by the Office of Public Works.

### **Garda College**

5. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Justice and Equality the details regarding the internal audit of Templemore Garda training college; her views on whether any laws have been found by the audit to have been breached; if her attention has been drawn to the fact that neither the Joint Committee on Justice and Equality nor the Committee of Public Accounts had dealt with this report despite her previous replies that this was the case; and if she will make a statement on the matter. [15949/17]

**Deputy Catherine Murphy:** I raise the issue of the internal audit at Templemore on 9 February. The Tánaiste's reply to me on that day was very dismissive. She told me that it had received full scrutiny at the justice committee. I pursued it and found that that did not happen. I was then told that it had been referred to the Committee of Public Accounts. I was the one who wrote to the Committee of Public Accounts, not the Department, requesting that it receive scrutiny. I want to know why I was told that this matter had received full scrutiny when that had not happened? Why has the Tánaiste not taken the opportunity to correct the record in that regard?

**Deputy Frances Fitzgerald:** Deputy Murphy has asked a number of questions regarding the internal audit. They are serious issues in regard to the governance and accountability in the college and they must be addressed comprehensively.

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Some of the main issues of concern highlighted by the report include the manner in which the college was run, the existence of a large number of bank accounts and investment accounts linked to the college and staffing issues.

As the Deputy is aware, the Accounting Officer, for the purposes of the Comptroller and Auditor General Acts, is the Garda Commissioner. The findings have been accepted and there is a series of recommendations that are implemented.

The report has been sent to the Committee of Public Accounts now and an important role also is for the Comptroller and Auditor General. Everybody recognises the gravity of the issues.

On receiving the report, and I only got the report that was published this week, I immediately requested the Policing Authority to oversee the implementation of the recommendations and to report back to me on a quarterly basis on the progress being made.

I have e-mailed the Deputy twice to explain that on 9 February, and I certainly was not dismissive of what she said-----

**Deputy Catherine Murphy:** You were.

**Deputy Frances Fitzgerald:** -----and I recognise her interest in this issue and that she raised it at the Committee of Public Accounts. I should have referred to the Committee of Public Accounts - because I got a letter from the Committee of Public Accounts - and not the Oireachtas justice committee in my response to her. I made a mistake in that regard. Clearly, there could not have been a full discussion so I am happy to correct the record of the Dáil. I recognise Deputy Murphy's interest in this issue. I had a detailed letter. I was referring to that letter. I had responded to quite a number of parliamentary questions and to a Senator also who had raised it with me briefly in the Seanad. What I had in mind was the letter I had got from that committee. It was not the justice committee. What I was referring to was the Committee of Public Accounts and the Deputy was the person who had raised it. It had written to me, which I am happy to put on the record of the Dáil.

**Deputy Catherine Murphy:** That falls far short of what I was told here with regard to it having had full scrutiny; it had not. The issues include 50 bank accounts; €125,000 collected from the leasing of farmland by the Office of Public Works that went into the restaurant account; and €400,000 transferred from the bar to keep the restaurant running. We have a right to expect higher standards of the people who are supposed to enforce the law. They are not above the law, and it was for that reason that the article written by John Mooney jumped out at me, so to speak. That is why I pursued it. I should have been entitled to receive an accurate reply and not be dismissed and told that there had been full scrutiny. I read the Tánaiste's replies to the parliamentary questions and the Official Report of the debate in the Seanad. It included one sentence on this in what was a wide-ranging debate. We have to be sure that we can trust the replies we get in this House. The matter will go now to the Committee of Public Accounts and to the justice committee also.

**Deputy Frances Fitzgerald:** I repeat that I absolutely recognise the seriousness of this issue and the seriousness with which Deputy Murphy regards the issues that have emerged in the report published yesterday. The Committee of Public Accounts, of which the Deputy is a member, will be discussing it fully. We only now have the full report. The issues are very serious, including the existence of a large number of bank accounts and investment accounts linked to the college, staffing issues and issues relating to the ownership and use of certain lands. There



is a range of issues that need full scrutiny. The report highlights that those go back a long way. There is a series of recommendations in the new report which need to be implemented. That is why I referred it to the Policing Authority. I want to be sure that these recommendations are now implemented.

Regarding the query the Deputy raises with me, I certainly was not dismissing it. I believe there needs to be a full discussion on this report. That is why I said earlier in the week that it would have to go to the Committee of Public Accounts and that the Comptroller and Auditor General would be examining it also, and I referred it immediately to the Policing Authority once I received it.

**Deputy Catherine Murphy:** Finally, can the Tánaiste confirm that she did not communicate with the Garda Commissioner who is, as she said, the person in charge in respect of this matter, or when dealing with any matters, other than through the official communication channels? I am referring to things like Gmail, Signal or WhatsApp. Can the Tánaiste confirm that this did not happen?

**Deputy Frances Fitzgerald:** Yes, I can confirm that.

## **Other Questions**

### **Garda Strength**

6. **Deputy John Lahart** asked the Tánaiste and Minister for Justice and Equality the action being taken to address the 27% fall in the number of personnel in the Garda traffic corps in Dublin since 2011. [15755/17]

**Deputy John Lahart:** My question relates to the action being taken to address the 27% fall in the number of personnel in the Garda traffic corps in Dublin over the past six or seven years. In her previous answer, the Tánaiste referred to the increase in road deaths, including the increase in the deaths of cyclists, the lack of roadside checks and the ongoing lack of speed checks as a result of the reduction of numbers in the Garda traffic corps. Will she comment on that?

**Deputy Frances Fitzgerald:** The Garda Commissioner, who is responsible for the allocation of Garda resources, has indicated in her policing plan for 2017 a commitment to increase the number of personnel dedicated to traffic duties by 10% to reflect the increasing numbers of personnel across the entire organisation. This should also lead to better outcomes regarding road traffic enforcement.

The modernisation and renewal programme, which is being overseen by the Policing Authority, contains key strategic objectives for road policing which will inform and guide An Garda Síochána's road policing plans over the next five years. The overall point I would make is that it is critical that we continue recruitment because it is through continuing recruitment involving more people being recruited rather than retiring that An Garda Síochána will be in a position to allocate more gardaí for community policing and road traffic policing and across the system. This is what we need to see. People will welcome that because we need visible, efficient and responsive policing throughout the country to strengthen community engagement,



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provide reassurance to citizens and prevent crime. The Deputy knows that the workforce plan to bring the numbers to 21,000 personnel by 2021 comprising 15,000 Garda members and 2,000 reserve members is in place. The Deputy will have seen the recruitment advertisements that appeared last week. Many Members of this House will welcome that new recruitment. In 2017, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide-ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserve personnel. It will take some time given that there was no recruitment for five years because of the economic situation. Thankfully, that is being reversed and we can invest again. This will help in this area. This is combined with all the issues we were talking about this week that need change and more rigorous enforcement.

*Additional information not given on the floor of the House*

It will take some time before there are fully trained officers available to replace adequately personnel who have retired across the entire organisation, including the traffic corps. However, the Commissioner has confirmed that the personnel requirement of the Garda traffic corps is being assessed to identify the most vulnerable areas in regard to serious traffic collisions and the level of compliance with road traffic legislation. I understand that the assistant commissioner with responsibility for roads policing is currently assessing the capacity of divisions and districts to identify and target areas where An Garda Síochána could accelerate the deployment of personnel to traffic in 2017. The filling of any vacancies identified will be conducted on a structured basis and will be further enhanced with the recently renewed recruitment campaigns to An Garda Síochána. The Deputy will also be aware that the Garda Commissioner has in recent days announced the restructuring of traffic policing with the creation of a new roads policing unit to be led by Assistant Commissioner Michael Finn.

Ireland has over a number of years developed a multi-agency approach to road safety through the involvement of a number of agencies working in partnership under the aegis of the road safety strategy. Under this year's policing plan, new measures will be explored with partner agencies relating to driver compliance and the promotion of a safe and crime-free road network. The plan also points to the enhancement of the use of technology to continue to deprive criminals of the use of the road network and develop policing capabilities. Among the road traffic initiatives identified in the plan are the strengthening and redevelopment of the traffic corps to tackle all forms of criminality on our road network, ongoing planning, risk assessment and operational preparation for major emergencies in conjunction with emergency management partners.

Road traffic legislation is, of course, also enforced as part of the day-to-day duties of members of An Garda Síochána. Both targeted and general methods of enforcement have a valuable role to play in An Garda Síochána's enforcement programme which targets locations with a view to preventing the commission of offences, detecting errant motorists, changing their behaviour and, ultimately, reducing death and injuries on our roads.

**Deputy John Lahart:** This is good news. The Tánaiste has made the connection herself because she mentioned the increase in road deaths. I have raised the issue of the deaths of cyclists, so an increase in resources can only be good news. The Tánaiste spoke about the statistics the Commissioner has given her. What is the Tánaiste's attitude to the Commissioner, who is essentially the head of an organisation that may have given her incorrect statistical information - I am not suggesting it was done wilfully - during her tenure as Minister for Justice and Equality that she then put on the Dáil record? The Commissioner has said that many other

things may emerge. Logically, one of those things is that the Tánaiste may have been given incorrect statistics in respect of parliamentary questions, which means that she may have inadvertently misled this House. How does she propose to investigate that? Does the Tánaiste intend to ask the Commissioner about that and whether the Commissioner can confirm to the Tánaiste's satisfaction that the information she has given to this House in her time as Minister in response to legitimate and justifiable parliamentary questions has been accurate?

**Deputy Thomas P. Broughan:** We were told by the Minister for Education and Skills this morning that there will be a very fundamental look at An Garda Síochána, for example, removing the security function from day-to-day policing. Has the Tánaiste given any thought to the possibility that the traffic corps could become an autonomous organisation in An Garda Síochána with its own commander and its own complement of staff? I remember asking the assistant commissioner with responsibility for traffic about this matter. He told me that the traffic corps is there but when its members are needed, they are on general Garda duties. Is it time for a dedicated traffic corps? When Fianna Fáil began the austerity programme, there were 1,250 gardaí who were just responsible for traffic.

**Deputy Frances Fitzgerald:** Deputy Broughan has posed a number of interesting questions, as has Deputy Lahart. Since becoming Minister for Justice and Equality, the issue of statistics has been at the core of my concern about the ICT requirements in An Garda Síochána, not just nationally but internationally. I have had many meetings on this. I have tried to ensure data can be exchanged not just nationally but internationally. This is why I relentlessly pursued the investment of more than €200 million for An Garda Síochána because, of course, I was concerned. I was concerned enough to arrange a meeting with the Central Statistics Office, CSO, when questions were raised about the quality of statistics. The CSO publishes crime statistics and has taken a series of steps to ensure they are ever more reliable because we must arrive at a point where they can be relied upon. That work has been under way and the CSO has noted progress in this regard, but there is more work to be done.

Regarding the question of whether the Garda traffic corps should be autonomous, I would like to speak in response to Deputy Lahart about other actions that are being undertaken in respect of traffic. This is the kind of issue that could be considered by the review the Government wants to see. They would need to remain within An Garda Síochána but the question arises as to whether the structures are best suited to modern policing requirements. Deputy Broughan's question is very interesting and is one that a review could look at among other issues because the Deputy is really raising the issue of management, how various tasks are done and what form of management provides the best results.

In response to Deputy Lahart's question, the assistant commissioner with responsibility for roads policing is assessing the capacity of divisions and districts to identify and target areas where An Garda Síochána could accelerate the deployment of personnel to traffic in 2017.

**Deputy John Lahart:** Can I come back?

**An Ceann Comhairle:** The Deputy can but, normally, there are only two supplementaries.

**Deputy John Lahart:** That is very good of the Ceann Comhairle. My question concerns the contamination effect of the past week in terms of the efficacy of the information provided by the Tánaiste as Minister for Justice and Equality to the Dáil in response to parliamentary questions. As a parliamentarian, I wonder whether we can trust the statistics that are coming

forward and what the Tánaiste's view on that is. If it starts with breath testing and fixed-charge notice fines, and the Garda Commissioner has suggested that other things may emerge, it behoves the Tánaiste as Minister for Justice and Equality to go to the Commissioner and ask her whether she can trust the accuracy and efficacy of the information the Commissioner gives her in respect of parliamentary questions because this is a pretty sacred place in terms of public knowledge and it is a place to which the public looks to get proper knowledge and accurate information about the running of the country and the operation of An Garda Síochána.

**Deputy Frances Fitzgerald:** I have said that my goal from the very beginning has been to give An Garda Síochána the resources it needs to arrive at a point where it has the IT instruments that will ensure the most reliable statistics we can possibly get. As we have seen this week, it is also about what is inputted into that database. I hope that very serious lessons have been learnt in the discussions, and this week, from what has arisen around the very serious issues of data and the input of data. A combination of a range of factors will determine the true accuracy at the end of the day. I can work on the material that is made available to me but I have also made sure, for example with regard to the issues raised by the Garda Inspectorate on crime statistics, a whole piece of work has been done on those. Because of the extra investment in PULSE it is now not just a question of recording crime but also putting up the information about the investigation. The Garda Inspectorate has said that this will be very important also. The more information that is put up the more reliable will be the feedback that is given to me as the Minister for Justice and Equality, to all the bodies that care about An Garda Síochána, to the Dáil committees and to the Committee on Justice and Equality.

### **Garda Deployment**

7. **Deputy Pat Casey** asked the Tánaiste and Minister for Justice and Equality the number of the new Garda recruits assigned to the Wicklow Garda division in each year since Garda recruitment resumed in 2014; and the attested personnel strength of the Wicklow Garda division in September 2014 and at the end of February 2017. [15758/17]

**Deputy Pat Casey:** Wicklow has seen a decrease of over 15% in the number of gardaí in its district. Perhaps the Tánaiste and Minister for Justice and Equality will indicate the number of new Garda recruits assigned to the Wicklow division in each of the years since Garda recruitment resumed in 2014, and the certified personnel strength of the Wicklow division in September 2014 and at the end of February 2017.

**An Ceann Comhairle:** They are very law-abiding citizens I assume in County Wicklow?

**Deputy Frances Fitzgerald:** I will give Deputy Casey a breakdown of the detailed information requested about numbers of newly attested gardaí allocated to the Wicklow division since the first attestation of trainee gardaí in April 2015, and the number of gardaí assigned to the Wicklow division on 30 September 2014 and 28 February 2017, the latest date for which I have figures.

I can go into some detail now for the Deputy and there is further information in my written reply, which will be furnished to the Deputy and which will be published. In 2014 the personnel strength for the Wicklow division was 274, in 2015 it was 282, in 2016 it was 277 and in 2017 it was 275. In 2015 there were nine newly attested gardaí given to the Wicklow area, which is the total given to that area.

As I explained to the House earlier, the Government is committed to ensuring a stronger and more visible police presence. We have said in A Programme for Partnership Government commitments that we will increase the numbers of gardaí. There will be a workforce of 21,000 personnel by 2021, which will comprise 15,000 gardaí, 2,000 Garda Reserve members and 4,000 civilians. The funding has been made available for 2017 and we have a plan, and Deputy O'Callaghan is aware of this plan, for each of the years in order to reach those numbers.

The target is well on course to be achieved and the Government is committed to funding it. This year, which is an important year, there will be 800 Garda recruits going into Templemore. This means that more gardaí will be able to be allocated, not just to the Deputy's area of County Wicklow, but also throughout the state as we will have more recruits coming through.

Obviously, during the five years when the Templemore training college was closed it was an extremely difficult period for An Garda Síochána, when it was not possible for new people to be allocated or for members of An Garda Síochána to be transferred - there were many transfer requests in also.

*Additional information not given on the floor of the House*

This Government is committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians.

This plan is well on course to be achieved. This year, funding has been provided for the recruitment of 800 Garda recruits and up to 500 civilians to support the wide ranging reform plan in train in An Garda Síochána. Funding has also been provided for the recruitment of 300 Garda Reserves.

I am advised that, since the reopening of the Garda college in September 2014, there has been a total intake of some 1,400 new recruits with another 600 scheduled to enter the college by the end of this year. I am informed by the Garda Commissioner that some 839 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide, nine of whom have been assigned to the Wicklow division. I am also informed that another 750 trainee gardaí are scheduled to attest this year which will see Garda numbers, taking account of projected retirements, increase to approximately 13,500 by year end - a net increase of 700 in total Garda strength since recruitment recommenced.

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Garda Commissioner with the resources she needs to allow her to deploy increasing numbers of gardaí across every Garda division, including the Wicklow division in the coming years.

In so far as the allocation of newly attested gardaí is concerned, this is a matter for the Garda Commissioner. I am assured by the Commissioner that the needs of all Garda divisions are fully considered when determining the allocation of resources. However, it is important to keep in mind that newly attested gardaí have a further 16 months of practical and classroom based training to complete in order to receive their BA in applied policing. To ensure that they are properly supported and supervised and have opportunities to gain the breadth of policing ex-

perience required, the Garda Commissioner's policy is to allocate them to specially designated training stations which have the required training and development structures and resources in place, including trained Garda tutors and access to a permanently appointed supervisory sergeant who is thoroughly familiar with their responsibilities under the training programme.

For ease of reference I have provided, for the record, a breakdown of the detailed information requested in respect of the number of newly attested gardaí allocated to the Wicklow division, since the first attestation of trainee gardaí in April 2015 and the number of gardaí assigned to the Wicklow division on 30 September 2014 and 28 February 2017, the latest date for which figures are readily available.

Year	Personnel Strength	Number of newly attested Garda
2014	274	n/a
2015	282	9
2016	277	0
2017	275	0

**Deputy Pat Casey:** I thank the Tánaiste for her answer. I appreciate the situation we are in but out of the 277 gardaí we have in the Wicklow division at the moment, some 28 could retire tomorrow morning if they so wished. This would put huge pressure on the system. Equally, of the nine new recruits we did get into the area, three have since retired and have moved on. Wicklow has seen a 63% decrease in its drug squad and we have seen a 28% decrease in community gardaí. The Garda Reserve numbers for the county have seen a 43% decrease. This all has a significant effect on the ground especially around the operation of our towns where a Garda presence is not there. I am looking for more assurance from the Tánaiste that Wicklow will get its fair share of the Garda recruits as they are coming out in the future.

**Deputy Frances Fitzgerald:** Deputy Casey makes the case for County Wicklow and of course other Deputies here would make the case for their areas. I recognise that more gardaí are needed right across State. This is why we have the recruitment programme. It is not going to happen overnight. The Garda Commissioner makes the decision and it is a completely independent operational decision. The Department of Justice and Equality has absolutely no role in the decision, nor do individual Deputies. The Garda Commissioner must examine precisely what the requirements are in different areas and, on the basis of priority needs around State, she must make that allocation. I have no doubt that almost every area would like to have, and perhaps could do with, more gardaí. It is, however, the Garda Commissioner's decision to make based on what is known to her and upon assessment of the different areas.

I can confirm to Deputy Casey that a review is envisaged under the programme for Government and the Garda Síochána Inspectorate – at the request of the Policing Authority – is carrying out a review of the dispersal and use of resources available to An Garda Síochána. A very important part of that review is that all data will be available and that there is an IT system to map out exactly where gardaí are working at any particular time, the resources available and how those resources are being used, and a more efficient and modern means of communication between gardaí so that they can get the data back very quickly as is done in other jurisdictions.

**Deputy Pat Casey:** I thank the Tánaiste but to be fair with regard to Wicklow's case, neighbouring County Kildare got 14 new recruits during the same period, and Laois and Offaly got



41 new recruits. There is a discrepancy there that needs to be looked into. All I am asking for is that Wicklow gets its fair share. While I have the Tánaiste's attention there is a vacant Garda station in Ashford that needs renovation and which went on fire on Sunday night.

**Deputy Jim O'Callaghan:** I will ask Shane Ross.

**Deputy Pat Casey:** I would appreciate it if the Minister could look into that issue also.

**Deputy Frances Fitzgerald:** Deputy Casey makes the case for Wicklow very well. Obviously, I will follow that issue up and I will communicate with him directly on the last issue he raised. I have no doubt that the police force in his area will make headquarters aware of the need for the area. The Garda Commissioner has to examine the different needs in different areas. We have to become more flexible about the allocation of gardaí from different parts of the country. There are areas of high need such as those in urban areas - and we know there are also issues in rural areas - but the allocation must be made on a proper assessment of the needs of a given area. This is why we asked the Garda Inspectorate to look at that issue also. In the meantime, on a day-to-day basis, the Garda Commissioner has to get on with making decisions about where recruits are most needed when they first come out and where they would be best positioned. I take the points made by Deputy Casey.

### **Garda Strength**

8. **Deputy Jack Chambers** asked the Tánaiste and Minister for Justice and Equality the drug squad numbers in each Garda division for each of the past five years and to date in 2017, in tabular form; and if she will make a statement on the matter. [15750/17]

**Deputy Jack Chambers:** I want to ask the Tánaiste about the drugs squad numbers in each division, for each of the past five years and to date in 2017, and if she will make a statement on the matter. We have seen how drugs squad personnel numbers have haemorrhaged in recent years with certain districts such as Cavan and Monaghan without any drugs unit at all. Given the massive amount of gangland activity in Dublin and elsewhere, perhaps the Tánaiste will explain what is being done at a divisional level to ensure that places - at the very least - have some unit, and if the issue is being given attention politically and by the gardaí. Have there been any changes since I last asked this question of the Tánaiste?

**Deputy Frances Fitzgerald:** As the Deputy will be aware all gardaí have a responsibility in the prevention and detection of criminal activity whether it be in the area of drug offences or otherwise. I can assure the Deputy that An Garda Síochána continues to pro-actively and resolutely tackle all forms of drug crime in this jurisdiction.

In 2015 the Garda Commissioner, who is responsible for the allocation of Garda resources, established a new national drugs and organised crime bureau. The bureau has been working with divisional drug units in tackling supply reduction at local level. This work is further supported by other national units including, as the Deputy will know, the Criminal Assets Bureau, CAB, in targeting persons involved in the illicit sale and supply of drugs. We made some changes to legislation recently in this regard. It is about using all of the Garda resources to deal with the drugs issue. It is not just about those who are working within the drugs units, it is about working overall with the other units.

*5 o'clock*



30 March 2017

The fact that we now have recruitment is significant. I cannot say it often enough. We need recruitment in order to have new people working in these specialist units. That is under way and its impact will be to augment those units in the period ahead.

*Additional information not given on the floor of the House*

Furthermore, the drugs and organised crime bureau has continued to make significant seizures of controlled drugs as evidenced by a number of significant seizures made in January this year including a huge seizure of herbal cannabis - estimated at that time to have a street value of over €30 million - made as a result of a targeted joint operation involving An Garda Síochána and Revenue's Customs and Excise service.

Multidisciplinary approaches are also utilised to ensure that those involved in illicit activity are effectively targeted including through the use of the proceeds of crime legislation, money-laundering legislation and the powers of the Criminal Assets Bureau.

I am informed that this approach adopts good practice in implementing a co-ordinated use of Garda resources and in utilising available criminal law to its fullest extent in tackling all forms of organised crime, including drug trafficking.

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

This focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources she needs to allow her to deploy increasing numbers of gardaí across the organisation including the divisional drugs units.

The investment in personnel is complemented by substantial investment in resources across the board for An Garda Síochána. The Deputy will be aware of the significant resources that have been made available to An Garda Síochána under the Government's capital plan 2016-2021. In particular, approximately €205 million in additional funding for Garda ICT and €46 million for new Garda vehicles has been allocated over the lifetime of the plan. This investment will facilitate the provision of more effective policing services and support An Garda Síochána in tackling illicit drug activity.

For ease of reference I have provided below a breakdown of the detailed information requested in respect of the drug squad numbers in each Garda division for each of the past five years and to 28 February 2017, the latest date for which figures are readily available.

Drugs Unit Personnel 2012-2017

Division Drugs Unit Personnel 2012 - 2017	2012	2013	2014	2015	2016	2017
D.M.R.S.C.	13	11	19	19	13	10

Division Drugs Unit Personnel 2012 - 2017	2012	2013	2014	2015	2016	2017
D.M.R.N.C	20	13	20	20	30	18
D.M.R.N.	31	27	16	25	21	21
D.M.R.E.	13	13	10	10	9	8
D.M.R.S.	30	23	17	16	7	18
D.M.R.W.	28	26	24	26	20	20
Waterford	10	9	5	5	5	5
Wexford	6	4	1	6	6	6
Kilkenny-Carlow	7	7	5	7	4	4
Tipperary	8	7	7	8	9	8
Cork City	26	29	28	15	20	15
Cork North	9	9	5	5	5	5
Cork West	5	4	3	4	3	7
Kerry	6	8	10	9	7	7
Limerick	12	11	12	14	12	10
Donegal	10	10	8	7	4	4
Cavan-Monaghan	5	0	0	0	0	0
Sligo-Leitrim	8	6	8	7	7	7
Louth	7	6	6	6	6	6
Clare	7	6	7	5	5	5
Mayo	5	5	5	5	5	5
Galway	11	12	8	12	9	8
Roscommon-Longford	6	7	6	6	6	6
Westmeath	7	7	6	5	6	4
Meath	6	4	4	5	8	8
Kildare	2	2	6	7	8	8
Laois-Offaly	3	0	3	0	0	0
Wicklow	3	4	4	4	11	10
Total	310	270	253	258	256	233

**Deputy Jack Chambers:** I agree with the Tánaiste and echo her point about the Criminal Assets Bureau. In terms of staffing allocations, in the five years in which we saw a haemorrhaging of numbers in the divisional drug units, the Criminal Assets Bureau kept the number of gardaí allocated to it and its budget remained relatively stable. That was a portion of justice policy that delivered and kept the priority in place in terms of funding and staff. In contrast, the divisional drug unit numbers are really shocking in that we have seen massive reductions across the board. Some counties have no drug unit whatsoever, which gives *carte blanche* to dealers to operate at whatever level they want. I recognise there has been an increase in recruitment but it needs to be prioritised, as was the Criminal Assets Bureau, in order that we keep proper staffing thresholds in place to address what will be a constant matter for us all.

**Deputy Frances Fitzgerald:** Whether we are talking about the work of the armed response unit in Dublin or the work of the Criminal Assets Bureau, all of this is targeted at getting intelligence on and interrupting the work of criminal gangs, many of which are involved in the exploitation of people through trafficking, as well as in drugs criminality. All of the efforts of

the broader work of An Garda Síochána is targeted at these criminal gangs. While the personnel in the drugs unit have a very specific role, I emphasise the point that the broader work of An Garda Síochána of interrupting the activities of criminal gangs clearly impacts on the availability of drugs. I am sure the Deputy accepts we have seen very significant seizures by the Garda in respect of the drugs trade, which continues to be extremely serious and on a huge scale not just in Ireland but internationally. I take the Deputy's point about the importance of this work.

### **Underage Drinking**

9. **Deputy Anne Rabbitte** asked the Tánaiste and Minister for Justice and Equality if she will be bringing forward new measures to tackle underage drinking. [15527/17]

**Deputy Anne Rabbitte:** My question is whether the Tánaiste will be bringing forward new measures to tackle underage drinking.

**Deputy Frances Fitzgerald:** The position is there are robust provisions in place regarding the sale and the consumption of intoxicating liquor by persons under the age of 18 years. The law in this area was most recently amended by the Intoxicating Liquor Act 2008, which amended the Licensing Acts 1833 to 2004 and the Criminal Justice (Public Order) Act 1994 with the aim of reducing access to alcohol and at the same time strengthening measures to tackle public disorder and anti-social behaviour.

The sale of alcohol products to underage persons is prohibited under licensing law. As the Deputy knows, it is an offence under section 31(2) of the Intoxicating Liquor Act 1988, as amended, for a licenceholder to sell or deliver, or permit another person to sell or deliver, intoxicating liquor to a person under 18 years of age. This applies equally to premises with off-licences, including supermarkets, convenience stores and similar outlets, and those with on-licences such as public houses. The penalties were substantially increased in 2008. On conviction for a first offence, a mandatory closure order of between two and seven days will be imposed, together with a fine of up to €3,000. The penalties for a second or subsequent offence is a closure order of between seven and 30 days and a fine of up to €5,000. In addition, the licensee is required to continue to pay staff for the duration of the closure period.

Moreover, under section 32 of the 1988 Act, as amended, it is an offence for a person to purchase intoxicating liquor for delivery to, or consumption by, a person under the age of 18 years or to deliver intoxicating liquor to such a person. Under section 33 of the 1988 Act, as amended, it is also illegal for a person under 18 years to buy intoxicating liquor or to consume it in any place outside their home or in another person's home where they are present by right or with permission.

There is very detailed legislation about this. Clearly, the implementation or monitoring of it is a highly challenging issue. We know we have a very serious problem in respect of young people's drinking, which is not least seen in our road statistics. Alcohol features in many of the fatalities we see on the road, particularly among younger people. It is a group we need to target in this regard.

*Additional information not given on the floor of the House*

The Intoxicating Liquor Act 2008 also provided the Garda with significant additional pow-

ers to address the problem of alcohol sales to persons under the age of 18 years. Section 14 contains provisions which allow a garda who believes with reasonable cause that a person is under 18 years and that that person, or anyone accompanying that person, is in possession of intoxicating liquor for the purpose of consuming it in a place other than a private dwelling, to seek an explanation and if not satisfied with the reply, he or she may seize the intoxicating liquor if it is not handed over voluntarily.

Section 14 of the 2008 Act also makes provision for the test purchasing of alcohol products. The primary objective of the scheme, which entered into force on 1 October 2010, is to enable the Garda to target those licensed premises which are suspected of engaging in illegal sales to young people. This scheme provides the Garda Síochána with an additional instrument in its overall enforcement programme.

The Garda national age card scheme is an important proof-of-age mechanism in respect of the sale of intoxicating liquor. The scheme is administered by An Garda Síochána and has facilitated the Garda, in co-operation with the licensed trade, to address and combat underage consumption of intoxicating liquor.

The Criminal Justice (Public Order) Act 1994, which was amended by the 2008 Act, also permits An Garda Síochána to seize bottles or containers containing intoxicating liquor where there is a reasonable apprehension of public disorder or damage to property and require a person to leave the place concerned in a peaceable and orderly manner. Incidents of public disorder and anti-social behaviour arising from the abuse of intoxicating liquor are investigated by the Garda and dealt with in an appropriate manner, including by caution, fixed charge penalty notices or commencement of proceedings.

In addition, the Public Health (Alcohol) Bill, the overall objective of which is to reduce alcohol consumption and to address the underlying causes of alcohol misuse, includes a number of provisions aimed specifically at children. For example, the Bill makes provision for restrictions on the content, placement and volume of alcohol advertising. The aim of the restrictions is to protect children from exposure to alcohol advertising and to break the positive associations between alcohol and lifestyle, for example, advertisements linking alcohol with social or sporting success. The Bill also prohibits the sponsorship by alcohol companies of events where the majority of individuals taking part are children or aimed particularly at children. The Bill commenced Committee Stage in the Seanad on 26 October last and I understand from my colleague the Minister for Health, who is responsible for the Bill, that it will recommence Committee Stage in the Seanad during the current session of the Oireachtas.

**Deputy Anne Rabbitte:** I thank the Tánaiste for her response and warm to her closing words, when she moved away from all the legislative pieces that are place. While the legislation is there, my question is about its implementation and enforcement. The Tánaiste talked about the 1998 Act and the issue of delivering alcohol to minors. That is where my biggest concern lies. I am at the stage of bringing teenagers to discos and when I pull up to the disco I am turning into one of those mothers who stays in the car and watches to make sure they go in the door. If I turn my eye and look down along the canal or the walkway, as it is called in Loughrea, I am watching the over-18s sell the cans and bottles. I am a mother in that moment, not a Deputy or anything else. I see the oranges being handed over that have been frozen with vodka, so they can suck on the oranges as they are standing there. I am talking about second and third-year discos.

On the enforcement of the 1998 Act, I suppose we are talking about community policing and so on, while they are doing a fantastic job they cannot watch every last bit of it. How can we progress it on to that part of enforcement?

**Deputy Frances Fitzgerald:** I agree with the Deputy. As a mother of three sons who are thankfully now older, I can empathise with her concerns about young people. We have to approach this on a number of different levels. Enforcement is one part. My own view is that the Public Health (Alcohol) Bill is really important legislation. I am struck again and again by the ambivalent attitudes often displayed in this House when it comes to alcohol legislation. I must say I regret that. We need to be sending clear messages about our approach, within the Public Health (Alcohol) Bill and other legislation that is being recommended at present. We either want to deal with this issue or we do not. It requires a very serious and thorough approach. The Public Health (Alcohol) Bill is a very important part of getting the message across to our young people. The provisions in it aimed specifically at children are really important. The Bill makes provision for restrictions on the content, placement and volume of alcohol advertising. We all know that is so important when it comes to young people as they are influenced by this type of advertising. The aim of the restrictions is to protect children from exposure to alcohol advertising and to break the positive associations between alcohol and lifestyle, for example, advertisements linking alcohol with social or sporting success. We have to get serious about this if we want to deal with the issue. Of course it is about the legislation that is in place pertaining to young people. It is about enforcement of the underage provisions. However, our critical task as a society is to deal with these other issues, many of which are addressed in the Public Health (Alcohol) Bill.

**Deputy Anne Rabbitte:** I thank the Minister. This is a topic in respect of which we need to get serious. We are sometimes too quick to point the finger, whether in the direction of the shopkeeper or the off-licence, but I believe there is an onus on parents to take responsibility and leadership. I also have to question the whole idea about the implications of below-cost selling and easy access to alcohol, particularly in very large shops where people walk in and see it.

Drinking on the streets and public order is another issue. There is a law in place to govern that but drinking when walking down a street before a game or on a balmy summer day is not the right message to be sending out because it is not legal in this country. I would love to see that law enforced more and, yet again, that is where increased community policing comes in. It is important to say that community policing is not the sole solution to this problem. Under age drinking is a huge problem that also needs to be addressed in the schools.

**Deputy Frances Fitzgerald:** The antisocial behaviour we can see on streets and in estates and communities is very upsetting for local residents. The Deputy made that point very clearly. It is a very important part of local policing. There are now some new initiatives in the parks. The police are working where young people are gathering and getting to know them, and they are interrupting anti-social behaviour. We need to see more of that kind of policing in public places because this behaviour interferes hugely with people's quality of life, it is dangerous for the young people and it interferes with people who just want to use the park for recreational purposes. In my own area of Lucan and Clondalkin I have seen some very effective local policing in respect of these issues and I believe it is an increasing focus of community policing. I am very pleased that the development of community policing is a priority in the policing programme for this year.



*Dáil Éireann*  
**Stardust Fire**

10. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Justice and Equality the current status of Judge McCartan's review of the Stardust Relatives and Victims Committee's evidence; when this review is expected to be completed; and if she will make a statement on the matter. [15531/17]

**Deputy Thomas P. Broughan:** In January I put a motion to the House to establish immediately a commission of investigation into the Stardust tragedy of 1981. The Minister and the Government opposed that and, now, we are to have this second look-back. I understand my distinguished predecessor as a Deputy for Dublin North-East, and distinguished former member of the Judiciary, Judge McCartan, is the independent person who has been selected. We also hear reports in the media that his look-back is to take 90 days and will cost €140,000. What is its current status?

**Deputy Frances Fitzgerald:** Judge McCartan began his work on Monday, 27 March, and it is hoped that he can conclude his assessment process within the 90-day period. The Government agreed on 7 March to appoint Judge McCartan to assess any new and updated evidence uncovered by the Stardust Relatives and Victims Committee in order to recommend whether there should another commission of investigation into the Stardust tragedy of 1981. That will be conducted completely independently of Government. I want to thank Judge McCartan for being willing to do this.

The scope of the assessment process is outlined in the Dáil motion of 26 January, so the Deputy will be well aware of it. Judge McCartan will be assisted by a junior counsel. In addition, the Stardust Relatives and Victims Committee may obtain sanction from Judge McCartan to avail of appropriate representation, if necessary, in order to present its evidence to him. To facilitate the assessment process, office accommodation and meeting facilities have been obtained by the Department of Justice and Equality at Haddington Road, Dublin. An e-mail address has been provided to Judge McCartan and forwarded to the Stardust Relatives and Victims Committee for the purposes of facilitating contact between Judge McCartan and the committee.

Judge McCartan will have discretion to afford the committee whatever representation he believes is necessary in order for the committee to present its evidence to the assessment process. The relevant daily rates payable will be set by my Department and costs will be borne by the Exchequer. The requirement for representation will, most likely, be dependent on the nature of the evidence to be presented to Judge McCartan.

As I said, Judge McCartan began his work on Monday, 27 March. In parallel with the assessment process, my Department has met with the committee and its advisers on a number of occasions regarding historical fees that the committee claims are owed to it. The committee believes the Exchequer should be liable for payment of those fees and has threatened to refuse to engage with the proposed McCartan process if the historical fees issue is not resolved. I hope discussions will be ongoing on this issue and it is my Department's intention that these discussions remain separate from the proposed McCartan process.

**Deputy Thomas P. Broughan:** There is a huge body of evidence dating back to the mid-1980s. The Keane report, with which the people of the area I represent were very unhappy, was followed by books, including the famous one, *They Never Came Home*, by Tony McCullagh and Neil Fetherstonhaugh, the "RTE Investigates" programme by Ms Rita O'Reilly, the work of



the committee and the Coffey report, which it is fair to say demolished the Keane report. Will Judge McCartan be reviewing the impact of all of that evidence?

People constantly contact members of the committee and those like myself in regard to new evidence. While the Minister mentioned an e-mail address, will there be a website and contact details so people could telephone to say, for example, that they knew where the storeroom was or that they felt there was something wrong with the electrics? Will there be a process whereby those people can engage with Judge McCartan?

**Deputy Frances Fitzgerald:** We have set up this part of the work very much based on what was discussed in the context of the Dáil motion. What is important now is that Judge McCartan has offices, support and an e-mail address. I have made it very clear about the evidence the committee may have, the fact it can get representation and that we would hope to deal with the historical issue. Judge McCartan will now address the issues the Deputy has raised and I have no doubt he will be making public the precise scope and making it clear whether there is an opportunity for people other than committee members to present evidence. He will, no doubt, address those issues and make that information publicly available.

At the Department's most recent meeting with the committee in the context of the historical fees issue, on 15 March, the Department indicated there may be scope to make provision for some payment based on the differential between the amount sought following the Coffey process and the amount that was paid out at that time. However, the Department has emphasised that, as I am sure the Deputy will understand, a case has to be made before State money could be paid out.

**Deputy Thomas P. Broughan:** Is there ongoing liaison between the Department and the victims and relatives committee? What has been the outcome of recent meetings that took place between the Minister of State, Deputy Finian McGrath, and members of the committee? In a general sense, there is a feeling that the wider Coolock area, the hundreds of families who are affected and all of their relatives affected down through the decades need justice and closure. I thought the best way to do that was to have an immediate commission of investigation. The Minister said Judge McCartan will look at all relevant information and will encourage the public to come forward. For a long time, there has been a Facebook page, Justice for the Stardust 48, operated by Ms Antoinette Keegan and her committee, where people are encouraged to bring forward information. Will this be a scoping exercise which will include the widest possible encouragement of people who, more than 30 years after attending a function there, can ring me up and say they have important new information?

**Deputy Frances Fitzgerald:** Let us be very clear. The Government agreed to appoint Judge McCartan to assess new and updated evidence uncovered by the Stardust Relatives and Victims Committee in order to recommend whether there should be a commission of investigation into the Stardust tragedy of 1981. It will be done completely independently of Government. Obviously, the work that was done in the Dáil and the terms of reference will guide that work. With regard to the discussions with the committee, the most recent meeting was on 15 March. I have already told the Deputy what the Department indicated at that meeting about the possibility of engagement and provision of some payment based on the differential between the amount sought following the Coffey process and the amount paid. The committee decided at that time to leave that meeting. However, my Department is committed to continuing its engagement with the committee on its claim regarding the historical moneys owed.

*Dáil Éireann*  
**Garda Recruitment**

11. **Deputy Margaret Murphy O'Mahony** asked the Tánaiste and Minister for Justice and Equality the number of the new Garda recruits assigned to the west Cork Garda division in each year since Garda recruitment resumed in 2014; and the attested personnel strength of the west Cork Garda division in September 2014 and at the end of February 2017. [15765/17]

**Deputy Frances Fitzgerald:** I will circulate the details to the Deputy on the numbers in the Cork west division. In 2014, the personnel strength was 271, in 2015, it was 276, in 2016, it was 281 and it is now 282. Five of the newly-attested gardaí were stationed in that area in 2015. I made the point earlier to one of the Deputy's colleagues that as recruitment continues and as we have more newly-attested gardaí and extra recruitment throughout the year, the Garda Commissioner will be in a position to analyse the needs of different areas and decide where those newly-available Garda recruits can go. We have a plan in terms of the numbers of gardaí now being recruited. The goal is to arrive at 21,000 by 2021. That includes 15,000 Garda members. Taking account of retirements, which the plan does, we will reach that figure by 2021. That plan is on course to be achieved. The funding has been provided this year for 800 Garda recruits, up to 500 civilians to support the reform plan and 300 Garda Reserves. The Deputy will have heard the advertisements for that recently. In terms of the needs of the Deputy's own area and the area of the west Cork division, obviously the inspectorate is also looking at how gardaí are allocated to different areas. There is an overall review, but the important point is that the allocation of personnel to different areas is based on need in the area. I have no doubt that the Deputy is familiar with the need in her own area. The numbers have been increasing very slightly and five of the new gardaí have gone to the area.

**Deputy Margaret Murphy O'Mahony:** I can guarantee the Minister there is a great need for new Garda recruitment. The number of gardaí in the west Cork division fell from 318 to 270 between 2010 and 2015, which is down 48. Many stations were also closed, including Ballinspittle, Adrigool, Ballydehob, Goleen, Ballingurteen and Castletownshend. The Minister must realise that many towns and villages throughout west Cork do not have 24-hour cover and are therefore on the back foot from the very start. Gardaí in these areas are reacting to incidents rather than ensuring preventative measures are in place. This, I must stress, is through no fault of their own. When many of the rural stations were closed, resources should have been afforded to the larger stations to counteract the closures around west Cork. I ask the Minister to comment on that.

**Deputy Frances Fitzgerald:** The years during which Templemore was closed as a result of the economic situation had a very serious impact right around the country. The Deputy quoted the figures for her own area. Closing Templemore had a huge impact because recruitment was stopped. If recruitment is stopped, we do not have the people to station in areas like the Deputy's. We had to deal with that situation when we came into office in 2011. This Government has started to invest in An Garda Síochána as well. There are many challenges, as we saw this week. There are many areas in which work needs to be done. However, we need people to carry out the work. One cannot get people unless there is recruitment, obviously. People cannot be put in the Deputy's area without recruitment. I have no doubt that she is right and that the numbers fell by the figures that she quoted, but they fell because the country was in an economic recession and there was no investment in a huge number of front-line services as the money was not there. The good news is that the investment has started again, there is new recruitment right across the service and areas like the Deputy's will be among those to benefit as

the recruits come out of Templemore and as those numbers are higher than the numbers retiring. We will then be in a position to ensure that a broad range of areas receive more gardaí. That is extremely important.

**Deputy Margaret Murphy O'Mahony:** In some instances, towns with a station that is regarded as functioning is in fact managed from a central station in a larger town, which is not acceptable. A stronger presence is needed on the ground in west Cork, particularly at weekends. Drug availability is on the increase in west Cork as it is in other areas. Many people were previously insulated from drugs but this is no longer the case. Extra resources are needed to curb this problem. Obviously, the availability of drugs is married to the increase in anti-social behaviour and crime rates. It is critical we see new recruits coming to west Cork and that the stations that survived the Government's cull in 2012 and 2013 receive an additional Garda presence. I ask the Minister to keep her eye on that because I assure her that I will.

**Deputy Frances Fitzgerald:** I take the Deputy's point. Decisions were taken on the best way to provide policing in this country and stations were closed. However, the key point is that it was the Deputy's party which presided over the economic recession that led to the decision to close Templemore. That is the reality of the situation. Fianna Fáil closed Templemore and I opened it. The Government is investing. The Deputy's party stopped investing. Having made that point, I want to assure the Deputy that the best way forward to ensure that communities like her one receive community policing is by continued investment in An Garda Síochána and by proper allocation based on the need in a given area. It should not be any other criteria or because somebody decides somebody should be placed in a particular area but should be based on the objective criteria of the needs of an area. The Deputy makes the case very well for her area in west Cork and I have no doubt that the points she made about drugs, the need for community policing and so on are accurate. There is no doubt that when the Garda Commissioner and the management of An Garda Síochána are allocating personnel, they will see to it that the needs of the Deputy's area are met as well as others.

## **Garda Stations**

12. **Deputy Mary Butler** asked the Tánaiste and Minister for Justice and Equality if any of the Garda stations closed in County Waterford in 2012 and 2013 are included in the six stations being examined for reopening under the pilot programme. [15761/17]

**Deputy Frances Fitzgerald:** The Deputy will appreciate that the Garda Commissioner is primarily responsible for the effective and efficient use of the resources available to her, including in relation to Garda stations.

As the Deputy will be aware, the Garda Síochána district and station rationalisation programme, which we have just been discussing, gave rise to the closure in 2012 and 2013 of 139 Garda stations, including Garda stations at Ballyduff and Stradbally in County Waterford, following the completion by An Garda Síochána of a comprehensive review of its district and station network. That review was undertaken with the objective of identifying opportunities to introduce strategic reforms to enhance service delivery, increase efficiency and streamline practices within the organisation. I have been advised by the Garda authorities that the closures have allowed front-line gardaí to be managed and deployed with greater mobility, greater flexibility and in a more focused fashion, particularly with regard to targeted police operations.

The programme for Government commits the Government to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and to deter crime. A cornerstone of this commitment is the recruitment plan. The Deputy was here and heard what I had to say. I have asked the Garda Commissioner, while fully cognisant of her statutory functions, to identify six stations for reopening on a pilot basis to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglary, theft and public order. The pilot will feed into that wider review by the Garda Síochána Inspectorate of the dispersal and use of all resources available to the Garda because we have to look at that and decide how they can best be managed. I understand that work is continuing to identify the six stations for inclusion in the pilot and that consultations have taken place with the relevant stakeholders, including the Policing Authority, and in this context I am sure the Deputy would agree that a comprehensive and evidence-based analysis should be carried out, taking account of all of the relevant factors, before a final decision is made in respect of the stations to be reopened by the Commissioner. I expect to receive that report in May and so I cannot give the Deputy detail about her own area. I will be in a position to announce whatever the objective decision is at that time.

**Deputy Mary Butler:** I thank the Tánaiste. I appreciate her answer and I welcome the fact that we will have a decision on the Garda stations in May. In my area of Portlaw in County Waterford seven Garda stations in the area close to the Comeragh Mountains closed and we were centralised into Kilmacthomas. Two years ago we had five gardaí and one sergeant, but we now have ten gardaí and one sergeant. I do appreciate that, and we are all very much involved in the text alert system. At the same time, there are 2,000 residents in Portlaw, and not having a Garda station there is a huge loss. I would be hopeful that Waterford might be considered.

**Deputy Frances Fitzgerald:** Clearly this is a decision that will be made by An Garda Síochána. I have no doubt that the needs of a whole variety of areas will have to be taken into account, but equally when the Inspectorate is looking at what areas ought to have resources, they will be taking into account precisely the points the Deputy has made. They will be taking account of the changing environment in rural areas as we develop rural and suburban areas. The views of local communities and the local policing level will be taken into account, including what Garda facilities are in an area and the Garda Reserve. It is very important that this work is done and it will take into account what the Inspectorate has recommended as well in terms of how police should be allocated around the country. I will have the first report in May, but there is that wider review going on which should address the type of issues that quite a number of Deputies have raised as well the needs of various areas. The more information that is available centrally the better. Local police obviously have obligations to report the levels of crime in their area and the needs of their area and deployment should be made based on that.

**Deputy Mary Butler:** I thank the Minister and accept her answer.

*Written Answers are published on the Oireachtas website.*

### **Topical Issue Matters**

**An Ceann 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 Fiona O'Loughlin - the future of the Bord na Móna plant in Kilberry, County Kildare; (2) Deputy Eamon Ryan - improvements needed for cycling safety; (3) Deputy Carol

Nolan - the operation of the fair deal scheme in relation to the value of farm land; (4) Deputy Michael D'Arcy - an affordable housing strategy for low to average earners; (5) Deputy Eamon Scanlon - the suitability and condition of Tubbercurry Garda station; (6) Deputy Aindrias Moynihan - the progress of the new primary school for Ballincollig in 2017; (7) Deputies Kathleen Funchion and Mattie McGrath - the proposed cutting of the X7 bus route from Clonmel to Dublin, serving Callan and Kilkenny City; (8) Deputy Pat Deering - the operators of school transport services within the Carlow/Kilkenny/Wexford areas on behalf of Bus Éireann; (9) Deputy Thomas Byrne - the need for the Minister for Health to set out the position regarding a proposed adult training facility for adults with intellectual disabilities in Dunboyne; (10) Deputy Eugene Murphy - to discuss the threat of closure which hangs over a number of rural HSE care centres in County Roscommon and the fear that services may be centralised following the impending opening of the new Boyle primary care centre; (11) Deputy Brendan Smith - the loss of banking services in rural Ireland with particular reference to the decision of Ulster Bank to close branches in Arva and Cootehill, County Cavan and Carrickmacross, County Monaghan; (12) Deputy Joan Collins - the Vertex announcement that no contact has been made with them since 2 February in relation to the ongoing negotiations on the supply of Orkambi for CF patients; (13) Deputy Mick Wallace - to discuss Minister Noonan's alleged attempt to injunct the Committee of Public Accounts over its report on Project Eagle; (14) Deputy Martin Ferris - staff shortages in mental health services in Kerry; (15) Deputy Margaret Murphy O'Mahony - the need for the Minister for Health to make a statement on ongoing difficulties in Cork Child and Adolescent Mental Health Services; and (16) Deputy Mary Butler - the need for the Minister for Health to make a statement on the surge in teenage alcohol-related admissions in children's hospitals.

The matters raised by Deputies Fiona O'Loughlin, Eamon Ryan, Thomas Byrne and Joan Collins have been selected for discussion.

### **Topical Issue Debate**

#### **Bord na Móna**

**Deputy Fiona O'Loughlin:** I thank the Minister for being here and for his time. I wish to raise an incredibly important issue for my constituents in the area of Kildare, in Kilberry and Athy. It concerns the Bord na Móna plant. Since 1933, when the idea of harvesting peat and turf came into being, and from 1946 when Bord na Móna started, Bord na Móna has historically been the sole main employer on very large tracts of land particularly around the midland counties and most particularly in my county of Kildare. It has provided a vital economic lifeline in Athy and indeed in Ballydermot, Timahoe and other areas.

My particular question concerns Kilberry, which started production in 1947, the year after Bord na Móna was established and which has provided a vibrant industry and presence in the area. At this time there are 53 full-time and six seasonal employees in the plant. Bord na Móna decided to purchase a horticultural peat plant called White Moss in the north of England which was signed off over Christmas. This poses a significant threat to the future of the Kilberry plant. It is hugely important that we protect our indigenous industries, especially in regions where employment levels are already low. There would be a huge impact on employment in the Kilberry-Athy area if anything was to happen. The workers themselves have received no



pay rise since 2008 and were due to get a 6% raise. There is no sign of that. This is a very worrying time for the employees. The prospect of future rationalisation or indeed any type of consolidation has struck fear in the hearts and minds of the employees and their families. Bord na Móna is a semi-State organisation. The Government has a responsibility to oversee the policies of Bord na Móna and how they impact on employment. There has been no investment in Kilberry over the last long number of years. I put it to the Minister that the loss of any jobs in south Kildare, where employment is already a huge issue, would have a severe impact on the area. I would like an assurance from the Minister about the future of the plant in Kilberry and an assurance that no jobs will be lost. I would also like to ask about any conversations that occurred relating to the acquisition of this plant in England and the possibility of it having a negative impact on Kilberry or any other such plants, because surely in light of everything that is happening, including Brexit, we have a duty to preserve the jobs we have and not be buying plants elsewhere and providing employment in other countries which quite soon will not even be members of the EU.

**Minister for Communications, Climate Action and Environment (Deputy Denis Naughten):** I thank the Deputy for raising this specific issue, which is important and which was raised privately with me as well.

Bord na Móna is facing significant business challenges in the context of the deregulation of the electricity market and increasingly competitive and challenging environments across all its business areas, not least in its horticulture business. The framework for addressing the challenges facing Bord na Móna is its most recent five year corporate plan and the company's wider sustainability plan to move away from peat production for energy use. It should be noted that the company intends to cease the harvesting of energy peat by 2030. The harvesting of peat for horticultural purposes is expected to continue after that point.

In order to secure the most important market for its horticultural product range, Bord na Móna recently acquired White Moss Horticulture Limited, based in Kirkby, near Liverpool. The integration of White Moss into the horticultural division of Bord na Móna has implications for both Bord na Móna at Kilberry, County Kildare, and the Cúil na Móna plant in County Laois. The rationale for this particular acquisition is to secure the UK export market, which accounts for the majority of the company's horticultural sales. This in turn is intended to support the long term sustainability of Irish jobs in the horticultural and feedstock divisions of Bord na Móna. Additionally, the acquisition helps to sustain the horticulture business into the future by delivering security of non-peat feedstock supply - green waste - which is unavailable in sufficient quantities and geographic concentration in Ireland, and also a competitive supply chain model that drives value in operations and logistics. This has become increasingly relevant, with constrained currency exchange margins in the immediate aftermath of the British vote to exit the European Union and the possibility of trade tariffs in the longer term.

Regarding the specific matter raised by Deputy O'Loughlin, namely, the future of the plant at Kilberry, while this is a matter of concern to me, I must point out that it is an operational matter for the company and one in which I, as Minister, have no direct role or function. Nonetheless, Bord na Móna has informed me that the majority of jobs based in Kilberry will be secure following the integration of the White Moss acquisition. I consented to the acquisition of White Moss Horticulture limited with the consent of the Minister for Public Expenditure and Reform and following thorough analysis by Bord na Móna in the first instance, by NewERA, as the ministerial and commercial and financial advisors and by my own Department officials. My consent to the acquisition was conditional, however, on assurances provided by the manage-

ment team at Bord na Móna that staff would be fully engaged with during the acquisition and integration process, that, where necessary, redeployments would be pursued and that any potential redundancies would be minimised and would be on a voluntary rather than a compulsory basis as far as possible.

The question that arose was how to maintain the long-term sustainability of the horticulture business and secure as many jobs as possible here in Ireland. It was a very difficult choice. It is not Government policy to invest in operations outside of this country unless there is a clear economic dividend within the State. A lot of thought and consideration went into this proposal by NewERA before it came to me. I discussed and considered it thoroughly before I made any decision on it, with the sole intention being to secure as many jobs as possible in Kilberry and in the horticulture operation as a whole.

**Deputy Fiona O'Loughlin:** I accept that a review is under way, which is very important. I also accept the Minister's bona fides in terms of sustaining Irish jobs. The Minister said that this is a matter of concern for him but it is a matter of huge concern for me in light of his response. He said that this is the responsibility of Bord na Móna but the Government has a responsibility to oversee the policies of Bord na Móna and how they impact on employment.

The Minister gave an assurance that there will be full engagement with the employees, that, where necessary, redeployment will be pursued and that any redundancies will, hopefully, be voluntary. That will not give confidence to any employees who may be listening in now or who may hear of this debate later. Commitments were made previously to invest more money in the plant and to award pay increases. Not alone have the workers not seen any of that, they are now seeing investment going out of the country and into another plant. I ask the Minister to ensure that not one job is lost. I also urge him to go back to Bord na Móna and ask it to look again at Kilberry and to consider the possibility of re-investing in that plant.

I have met members of the workforce who are afraid of their lives to speak out. That is wrong. They would only meet me on condition that those meetings would be confidential and their names would not be used, which I absolutely respect. It is wrong that an environment has been fostered where they are afraid to ask questions of management about the future of the plant and are afraid to have their names mentioned. That is absolutely wrong. On behalf of more than 60 workers, I ask the Minister to go back to Bord na Móna and try to renegotiate with the company.

**Deputy Denis Naughten:** I thank Deputy O'Loughlin for her questions. I want to make it quite clear that I could have kicked this can down the road, not made a decision and told Bord na Móna not to invest in the UK operation. Had I done that, within 12 to 18 months, Deputy O'Loughlin and her colleagues would be asking why I did not take any action to try to save the Kilberry plant and the horticulture operation. I would be criticised for not supporting Bord na Móna when it put a proposal forward that would retain as many Irish jobs as possible. My priority is to retain as many Irish jobs as possible. It is not Government policy to invest in operations outside of this jurisdiction unless there is a clear economic and employment dividend within this State. It is not my job, as Minister, to allow investments like that to take place within the semi-State companies that are under my control. NewERA, on my behalf and that of the Minister for Public Expenditure and Reform, looked thoroughly at this proposal and scrutinised it carefully, as it does with any proposal, particularly where it involves investment outside of this jurisdiction. It found that the best way to retain the maximum number of jobs possible was to take the approach that is being taken by the company.

I am disappointed to hear the Deputy's comment regarding employees being afraid to put legitimate questions forward. That should not be the case and I am quite happy to facilitate a meeting between management at Bord na Móna and the Deputies from the constituency so that the latter can relay the worker's questions to management and get clear answers.

I wish to make one final, important point, which is that we do not have the availability of green waste here. It is a condition now for selling these products in the UK that they must contain a certain percentage of green waste. Part of the problem is that when people are using their brown and green bins, they are contaminating them. A substantial amount of the brown and green bins in this country are being contaminated. That has an impact on employment, not just in the Kilberry operation but in terms of other potential operations across the country.

### **Cycling Policy**

**Deputy Eamon Ryan:** Approximately 25 years ago, Mike Curtis died on Merrion Square in Dublin. He was on his bike, was flattened and killed. A lot of us started campaigning then to try to make Dublin a cycling city. It is deeply shocking for anyone with a keen interest in cycling to look at what has happened here in the last few months. On 12 February, Ms Tonya McEvoy, a member of the Orwell Wheelers cycling club was knocked down and killed in Kildare. On 12 March, Daragh Ryan was knocked off his bike and killed on Conyngham Road, a well recognised black spot - we have been talking about these black spots for a long time - near the Phoenix Park. Last Friday, Paul Hannon was knocked down and killed on Patrick Street, while last Sunday, Des Butler, was killed on his bike in Bunratty. Last Monday, a young woman was knocked down at the roundabout on Templeville Road and flattened under a truck.

We have been campaigning for 25 years to try to make this city safe for cycling. It should be one of the best cycling cities in the world because it is flat and relatively dry. Cycling is the quickest, best, most social and healthiest way of getting around. Dublin should be like Copenhagen and Amsterdam. My party and others have been working on this matter for all of that time, making very little progress but continuing to push the idea. We set out the smarter travel plan in 2009 and a plan for the overall network in 2011. We are at a point now where we really are ready to go and make this a safe cycling city. This is achievable, doable and it is a decision for here and now.

There are some significant routes ready to be built, including the Clontarf cycle route, which is a two way route from Clontarf all the way into town. Huge numbers of cyclists use that route every morning but it is lethally dangerous at present. The Liffey cycle route is a two-way cycle track right along the river which would transform how this city works. There is another project ready to go for College Green that will create a safe civic space and turn the whole city centre around in terms of how it works. We have greenway routes that would not only work as commuting routes but would also provide incredible benefits for the city. One such route runs along the seafront from Sutton to Sandycove. It is ready to go but investment is required. We need big money to make this happen, although not big in comparison to the money needed for a motorway. It would cost the equivalent of 1 km of motorway to develop most of these projects. The funding requirement is big in the context of what we have spent on cycling to date. Other projects include the Dodder greenway, the Royal Canal greenway and the Santry river greenway. These are all projects that we have been working on for 20 years. We have the designs ready to go but the shocking reality at this time, when we need capacity solutions to our trans-

port system and cycling infrastructure to be provided more quickly to cater for the significant volume of cyclists just trying to get back on their bikes, which could really tackle Dublin's traffic problems and, more than anything else, make the city safe, the capital budget for cycling is being slashed year in, year out. It fell by 21% last year. There is a projected 18% fall this year.

The Minister has a responsibility in this regard. After 25 years of campaigning, the Minister must realise this investment is more important and significant than any other transport investment we could make. In the first instance, it would protect and save lives. There was a recent spike, involving three deaths in three weeks. We have to respond to that by making the city safe.

Second, to make the city work, we have no capacity solutions equivalent to those cycling can provide for the same expenditure. In this regard, one should consider the numbers. When we provide high-quality facilities, as on the Grand Canal route, thousands of people take to cycling. We should really go for it now and make a decision on the six or seven key routes. They have to be funded now. The money has to be provided now or else we will face 25 more years of not having what we could have in Dublin. Dublin could be a safe, an efficient and a brilliant city in which to cycle. Will the Minister provide the money? Will he allocate the money that the Dublin Cycling Campaign and others are calling for to make the city safe and to make it work?

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank Deputy Eamon Ryan for raising this important issue. I share his dismay over the number of cyclists and pedestrians who died in recent weeks. The number this year is now five. It is absolutely unacceptable and demands action.

What Deputy Ryan is saying is correct but we should consider the matter in a somewhat wider context also. When he says our roads are not safe for cyclists, he is right. Our roads are not safe for anyone at the moment. Forty-six people have lost their lives on our roads so far this year, including five cyclists, who account for 10.8% of the total number of road fatalities.

Every death is one too many, and my Department and I, together with the Road Safety Authority, RSA, the Tánaiste, An Garda Síochána and local authorities, work together to implement measures to reduce the number of fatalities and serious injuries on our roads. As a result of what is a crisis of fatalities on our roads, we have doubled the number of those meetings per annum in recent times. My Department is tackling the issue of cyclist-related deaths and serious injuries through a multifaceted approach. This involves targeting cyclist and motorist attitudes and behaviour, an education programme, the provision of cycle tracks and the rolling out of the Cycle Right campaign.

The current road safety strategy, which runs from 2013 to 2020, contains measures to promote the use of personal protection equipment and high-visibility clothing, in addition to the development of a standardised road safety cycling proficiency training programme for schools, the Cycle Right programme. Arising from the work of a steering group comprising the RSA, An Garda Síochána, Coaching Ireland, An Taisce, the local authorities and my Department, Cycling Ireland, which is funded by my Department, has developed the new Cycle Right cycling training standard. Cycle Right was launched in January this year and will be rolled out during 2017 to as many primary schools as funding allows. I am confident that this new cycle training, which includes an on-road element, will result over time in an increase in the number of children choosing to cycle to and from school safely. It is expected that between 12,000 and

15,000 children will avail of the training in 2017. Cycling Ireland will administer and manage the Cycle Right scheme registration and will maintain an Internet-based public register of qualified and approved Cycle Right trainers. My Department has allocated €350,000 to subsidise participating schools for the cost of the training, which will also be funded by parental and local authority contributions. The RSA is also contributing significant funding towards this initiative.

The RSA has produced a new 60-second advert focusing on cycling safety, particularly on the need for drivers to take extra care when sharing the road with cyclists. Cyclists are entitled to road space as much as cars, vans, goods vehicles or any other vehicle on the road. The advert aims to educate drivers on sharing the road safely with cyclists, and on motorists' responsibility to cyclists as vulnerable road users. The general message is the need for drivers to observe the road property at all times for the presence of cyclists.

In regard to funding for cycle tracks, I am pleased to inform the Deputy that under the sustainable transport measures grants, STMG, programme, my Department provides funding to the National Transport Authority, NTA, for the seven local authorities in the greater Dublin area for the implementation of sustainable transport measures, including cycling infrastructure. Funding of €23.2 million was allocated to this programme alone in 2016. The NTA also manages a similar sustainable transport grants programme - the regional cities programme - in the four regional cities of Cork, Galway, Limerick and Waterford. Overall funding for these two programmes in 2016 was €36.7 million. That is addressing the issue that the Deputy raised. He has raised the general issue of cycling, which I will address in response to his supplementary question.

**Deputy Eamon Ryan:** The Minister has come to the nub of it. We are spending €36 million on trying to create safe cycling spaces. We absolutely need to do this in Cork, Limerick, Waterford and Dublin. The expenditure is out of a total budget of €1.8 billion, however. Therefore, 0.02% of our overall budget is being spent on cycling. I am sorry but we need to be spending something like 10% of our transport budget to be taking seriously the issue of road safety of vulnerable pedestrians and cyclists.

The measures the Minister has listed, including educational programmes and encouraging people to wear helmets, are all to no avail if we do not take the first fundamental step, namely, create safe conditions on the street. Instead of pouring all our money into new motorways, dual carriageways and big roads programmes, which we are doing, we need, as a matter of urgency because people are dying owing to the lack of investment, to start creating safe space on our streets so we will not be crushed by trucks or knocked down by cars. The authorities say they are really keen to do what I propose. They are able to do it but they have no budget. They cannot allocate staff to this. If, instead of just spending the money on an educational programme for children, we actually made the roads safe for our children, we could reduce by 30% the morning peak-hour traffic, which involves us driving our children to school. We could be creating a safe space where they could get to school in a healthy way. Everyone benefits.

The nub of the problem is that €36 million is not adequate or right. We need a multiple of that. We need an increase in expenditure next year of €100 million at the very least in Dublin alone to build the six or seven key projects that are ready to go. The most important reason for them, in addition to the safety reason, is that if the Government does not do what I describe, it will result in gridlock anyway. The infrastructure would give us capacity. Dublin can work as a cycling city. The Government should give the money, not the 0.02% that we are spending on cycling infrastructure at the moment.



**Deputy Shane Ross:** I fully understand the Deputy's request for more investment. I take his point. He is correct in that we do not spend enough money on cycling. We would like to spend more and we will spend more. There is no doubt about that. The Deputy will probably be aware that there are commitments in the programme for Government on this. More important, for the capital review that is coming up shortly, I have made a special application. I have prioritised cycling in my Department's application. It is very important and it should be addressed as a matter of urgency. Cycling is underfunded. I take the Deputy's point in that regard and I intend to address it in the mid-term capital review application.

The issue is not just one of cycling; it is also an issue of safety. All five fatalities this year involved crashes with motor vehicles. The point that the road should be made safe for cyclists is very important but it is even more important to make sure the roads are not peopled by dangerous drivers, who are the source of most cycling accidents. We are taking many measures on that basis from which cyclists should benefit. One cannot blame cyclists for the cycling accidents - far from it; one blames the infrastructure. To some extent, I blame the fact the roads are not safe because we have dangerous drivers on them. We have addressed that. That should benefit cyclists and also pedestrians, who are tragically being killed by reckless motorists on our roads. I will list some of the things we have done. It is only fair to note them because cyclists will be beneficiaries, as will drivers.

The 2016 Road Traffic Act has just come in which addresses the issue of taking drug-drivers off the road. We are addressing the issue of naming and shaming and taking all sorts of measures to improve the roads as a matter of urgency. We recognise this is a crisis for everyone. Next week, I will bring another Bill dealing with road safety measures to pre-legislative scrutiny. I hope cyclists will benefit as much from it as will innocent drivers and pedestrians.

**Deputy Eamon Ryan:** We have had real success in the past 25 years with a whole range of different measures we needed to introduce. The reason we need to invest in Dublin particularly-----

**Acting Chairman (Deputy Bernard J. Durkan):** Thank you, Deputy.

**Deputy Eamon Ryan:** If I can just finish, the reason we need to invest in the cycling space in Dublin is not just for the safety issue but also to make the city work. Dublin is facing gridlock. I am on the Committee on Budgetary Oversight to which various agencies and organisations come every week calling for more motorways to be built. There is no one championing investment in cycling except for the likes of the Dublin Cycling Campaign. It is the Minister's decision. Whatever we do on the safety issue is one matter. As for designing for Dublin city, however, there is a once in a lifetime chance to build a Dodder greenway, the Sutton to Sandycove cycle route, as well as the Liffey, Clontarf, Santry, Royal Canal and College Green cycle routes. We need to forget about the capital review into the distance. If we do not see significant budgets going into these projects next year, it will mean we do not really take cycling safety seriously and we do not know how to save the city from the gridlock that will otherwise ensue.

**Deputy Shane Ross:** I reject the Deputy's claim we are not taking safety seriously. That is completely and utterly wrong. It is unfair and there is no evidence to back that up. In fact, it is quite the opposite. I have introduced several measures for road safety through Bills since I have come into office from which cyclists will be, I hope, the chief beneficiaries. That is just nonsense from the Deputy.

**Deputy Eamon Ryan:** There are calls for motorways-----

**Acting Chairman (Deputy Bernard J. Durkan):** One speaker at a time.

**Deputy Shane Ross:** What the Deputy said about cycling facilities being underfunded is fair. I intend to address that after the mid-term capital review and, if possible, before that.

### **Disability Services Provision**

**Minister of State at the Department of Health (Deputy Catherine Byrne):** Before we proceed, I apologise to Deputy Thomas Byrne that the Minister of State, Deputy Finian McGrath, cannot be here and I will take this matter. If he would prefer for the Minister of State to take it another time, I have no problem.

**Deputy Thomas Byrne:** I will go ahead with the Minister of State, Deputy Catherine Byrne. I was not going to raise that as an issue.

In my submission I referred to the facility in question as a training centre, but an assisted and supported living centre would be more appropriate for what is planned in Dunboyne, County Meath. In fairness, the Health Service Executive is engaging with local families to put in place a full facility for 25 citizens with intellectual disabilities who need assisted living and support as they go into adulthood from second level education. Praxis Care, on behalf of the HSE, is already doing it for one adult in Dunboyne. There are many other families who want that support, however. Families have to fight and fight again to get the support and services that their children or brothers and sisters need as citizens of this State. I acknowledge the tremendous work and efforts that some families put in on behalf of their family members, which ultimately benefits the rest of society, particularly regarding intellectual disabilities. Services have been put in place through the efforts of these pioneers which benefit everyone else.

The main issue about the particular service in Dunboyne is uncertainty about the venue. A particular family in the locality has sourced a site for the HSE and already Praxis Care is operating out of it. However, a little spanner seems to have been put in the works. Due to the demand which the HSE has acknowledged, it is now looking for a permanent space for this facility which will be run by Praxis Care. There is a bit of uncertainty as to the future for this particular facility.

Parents, as the Minister of State will understand, are concerned. As well as acknowledging families, some staff members in the HSE - they know who they are - go beyond the call of duty in these matters. However, they are constrained by their bosses, funding considerations and Government policy. We are looking for some clarity as to the service which will be provided from September when more adults come on board, when they have essentially left secondary school, to get the service offered. At the moment, the HSE cannot tell anybody where and how that service will take place. It is important clarity is given in that regard.

Post-school supports and assisted living services for adults with intellectual disabilities are a problematic issue across society. It is not just an issue in Dunboyne but throughout the country. These services help them be good citizens in society. It is an ongoing difficulty with many changes to services. Some have had difficulties with these changes. There is an ever greater demand for these services. There has been a well-documented rise in the number of autism and

autism spectrum disorder, ASD, diagnoses. Many of these citizens with ASD are going through the school system and coming to the end of it. With these large numbers, we need provision for them into the future. I know families stay awake at night worrying for the future of their child, brother or sister. We need to give as much certainty as possible, recognising they are citizens and that society has an obligation to ensure they can participate in civic society in as normal a fashion as possible.

**Deputy Catherine Byrne:** Looking at the reply from the Minister of State, I do not think Deputy Thomas Byrne will be happy with it.

I wish to thank the Deputy for raising this important issue today and I am pleased to outline the position on services for young people with disabilities who need continuing supports from the health service upon leaving school. In the time permitted, my colleague the Minister of State, Deputy Finian McGrath, was unable to clarify the nature of the Deputy's question. I understand that contacts to the Deputy's office were unsuccessful.

**Deputy Thomas Byrne:** That was not the case.

**Deputy Catherine Byrne:** Vocational training services for people with disabilities, including training for the open labour market, comes under the aegis of the Minister for Education and Skills. Many young people with intellectual disabilities avail of this option. Life skills training for people with disabilities who have continuing support needs are the responsibility of the HSE. If the Deputy has any specific information regarding the training centre in Dunboyne, he is welcome to contact the Minister of State's office with further details. The Minister of State will undertake to get back to him with an early response.

The Government is committed to providing services and supports for people with all levels of disabilities, whether they require education-funded training services or health-funded life skills training, which will empower them to live independent lives, provide them with greater independence in accessing the services they choose, as well as enhancing their ability to tailor the supports required to meet their needs and plan their lives. The commitment to disability services is outlined in the programme for partnership Government, which is guided by two principles, namely, equality of opportunity and improving the quality of life for people with disabilities.

With regard to the provision of day services for school leavers with disabilities, the Programme for a Partnership Government states the Government is committed to ensuring all 18 year old school leavers with disabilities have continued education or training opportunities. These opportunities may be provided through the education sector or the health sector depending on the nature of the individual's needs and abilities.

My colleague, the Minister of State with responsibility for disabilities, Deputy Finian McGrath, identifies the needs of school leavers as one of the priorities for HSE funded disability services. The Government fully recognises that the transition phase from school life to early adulthood is a time of worry for many families. In 2016, all school leavers received the quantum of service requested. To build on this success and to ensure the needs of school leavers are met in 2017, including the need for life skills training, additional funding of €10 million is being allocated by the HSE to provide appropriate services and supports. Based on the funding provided in regard to 2017 school leavers, it is expected that all young people with disabilities who have a requirement for a HSE funded day service after leaving school in 2017 will be fa-

cilitated with a day placement to meet their needs.

I fully agree with Deputy Thomas Byrne. As public representatives, we are contacted by the parents of children with intellectual disabilities asking that we facilitate their needs as best we can. Ensuring that those people are looked after should be a central policy of Government. I agree entirely with the Deputy that many families and many parents and grandparents are very worried about what the future holds for many of these young people with disabilities. They may have to continue to depend on a life-long service provided by the HSE. I agree with the Deputy that I have not been specific in the reply I gave but I only received it a few minutes ago. I will relay his concerns to the Minister of State, Deputy Finian McGrath.

**Deputy Thomas Byrne:** It is not the fault of the Minister of State present but that is possibly the worst answer ever given by a Department. It is no wonder the Minister of State, Deputy Finian McGrath, did not come into the Chamber. I am not blaming the Minister of State present. The Minister of State, Deputy McGrath, met me today. He was presumably in the Chamber for the full hour during which the votes were taken today. The idea that he could not contact me is outrageous and ludicrous. The idea that he does not know what the HSE is planning in Dunboyne is also ludicrous because it is not a big town. Four or five HSE centres will not be created to provide for adults with intellectual disabilities who are under discussion at a high level in the HSE at present.

The Minister of State could do me favour by requesting the Minister of State, Deputy McGrath, to meet me, together with senior HSE officials and with representatives of Praxis Care and that might be a way to make up for this. The idea that I was not contactable is offensive. I was sitting here opposite the Minister of State for a full hour at lunchtime while the votes were being taken and he briefly spoke to me before that. I do not accept the assertion that I was uncontactable. I will leave it at that. I do not expect the Minister of State to respond further but I ask that she request that we would have such a meeting. I do not know what this section in the Department of Health is at. It is outrageous.

**Deputy Catherine Byrne:** I will reply as I should to the Deputy. I agree entirely with him. He was told in the reply that he was uncontactable but I am sure there were plenty of occasions to speak to him today and, as the Deputy said, he met the Minister of State face to face. I reiterate that I have just received the reply to this Topical Issue.

**Deputy Thomas Byrne:** I am not blaming the Minister of State.

**Deputy Catherine Byrne:** I will go back to the Minister, Deputy McGrath, and request that he meets the Deputy and discusses fully with him what is happening in Dunboyne. I am not familiar with the service there that he raised. I will convey to the Minister of State a stern message from the Deputy pointing out that he is very distressed with the reply he received, and I do not blame him.

### **Medical Products Supply**

**Acting Chairman (Deputy Bernard J. Durkan):** The next Topical Issue is in the name of Deputy Joan Collins.

**Deputy Catherine Byrne:** I wish to advise Deputy Collins that I am taking this Topical Is-

sue on behalf of the Minister. If she wishes to withdraw the matter she may do so, but it is up to herself. I have a reply for her.

**Deputy Joan Collins:** I was going to say I was annoyed the Minister was not present to take this matter. I spoke to him briefly about this matter yesterday. Parents are very concerned that Vertex was able to contact them to tell them that it had not been contacted by the HSE regarding negotiations on the supply of Orkambi. I would like to defer this Topical Issue until next week, as I would like the Minister to come into the Chamber to take it because it is a very important issue concerning people with cystic fibrosis and parents who have been contacted by Vertex. I hope they will not be too anxious about this over the weekend.

**Acting Chairman (Deputy Bernard J. Durkan):** That matter can be deferred until next week and, hopefully, the Ceann Comhairle will facilitate the taking of it again.

### **Ethical Public Investment (Tobacco) Bill 2017: Second Stage [Private Members]**

**Deputy Sean Fleming:** I move: "That the Bill be now read a Second Time."

I am pleased to move the motion that this Bill be brought to Second Stage and that we would have a debate on it in the Chamber. I am also pleased that the Minister of State, Deputy Eoghan Murphy, is present to respond to it, and I understand he has an interest in this area.

That is very helpful. I look forward to the Bill passing Second Stage and ultimately moving on to Committee Stage.

People will wonder what this Bill is about and if this is an anti-smoking issue. It is not; it is a more moral issue. It is about whether the Irish people should seek to make profits out of the tobacco industry. Everybody would be unanimous in the view that we should not seek to make profits out of the tobacco industry or from investments in that industry.

The purpose of this Bill is to prohibit investment of public moneys directly or indirectly in equity debt securities issued by tobacco companies. The Bill will end once and for all the practice of the State holding investments in tobacco companies. Everyone will agree it would be immoral for the State to make a profit on the sale of cigarettes and that it should not be allowed to happen. This is a policy issue for the Oireachtas which must be addressed by the Oireachtas because legislation is required to introduce this prohibition on the investment in the tobacco industry.

This is a health issue as well as a public investment issue. The fact that smoking remains a huge cause of preventable deaths and disease in Ireland is accepted by everybody. Tobacco-related illnesses cost the State more than €1.5 billion in health care costs and loss of productivity each year. It kills 6,000 people per annum. I know that people who are vigorously campaigning to reduce the incidence of cancer in the country will support this issue. We know the high incidence of cancer among smokers. Allowing for the fact that we are doing a great deal to encourage people to stop smoking, on the other hand it is incongruous that the State should be investing in the tobacco industry to make money out of the industry.

An average of 16 people die each day from the effects of smoking, tobacco-related cancer or other illnesses. More than 81,000 hospital bed days are taken up treating people with preventable cancer arising specifically from smoking. It is an issue everybody takes seriously and I



am very pleased that Ireland has a very strong tradition in this area. Many years ago, when my party leader, Deputy Micheál Martin, was the Minister for Health and Children, he introduced a ban on smoking in public areas and many workplaces. That is a measure many countries throughout the world have introduced and have followed Ireland's course. I would consider the passing of this Bill an extension of long-established practice in Ireland.

I will explain the reason I am introducing this Bill. I have been Chairman of the Committee of Public Accounts since last July, and I took this view when I saw something at the Committee of Public Accounts that required changing by way of a legislative measure. On 26 July 2016, the National Treasury Management Agency, NTMA, and the Ireland Strategic Investment Fund appeared before the Committee of Public Accounts to deal with the normal work in respect of which they appear before the committee. Towards the end of the meeting, I specifically asked the representatives about their ethical and social responsibility policies and they wrote to me shortly afterwards stating that ethical investment and other issues focus on aligning investors' social objectives or values with their investment portfolios. They stated that they look at issues such as alcohol, tobacco, gambling and ethically compromised companies such as weapons manufacturers. We have legislation in place which prohibits investment in the cluster munitions and anti-personnel mines industry. It was introduced in 2008. This is the only line of investment from which the Ireland Strategic Investment Fund and the NTMA are prohibited from investing in by law. I want to extend the legislation we introduced banning investments by the State in the cluster munitions and anti-personnel mining industry to the tobacco industry. That is the reason I am introducing this legislation in the House.

The NTMA and the Ireland Strategic Investment Fund are legally obliged to get the best return for the Irish taxpayer. If there is profit to be made in an area, they cannot willy-nilly decide not to do it because they do not like it. They need a legislative framework to make such strategic decisions and sometimes that has to be backed up by primary legislation passed in this House. It is important that we give a lead in this area. I am aware there have been many other calls to limit investment in the fossil fuel and many other industries. They are bigger, broader and have far more profound impacts on our entire quality of life and what people do, whether it is driving cars or heating homes, factories, offices and workplaces, including even a building such as this. I accept that Bills on these issues may be introduced as well, and they would merit serious consideration, but this is a niche Bill on a specific, narrow area. I think people will appreciate it should not be confused with the broader issue. It is part of a broader debate, but I think we can, in the meantime, isolate the issue of investments in tobacco and deal with it individually.

As I said, I was pleased to receive correspondence from the NTMA via the Committee of Public Accounts, in light of my questions to the NTMA's representatives last July, stating that it would examine this area. I have with me the letter I received from the NTMA on 16 September. It covers many issues, among which, as I mentioned, the fact that it was due to examine this area in light of the fact that we raised it with the NTMA's representatives in the Committee of Public Accounts. I have no doubt but that it was already in their minds. They said they were reviewing their investment policy decisions. I am very pleased they had an open mind and was also very pleased with the open response we received from them.

I also acknowledge my colleague, Senator Keith Swanick, who raised this issue in the Seanad by way of a Commencement Matter some months ago. Being a doctor, he came at the topic from a health point of view. We all come at it from that point of view, but he has a particular interest in health matters. I thank him for raising the matter in the Seanad. It is important to

highlight the matter in both Houses. He made it clear:

We know from the NTMA's most recent annual report that the State held more than €7.2 million in quoted equity and debt instruments for Philip Morris, British American Tobacco and other major tobacco firms. This is incredible [but] is [a small portion] of [the] €35 million of taxpayers' money invested in the alcohol, tobacco, aerospace and defence industries.

Again, the key point I am making is that we want to isolate this investment in tobacco and I think we can do it.

I was working on the Bill over the autumn when I got the response from the NTMA. I worked on producing a Private Members' Bill towards the end of last year and sought to introduce it here last December but the Christmas break came. It was the first week of January before I got to introduce it. I was delighted to see on 21 December a press announcement that the Ireland Strategic Investment Fund had sold off its stake in tobacco companies. When I came into the House to introduce the Bill, I acknowledged that the Ireland Strategic Investment Fund had made the practical efforts to do so. I was very pleased that it did so and was being proactive, and it was very important that it did so. Given that the divestment is voluntary, this policy decision could be reversed by the NTMA and the Ireland Strategic Investment Fund at a future date if the financial return from the industry was to change. Therefore, it is important we put into legislation what is now their policy so there will be a legislative provision in place preventing anyone with a key role in the NTMA or the Ireland Strategic Investment Fund who may not have the same view of this matter as some of us do from reinvesting in these industries at a future date. I want to make sure this can never happen. The legislation acknowledges the position as adopted and implemented by the Ireland Strategic Investment Fund. We are on the one track on this. We all agree with the need to divest; I just want to go that step further by copper-fastening it in legislation.

I understand the Minister of State at the Department of Finance will support the Bill. I hope he will. I will be honest and say I read the 2008 legislation banning cluster munitions, and the wording of this Bill is almost a mirror image of that Bill. I have taken out the references to armaments and cluster munitions and substituted references to the tobacco industry. I accept I am no parliamentary draughtsman, but the essence of the Bill and the way in which it has been drafted must in substance be very good because it is a mirror image of legislation the House has passed on a previous occasion, bar a few words. I took this approach in order to make the passage of the legislation through the House easier. Rather than having to break new ground by drafting new legislation, I told myself I would work on legislation that has already been approved by the Oireachtas and make the minimal changes to achieve my aims in respect of the tobacco industry, and that is what I have done. I do not know whether the Bill requires pre-legislative scrutiny. I do not know the exact procedure in that regard. If it does, well and good - I think there will be agreement on it - but it should be passed through the Houses easily. I know there is a large backlog of legislation moving from Second Stage to Committee Stage but I hope this Bill can be progressed.

I wish to make a few specific points about the Bill itself. It is very short legislation. Section 1 deals with the definitions of "investor", "Minister", "public moneys" and "tobacco companies". Section 2 deals with the duty of investors to avoid investment in tobacco companies, and this refers to the Minister for Finance and, through him, the Ireland Strategic Investment Fund and the National Treasury Management Agency. Section 3 deals with direct investment in a tobacco company and investments in a company which the Ireland Strategic Investment Fund may be

involved in. If that company goes on ultimately to acquire an interest in the tobacco industry, after the State has purchased shares in the company, it is provided that the company must divest itself of that investment. Section 4 deals with indirect investment in the tobacco company. This is to deal with various financial products that might not directly constitute shares. We want to cover those issues in those companies as well. Section 5 deals with the same issue in the case of derivatives based on a financial index. In other words, section 5 proposes: “Nothing in this Act shall prevent an investor [as in, the Irish State] from contracting derivative financial instruments based on a financial index.” Many investments will involve spreading an investment over a group of companies based on a financial index. That index may include some companies that have investments in the tobacco industry. Specifically not to make a provision for investment on a financial index might inadvertently prevent the Ireland Strategic Investment Fund investing in a financial index in which it might otherwise wish to invest, so it is important that we allow that to happen. However, this is really to stop specific investment in those companies. Finally, section 6 is the Short Title and commencement, and the idea is that whenever the Bill might pass through the Oireachtas, the Minister would then introduce a commencement date.

I commend the Bill to the House and I hope it will receive support across all parties and Deputies in the House and that it will progress through Committee Stage and pass through the Oireachtas fully this coming year.

**Minister of State at the Department of Finance (Deputy Eoghan Murphy):** I thank Deputy Fleming for introducing this Bill and note its progress through First Stage on 19 January. He made reference to my own interests in this regard. The first Bill I introduced as a backbencher in the previous Dáil was very similar to this legislation. It concerned investment policy for our National Pensions Reserve Fund, as it was at the time, and divesting from investments held at the time in nuclear weapon development companies and delivery vehicles for such devices. It never made it to a Second Stage reading, unfortunately, and did not make it to Committee Stage as a result. It is important we have the Second Stage reading of this Bill, get it to Committee Stage and get to iron out some of the issues we have with the Bill. However, these are minor in so far as the general intent of the Bill is concerned.

The intention behind the Bill is well understood by both me and the Minister for Finance and colleagues in government, including the Minister for Health, Simon Harris, and the Minister of State with responsibility for health promotion, Deputy Marcella Corcoran Kennedy. The Government considered the Bill at its meeting on Tuesday, 28 March. In doing so, the Government constructively engaged with the issues raised, in accordance with its responsibility to address and evaluate proposed legislation, irrespective of whether initiated by Government or by a Private Member, as is the case here. The introduction of this Bill is useful in that it allows the Oireachtas to have a constructive discussion on how such an important cross-cutting issue as ethical investment can be accomplished in the context of existing Government policy on tobacco control.

As I have said, the Government fully understands the intention behind the Bill and I commend Deputy Fleming on his work in preparing and introducing it. The Government has agreed that the best approach is not to oppose a Second Reading of this Bill as it agrees with the principle behind it. Notwithstanding this, there are several uncertainties regarding the Bill’s scope and detailed provisions, many of which appear to arise from the drafting of the Bill. Of course, subject to the Bill progressing, I hope that Committee Stage will afford an opportunity to address and resolve these matters. In this regard that I reaffirm the Government’s commitment to work with the Deputy and other interested Members of the Oireachtas, in order to agree the best

way to implement the provisions of the Bill.

I am happy to say that this Bill is in line with current Government policy on public health and tobacco control. A Programme for a Partnership Government commits the Government to making several public health interventions, one being to make Ireland tobacco free by 2025 which, in effect, would mean that less than 5% of our population would be smokers. As the Deputy may be aware, Ireland has gained a significant international reputation as a tobacco control leader in recent years and is ranked second out of 34 European countries in this regard. Ireland has implemented a wide range of progressive tobacco control policies, the most recent being the signature this week, by the Minister of Health and Minister of State with responsibility for health promotion, of a commencement order which will facilitate legislation for the standardised packaging of tobacco to come into force in September 2017. This is a further progressive step taken by Government in the important area of tobacco control. These measures are important, given that smoking is a significant cause of ill-health in Ireland, and the measures are having a real impact.

The publication of this Bill also follows some important recent developments such as the divestment by the Ireland Strategic Investment Fund, ISIF, of its tobacco holdings in December last year. Having taken all of these matters into account, the Government, at its meeting this week, took the decision not to oppose the Bill.

In his contribution on First Stage, the Deputy referred to certain tobacco investments held by ISIF and indicated that the purpose of this Bill is to prohibit such investments. As he will be aware, in December 2016 ISIF divested itself of these investments. The National Treasury Management Agency, NTMA, chief executive, Mr. Conor O’Kelly, informed the Minister for Finance that, following a review of its tobacco investments, the NTMA’s investment committee had taken a decision to divest all tobacco investments. The letter from Mr Conor O’Kelly was lodged in the library of the Houses of the Oireachtas, for the information of members of the Oireachtas, on 21 December 2016.

The divestment related to all tobacco manufacturing debt and equity holdings. As part of this divestment, managers were instructed not to invest in such companies. The updated position of ISIF investments will be reflected in the NTMA’s annual report which is due to be published during the second quarter of 2017. In light of this, I accept that the purpose of the Deputy’s Bill is not, primarily, to prohibit such ISIF investments, given its divestment decision, but to instead prohibit the, admittedly unlikely, potential reinvestment by ISIF in tobacco companies. This is acceptable, but should be considered in the context of the concerns that I will outline shortly about a potential small level of indirect exposure under ISIF’s global portfolio, and the need for a certain level of flexibility.

As outlined, notwithstanding the Government’s position on it, there are some uncertainties regarding the Bill’s exact objectives and the scope of its provisions, arising from what we perceive to be drafting imprecisions. The Government expects that the Bill will require significant work on Committee Stage in order to tease out the various definitions and determine exactly what the Deputy intends the legislation to cover in terms of its scope. Until we have had that opportunity, there will be a degree of speculation regarding the precise objectives and scope of its provisions. This evening provides an opportunity to quickly articulate some of these concerns.

The purpose of the Bill, as per its drafting, appears to be to seek to prohibit investments

through voted expenditures in tobacco, as well as the investment by non-voted public entities, such as ISIF, in tobacco. However, it would be helpful to clarify the exact scope of the Bill's provisions and the precise details of the intended definitions. The Bill provides that an investor must be satisfied that there is not a significant probability that public moneys will be invested in a tobacco company. As the Bill appears to cover both voted and non-voted expenditure, this would impose an uncertain, and potentially onerous, level of responsibility on any public sector treasury manager in how the manager invests cash. For example, pension funds in the commercial and non-commercial semi-State sector might hold pooled investments or investments in market indices products. Pooled investments refer to funds from a range of sources which are aggregated for the purposes of investment. The public sector entity may not have access to the detailed investment data and, therefore, may not be in a position to fully satisfy itself to a significant level of probability that the pooled investments are not in some way exposed to tobacco investments. In addition, terms included in the Bill such as "satisfied" and "significant probability" are imprecise and are open to interpretation. In dealing with these provisions it might be advisable, for example, to set a required level of due diligence, and what form that due diligence should take, in order for the investor to be satisfied. Such pooled investments could be very small and insignificant in the context of a broad diversified portfolio, as most of the public service pension obligations are unfunded. However, in order to avoid significant compliance costs, it would be worthwhile inserting an exemption where tobacco stocks are held in small quantities of the overall investment value as part of a pooled investment fund.

The Bill also makes reference to indirect investments. These are undefined and slightly vague. Referring to the previous example regarding an investor's access to investment-related information, this broad and undefined reference to indirect investments is potentially problematic as it does not sufficiently define what types or forms of investment it seeks to cover. By way of example, while ISIF currently has no direct investment in equity and debt securities issued by tobacco manufacturing companies, its global portfolio has approximately €3.7 billion of investments in collective vehicles or investment products, some of which have exposure to tobacco companies. To be clear, this is not €3.7 billion of tobacco exposure, but of total pooled investments. These pooled investments are market indices, which would include a very minor percentage of tobacco equities or debt. ISIF estimates that, as of November 2016, approximately €17 million of the €3.7 billion is exposed to tobacco. ISIF has advised that there should be some flexibility around the term "indirect", as also suggested in regard to the pooled investment issue under public sector pensions. This would provide scope to deal with portfolio management issues that may arise.

The flexibility might be in the form of a given timeframe to divest and toleration for a low exposure threshold such as less than 0.1 of 1%. Such minimum exposure thresholds are used by funds elsewhere. Otherwise, it could be very difficult for ISIF to implement zero tolerance or full prohibition of tobacco investments. These interpretation and implementation challenges could be dealt with on Committee Stage, if the Bill progresses beyond Second Stage.

It is important to consider the public health aspect of this Bill. I am sure the Deputy is well aware that smoking is a significant cause of ill-health in Ireland. It is one of Ireland's most serious public health challenges, with the greatest burden of disease, disability and premature death falling on the most disadvantaged in society. It has been estimated to cost Irish society a total of €10.7 billion annually in health care, productivity and other costs. The Government is committed to changing that through the implementation of the tobacco free Ireland policy, and this is reaffirmed by the programme for partnership government. Ireland has implemented



a wide range of progressive tobacco control policies, including: cumulative increases in excise duties; the workplace smoking ban; the ban on point of sale display and advertising of tobacco; and the ban on smoking in cars.

This week we saw the signing of a commencement order for the standardised packaging of tobacco to come into force in September 2017. This is a further progressive step taken by Government in the important area of tobacco control. These measures are having an impact and the cumulative effect of Ireland's tobacco control measures has been a decrease in the number of people smoking, as evidenced by recent surveys. Reflecting this noteworthy progress, Ireland has a significant international reputation as a tobacco control leader in the past few years.

The Government considers this to be a well-intentioned Bill. It shares Deputy Fleming's ambition to ensure that legal provisions for State investment and expenditure are in accordance with and support the Government's policy on tobacco control. Such legal provisions will further build on the progressive steps which Ireland has taken in this core area of public health policy. In all areas of public policy, the implementation of changes to existing policies or arrangements is critical to ensuring the effective achievement of the policy. Indeed, once we have agreed on what must be done, we must turn our focus on to how it should be done. In this regard, it is important to consider carefully at pre-legislative scrutiny and Committee Stage how the provisions of this Bill would be implemented.

Regulation, by way of legislation, is one of the three key levers of formal State power; together with taxing and spending. It must, therefore, be used wisely, appropriately and proportionately; and, in legislating, we must ensure not to do more harm than good. This is particularly important in respect of preventing significant sales of existing State holdings in ISIF that may be caught under the current proposed Bill.

The Government is concerned that this current Bill, with its imprecise and vague definitions, could lead to interpretation and implementation challenges. I have articulated these concerns to the House. In the context of Ireland's progress in the area of tobacco control, and the commitment of the Government to make Ireland tobacco free by 2025, I reaffirm the Government's commitment to work with colleagues of both Houses to resolve the aforementioned concerns on Committee Stage if the Bill progresses. It is on this basis that the Government does not oppose giving the Bill a Second Reading.

**Deputy David Cullinane:** I am pleased that the exchanges between the Deputy and the Minister of State are cordial on this occasion. I am happy to support this Bill and I commend Deputy Fleming on his initiative and on proposing the Bill. I also commend the Government and the Minister of State on not opposing it and on seeking to strengthen it on Committee Stage, which I always advocate unless there are substantial flaws or the Government does not agree with its intent.

The NTMA and the ISIF hold and invest the Irish people's money on behalf of the Irish people. It is only right that we, as the Dáil, act to ensure that money is invested wisely and ethically. We recently supported Deputy Pringle's Bill to prevent the fund from investing in fossil fuels and for the same principled reasons, we are happy to support this Bill.

The facts from the Irish Cancer Society are clear: smoking is the single biggest cause of cancer, causing one third of all cancers. Nine out of ten lung cancers are caused by smoking. Cigarettes contain more than 4,000 chemicals, 60 of which are known to cause cancer. Half of

all smokers will die from a tobacco-related disease. None of this should be tolerated. This is not an industry that needs our investment.

Each year at budget time we discuss how much should be levied on cigarettes. My party argues for increases in excise duty, not to raise revenue but on the grounds of public health. In the programme for Government, the ongoing increase in excise is thrown out as a means of offsetting the promise to abolish the universal social charge. That is certainly the wrong way to approach increasing revenue on cigarettes. If the Office of the Revenue Commissioners is asked, it will refer to its publicly available ready reckoner. It will also point out that increasing excise on tobacco is as likely to result in less revenue being collected as more.

It is political chicanery to claim that a 50 cent or 20 cent increase in the price of cigarettes for the next few years will even partly make up for tax cuts of thousands of euro to benefit the wealthy in this State. If this Bill passes, as I hope it does, we will have a country that forbids its investment arm to invest in tobacco but a cynical Government which is happy to rely on more and more income from tobacco as a way of funding hospitals and schools while it cuts taxes elsewhere.

The Ireland Strategic Investment Fund, ISIF, which is better known to many as the National Pensions Reserve Fund, NPRF, is a key tool for investment. God knows we need investment, and we have had many exchanges with the Minister for Public Expenditure and Reform on the need for capital investment in many areas and for greater flexibility in the application of the fiscal rules. We all know there is a need for it when we see Department after Department make increased demands for increased capital investment. The investments of the Ireland Strategic Investment Fund in the tobacco industry are so small that I have no concerns that this Bill will in any way hamstring its ability to fund investment.

Economically, I hope the tobacco industry's heyday is in the past. It makes sense for us to look at cleaner industries and technology as the key planks of our investment strategy.

Following on from this Bill and the Fossil Fuel Divestment Bill, there is an opportunity to thoroughly examine our future investment strategy. Ethics should underpin that strategy. We must ensure we can stand over all investments from a development and human rights point of view as well as an economic point of view.

For all those reasons, I am happy to support the Bill. We will look at amending the Bill on Committee Stage, as the Minister of State has indicated he will. I commend the author of the Bill, Deputy Fleming, on bringing it to the House.

**An Ceann Comhairle:** In the absence of any further speakers to avail of the remaining hour or so allocated to this matter, I will ask the Minister of State to respond to the debate.

**Minister of State at the Department of Finance (Deputy Eoghan Murphy):** The Government considers this a well-intentioned Bill and it has carefully considered the proposals in it. We share Deputy Fleming's ambition to further improve the health of Irish people. We must legislate carefully so that the desired impact is achieved. We must also be cognisant of the power of regulation.

Deputy Fleming used the legislation for the prohibition of investment in cluster munitions as a template for his legislation, as did I for my Bill. While it serves as a good template, it should not be copied exactly. That could lead to unintended consequences which would not

arise in divesting from cluster munitions. For example, the administrative burden from non-investment in cluster munitions involves about 19 companies. In the tobacco area, that is approximately 130 companies. The risk of an inadvertent or accidental investment in one of those tobacco companies is far higher, so the administrative burden of protecting oneself from that is much greater. We need to ensure such concerns are addressed on Committee Stage.

The intention of the Bill is sound and the Government supports it and looks forward to addressing any matters on Committee Stage.

**Deputy Sean Fleming:** I welcome the positive response and support from the Government and Sinn Féin for the Ethical Public Investment in Tobacco Bill 2017 on Second Stage and when it progresses to the pre-legislative scrutiny stage or Committee Stage, whichever is decided on by the appropriate authorities. We are all singing from the same hymn sheet on this issue. We all agree something needs to be done and it is a question of how we fine tune the Bill.

A tobacco company is defined as a company involved in the manufacture or production of tobacco, cigarettes and cigars. I should have made that clear in my opening comments. The Minister of State highlighted the fact there are far more tobacco companies worldwide than armaments companies. I was not aware of the figures he provided. More care needs to be taken to avoid the unintentional or accidental holding of shares in tobacco companies. I would welcome the engagement of Members of the House or the Office of the Parliamentary Counsel in resolving any issues in terms of imprecise drafting.

The Minister of State indicated that pension funds in the commercial or non-commercial semi-State sector might have pooled investments in the market indices. In section 5 of the Bill, I referred to the issue of investing in a financial index. I included a specific exemption for organisations investing in a financial index because, as the Minister of State pointed out, it would not be possible to take everything out and it might prevent investment in worthwhile financial indices on the basis that one might be exposed to investing in a tobacco company. That section dealt with derivatives based on a financial index. That probably needs to be broadened to include investments in a financial index. Whether it is referred to as a pooled investment fund or a financial index, that issue has to be dealt with. The Minister of State suggested a minimum threshold such as less than 0.1% which is a rate used by other investment funds worldwide. We will be guided by market practice. The Ireland Strategic Investment Fund operates in the international market to get the best return for the Irish taxpayer for future investment in pensions. We must not hamper its work in generating future required income for the Irish people. Much of what has been said deals with collective investment products which have exposure to tobacco companies. That seems to be the biggest issue to tease out. It should be possible to resolve it on Committee Stage and I look forward to that opportunity.

I welcome the fact the Minister of State referred to progressive tobacco control policies introduced in recent times. These include the cumulative increase in excise duty, the workplace smoking ban, the ban on point of sale display of tobacco advertising which has taken it out of the view of shoppers and the ban on smoking in cars. This legislation fits nicely with Government policy of making Ireland a tobacco-free country by 2025. While that deadline is still remote, we should be more ambitious. A tobacco-free country is interpreted internationally to mean less than 5% of the population. In Ireland, that would be 250,000 people, excluding children who are under age but who smoke. That is still too many smokers. I hope, as we get closer to 2025, that 5% target would be reached and exceeded as quickly as possible. That may depend on who is in the House at that time. We have a strong international reputation on this

issue. People from other countries have visited Ireland to see how this would work and we need to continue to take the lead on it in this State.

I thank the Minister of State and the Government for agreeing not to oppose the Bill on Second Stage. It can now move on to Committee Stage in due course.

Question put and agreed to.

**Ethical Public Investment (Tobacco) Bill 2017: Referral to Select Committee [Private Members]**

**Deputy Sean Fleming:** I move:

That the Bill be referred to the Select Committee on Finance, Public Expenditure and Reform, and Taoiseach pursuant to Standing Orders 84A(3)(a) and 141 of the Standing Orders relative to Public Business.

Question put and agreed to.

The Dáil adjourned at 6.50 p.m. until 2 p.m. on Tuesday, 4 April 2017.