



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Insert Date Here*

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# DÁIL ÉIREANN

*Dé Máirt, 11 Aibreán 2017*

*Tuesday, 11 April 2017*

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

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Micheál Martin:** The second Fennelly report into the telephone recordings at Garda stations has been published. It outlines clearly that these recordings were unlawful, but it must also be said that the consequences of such unlawfulness were very significantly overestimated at the time by the Attorney General. I recall the meeting about this issue to which the Taoiseach summoned Deputy Adams and me. Essentially, the Taoiseach advised at that stage that the entire criminal justice system could break down, convictions would be overturned and entire court proceedings would be rendered null and void. More serious than that, it is very clear that the alarmist and over-reactive response of the Government forced the removal of a Garda Commissioner on that specific issue. The Secretary General of the Department of Justice and Equality was sent out on a Monday evening by the Taoiseach to tell the then Commissioner that the Cabinet could no longer have confidence in him and would not be able to have confidence in him the following day arising from this issue, notwithstanding that, as the report clearly confirms, the Commissioner was about the only person who acted appropriately in respect of this issue. As soon as the Commissioner became aware of the practice, he insisted that it be stopped and wrote to the then Minister for Justice and Equality about it. The Attorney General bypassed the Minister for Justice and Equality and went straight to the Taoiseach to say that the heavens were about to fall and that something needed to happen. It is extraordinary that an Attorney General would have bypassed a Minister for Justice and Equality in that context. I would appreciate the views of the Taoiseach on the propriety, both constitutionally and generally, of an Attorney General not bringing such a matter to the then Minister for Justice and Equality and the Government. When an Attorney General bypasses the Minister for Justice and Equality, it reveals a bizarre dysfunctionality at the heart of Government.

Would the Taoiseach accept that it was wrong to send the then Secretary General to the Garda Commissioner to tell him that the Cabinet could not have expressed confidence in him arising from these issues, essentially forcing the Commissioner's resignation on this issue? Does the Taoiseach accept that the failure of the Attorney General to inform the then Minister for Justice and Equality about the telephone recording issue was wrong and could not be defended? What is the Taoiseach's position on that?

The Taoiseach knows that the Attorney General knew about this issue as far back as October 2013 but it was March by the time the Taoiseach had been informed. Clearly, the Attorney Gen-

eral was alarmist and over-reactive on this issue. When the Taoiseach established the Fennelly commission, he made it clear that he wanted to restore confidence in the professionalism of An Garda Síochána. In essence, however, the Garda Commissioner had to go and the Minister for Justice and Equality fell on his sword subsequently, but the Attorney General has retained the confidence of the Taoiseach to the very end. Does the Taoiseach believe that the actions of the Attorney General on this issue were proper and appropriate?

**The Taoiseach:** Yes, I do. The comments made by Deputy Martin are quite extraordinary. He would attack an officer of the State who is not here to respond. The Attorney General is adviser to the Government. She became aware of matters that she could not have known about, nor did anybody else know, or the extent of them. These were quite serious matters and she acted quite appropriately and properly in bringing them to my attention as Taoiseach.

In consideration of that, the first interim report of the Fennelly commission on a sworn inquiry dealt with some of the matters raised by Deputy Martin. The interim report of the Fennelly commission, and I thank Mr. Justice Fennelly for the work he has put into it, was very clear in its findings that I had no intention of forcing the resignation of the former Garda Commissioner and that the former Commissioner himself had decided to retire.

The second element of the Fennelly commission deals with the issue raised by Deputy Martin with regard to the Attorney General of our State. She had brought to my attention a very serious issue about the unlawful recording of telephone calls to Garda stations. Once again, I thank Mr. Justice Fennelly for the work he did in this. He says in his findings that these recordings were unlawful and unconstitutional, and that there was a lack of effective oversight and procedures within An Garda Síochána over a very lengthy period, including in regard to the content of certain telephone calls relating to the investigation of the murder of Sophie Toscan du Plantier.

These are the reasons the Attorney General was quite justified in bringing the issue to my attention and why we were quite justified in putting together a commission of investigation to find out the answers to those questions. I am very glad to note that no case before the courts or pending in the courts was in any way compromised by this situation. The findings, however, are clear. The matter was unlawful, unconstitutional and went on for a very great length of time and it did not interfere with any case pending or before the courts.

On the second report of the Fennelly commission, I was notified of this by the commission by the close-off date on Friday at 6 p.m. As is my responsibility, I sent that to the Attorney General for her analysis and examination. She reported to me, in writing, that it was in order to publish the Fennelly report, which I did within 12 to 14 hours. It is now part of the overall consideration of the root and branch analysis of An Garda Síochána, which Government has agreed to and has decided to do. It will wish to have the views of the Opposition leaders and the Opposition parties.

In respect of the findings in the second report by Fennelly, the Minister has decided to refer the report to the Policing Authority, oversee the implementation of the recommendations in the context of the oversight of An Garda Síochána, examine the need for legislation in the context of the recording of calls; and refer matters relating to the Bailey case and dealt with in the report to GSOC to consider whether it believes that any further investigation is necessary against the background of the investigation that it has already been carrying out into this case. The Attorney General is quite justified in her actions.

**Deputy Micheál Martin:** The Taoiseach avoided answering the key questions I put to him. He is, perhaps, the only person who has that view on the removal of the former Garda Commissioner. Irrespective of one's views on the former Commissioner or whether one was for or against him, the bottom line is that on this issue he did everything appropriately. However, the Taoiseach sent the Secretary General out to his house in the middle of the night. That does not normally happen. Nor is it normal when a Commissioner happens to resign the following morning. While the Taoiseach managed to say with a straight face that he had nothing to do with it, the bottom line is that the immediate context was this phone-recording crisis. I recall the meeting between the Taoiseach, myself and Deputy Adams well. The only person there who said that court cases could be overturned was the Taoiseach. That was on the basis of the advice he had received from the Attorney General. I find it astonishing that the Taoiseach does not have some regrets and does not at least accept that the wrong thing happened that evening.

Essentially, a Garda Commissioner was removed and the law governing the removal of a Garda Commissioner was bypassed. That eventually led to a resignation which covered all the technicalities. Cabinet approval was not sought. The message was relayed that the Cabinet could not have confidence even though it was not consulted. That is not good constitutionally for the country. Things should be done according to proper practice and in a proper way. The latter did not happen on that occasion and the reason was a panicked, alarmist and over-reactive response from the Taoiseach and the Attorney General. The Taoiseach has failed to comment on the failure of the Attorney General to talk to the Tánaiste and Minister for Justice and Equality. Why will he not answer that question? It is incredible.

**The Taoiseach:** I have already dealt with the Deputy's question. I asked the sole member, Mr. Justice Fennelly, who was in charge of the commission to deal, in the first instance, with two elements of what was considered important in the terms of reference. He dealt with those elements and the findings of the sworn inquiry are clear. The finding of Mr. Justice Fennelly was that the former Garda Commissioner decided to retire.

In the context of the second Fennelly report, the Attorney General was quite justified in bringing to the attention of the public - and to me, as Taoiseach - an extraordinary situation whereby hundreds of thousands of phone calls over a very long period were made to certain Garda stations and were recorded unlawfully. Who knows what might have been said during some of those phone calls? There was a woman murdered in west Cork and, in respect of phone calls made to a Garda station, this had a bearing on the setting up of a commission of investigation.

The commission of investigation is clear in its findings. These phone calls were unlawful in being taped, they were unconstitutional and they did not interfere, at the end of the day, with any case before the courts or pending going to the courts. This was not a case of what the Deputy describes as over-reaction or panic. It is a very important element of the security of our State and confidence in the Garda. As Mr. Justice Fennelly has pointed out, this happened in Garda stations around the country over a very lengthy period. It has now ended and the situation arising from that means that the root-and-branch analysis of An Garda Síochána will take these matters into account, with the Policing Authority, with GSOC and through the action that the Government will take in respect of any legislation that is necessary.

**Deputy Mary Lou McDonald:** As the Taoiseach knows, the Joint Committee on the Future Funding of Domestic Water Services is meeting to discuss what was supposed to be its final draft report on the future of water services. The recommendations of that report represented

a very significant victory for all those who have opposed domestic water charges and the privatisation agenda at the heart of the Government's water policy. On the basis of that version of the report, domestic water charges would be abolished, the metering programme would be scrapped, and the people would have their say, by way of a referendum, on a constitutional guarantee for the public ownership of water services. The overriding message from the final draft report is that our water supply is not some commodity to be eventually auctioned off by the current Government or any other.

However, it now emerges that Fine Gael and the relevant Minister, Deputy Coveney, will not under any circumstances accept the democratic will of the people or the Oireachtas. The Taoiseach wants to preserve the possibility of water charges through the back door. The Taoiseach wants to maintain the possibility of privatisation at some future date. The bully boys of the Government wish now to sabotage the work of the committee. Like all bullies, they cannot accept when they have lost. Indeed, they are now trying to bully their friends in Fianna Fáil into a U-turn. Indeed, it seems they are trying to bully the people into accepting the Government's water policy.

When will the Taoiseach get it into his head that this is never going to happen? The argument on water has been won on the streets by thousands of protesters who marched at countless demonstrations to defend their rights. It has been won by the majority of Deputies who ran for election to this Dáil on an anti-water-charges platform. It was won for a third time at the Joint Committee on the Future Funding of Domestic Water Services.

The Taoiseach cannot ignore that reality. The people have spoken loud and clear. They turned up in their thousands again on Saturday to reinforce their demands. The Taoiseach has lost. The matter has been settled on the streets by protest, in politics at the general election and in the Oireachtas at the water committee. The draft report, as it stood this morning, met the demands and the democratically-expressed views of the people. That cannot be casually swept under the carpet to suit the Taoiseach's political agenda. The Taoiseach's behaviour - and that of the Government - in particular, his refusal to accept defeat on the issue of water, represents a real crisis in terms of democratic representation. It is time for the Taoiseach to finally listen up: it is over. The Taoiseach has lost and the people have won. It is time for the Taoiseach to be gracious in defeat. Will the Taoiseach now stop undermining the democratic process in the Oireachtas and accept the demands of the people?

**The Taoiseach:** I think Deputy McDonald is a little ahead of herself. As I understand it, the legal counsel is due before the Oireachtas committee in the next five minutes - it is just up ahead of us - to discuss certain matters with the committee. I do not have a report from the Oireachtas committee. Deputy McDonald had a draft report. The committee members are entitled to have their deliberations. They are fully entitled to have their legal advice. They are fully entitled to make their decision in their own way.

Deputy McDonald speaks of victory, loss and winning. She only sees things in such colours, whereby no one has to pay for anything. Deputy McDonald should believe me that water is a precious resource and someone has to pay for it at the end of the day. Someone has to pay for its treatment and all of that.

As I understand it, the committee at this point has agreed there should be a referendum on water and that it should be retained in public ownership by virtue of a vote on the Constitution. Therefore, the nonsense that Deputy McDonald is going on with about some sinister attempt to

privatise Irish Water is only that – nonsense.

I would advise Deputy McDonald, with respect, to allow the Oireachtas committee to do its job. She should listen to the advice of the legal officer who is about to address the committee members in the coming minutes and she should await the findings of the Oireachtas committee.

I hope that a conclusion can be reached because for years and years, people have been able to and have paid for water. In the vast majority of cases, they have been happy to receive high-quality water indeed. Be that as it may, the committee has made substantial progress. I await the final deliberations of the committee members. I hope that we can let them conclude these in the spirit of the responsibility that they were given by the Oireachtas.

**Deputy Mary Lou McDonald:** I respectfully suggest it is in fact the Taoiseach and the Government that needs to allow the committee to get on with its work. The Taoiseach is fully aware that his Minister, Deputy Simon Coveney, has intervened in a most inappropriate and very direct way with the findings and the draft report. Today, we have round two of the plan to sabotage the committee report, spearheaded by the Taoiseach's Government. They are the facts.

The Taoiseach does not have respect for people. He has no respect for the people who have marched in their tens of thousands to set out very clearly their demands in respect of water. The Taoiseach has no respect for people elected to this Oireachtas either, it seems. He deliberately frustrated us since we came here to this Dáil from taking a vote on the matter of water charges on the floor of the House. The Taoiseach set up this committee. It does its work. The Taoiseach does not like its outcome so he has set about sabotaging that, largely, let it be said, by putting pressure on Fianna Fáil.

**Deputy Simon Harris:** Deputy Paul Murphy put pressure on Sinn Féin.

**Deputy Mary Lou McDonald:** Let me repeat for the Taoiseach what I asked originally. What the people on the streets at the weekend want to know is whether their Taoiseach is capable of listening, hearing, understanding and respecting their wishes. Today is the day he needs to make that clear. Will he respect the wishes of the people for the abolition of water charges, for the ending of the water metering programme and for the referendum? Will he commit to all of those elements? Will he assure us that he will back off and allow the committee to complete its work and take his foot off the neck of Fianna Fáil?

**Deputy Patrick O'Donovan:** Deputy Paul Murphy put his foot down on Sinn Féin.

**Deputy Frances Fitzgerald:** Where is Deputy Murphy now?

**Deputy Mary Lou McDonald:** We would expect and hope in that scenario that Fianna Fáil Members will stand firm on their democratic mandate. The people will not back down on this issue. Sinn Féin will not back down. Water charges are dead and over and it is time for the Taoiseach to accept that.

**The Taoiseach:** The Deputy's party has a particular use of certain words like "sabotage".

**Deputy Patrick O'Donovan:** Or "explosive".

**The Taoiseach:** Deputy Paul Murphy sabotaged the Deputy's own party's view on this because Sinn Féin favoured water charges.

**Deputy Simon Harris:** Now Sinn Féin has changed its mind.

**Deputy Patrick O'Donovan:** Gerry said pay the bill. Remember?

**The Taoiseach:** The president and the leader said he would pay his water charges and everybody else nodded in unison. Then, the sound of marching in Tallaght changed Sinn Féin's view. Therefore, I ask the Deputy not to come in here as somebody who is right on everything and exuding righteousness on behalf of the people. The Government has made some serious decisions over recent years that have restored our economic well-being to a great extent, which has allowed two million people to take jobs, have lives and contribute to their country.

The Minister, Deputy Coveney, did not address the Oireachtas committee. He did not interfere with the Oireachtas committee.

**Deputy Pearse Doherty:** He wrote to it.

**Deputy Simon Harris:** He is allowed to write a letter.

**The Taoiseach:** He is perfectly entitled to send in correspondence. Now that they have become all lawful in the Sinn Féin Party, I am quite sure that they realise that the implications of some of the elements of what was being proposed might not be in compliance with the law. I am quite sure that Deputy McDonald wants to be in compliance with the law, as all of her party now proclaim in righteous tones every time I hear them speak.

**Deputy Mary Lou McDonald:** Not nearly as righteous as the Taoiseach.

**Deputy Martin Ferris:** The Taoiseach is a disgrace.

**Deputy Pearse Doherty:** He is an absolute disgrace with comments like that.

**Deputy Michael Harty:** I wish to raise an issue about Shannon Airport and balanced regional development. This week in *The Clare Champion*, *Limerick Leader*, and no doubt other local newspapers in the mid-west there are one and a half page broadsheet advertisements devoted to what appears to be a joint Dublin Airport and Aer Lingus marketing campaign to persuade those of us stuck in the rain in the mid-west to fly off to Spain through Dublin Airport. It even explains how we can bypass Shannon Airport by getting various bus services to Dublin Airport. It is a raw and unapologetic attempt to cannibalise passengers from Shannon Airport. This is not the first campaign like this. One was also carried out last year. The Dublin Airport Authority operates Dublin and Cork airports. It has a throughput of passengers of 27 million. The throughput of passengers through Shannon is 1.7 million. The irony of this is that Cork and Dublin airports are publicly owned while Shannon Airport is independent.

Fair enough, one might say. This is a competitive world and dog can eat dog. However, we have a commitment from this Government to develop rural Ireland and promote balanced regional development, which was enshrined in A Programme for a Partnership Government. The Action Plan for Rural Development has been published. This is the first ever whole-of-Government strategy aimed at delivering real change for people in rural Ireland and, in February, the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, launched Ireland 2040, a consultative process, in an effort to look ahead and to shape long-term planning for the country over the next 20 years. All of these plans are necessary to protect our future, yet people living in rural Ireland wonder whether there will be anything worthwhile left in their areas by the time they are implemented - if they are implemented. The fabric of rural

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Ireland is unravelling, with emigration happening as a result of a lack of infrastructure, a lack of job opportunities and the uncertainty which Brexit brings, particularly to our agricultural community.

The Shannon Airport situation is a good example of a large, State-owned airport in Dublin pillaging business from a small State-owned company in the mid-west. Somebody must shout “Stop” and ask if this is acceptable. I hope the Taoiseach will tell me that this kind of behaviour on the part of a largely publicly owned company against a smaller neighbour is not acceptable and that activities such as this, which undermine Shannon’s viability, are incompatible with the promotion of balanced regional development in the mid-west.

**The Taoiseach:** A number of years ago, the Government made a decision to give Shannon Airport freedom to do its own business and it has improved greatly since then.

**Deputy Timmy Dooley:** No.

**The Taoiseach:** The optimism I feel about Shannon is voiced by many people in business in the mid-west region. Deputy Harty will look at the increase in employment and investment in the greater region in recent years and see clearly that Shannon has a very bright future. It is not for me to decide whether Aer Lingus and the DAA advertise by whatever method. Some 120,000 people from the north-west would have travelled either to Dublin or to Shannon to fly to America in the past 12 months. We are aware of those figures. Competition in advertising is one thing but the loyalty of people from the Shannon region to their own locality is manifest, I am quite sure. I am not sure of the airport connections to the locations the Deputy has mentioned but, clearly, these connections are increasing in number on an annual basis. Unprecedented numbers of people are coming into Ireland and significant numbers are travelling abroad for business or for holidays now that the economy has improved.

The programme for Government sets out the objectives for the development of rural Ireland, with 135,000 of the 200,000 jobs to be in regional Ireland, with the programme announced last week by the Minister for Communications, Climate Action and Environment in respect of the broadband programme and with the opportunity for the development and attraction of inward investment by IDA Ireland. In addition, the improvements in staff and finances to enable Enterprise Ireland to help small and medium enterprises, both the vulnerable and those which are able to export to new areas, speak for themselves.

I am not sure the one-page advertisements in local newspapers which the Deputy mentioned are going to sway the people of the mid-west to travel to Dublin in order to fly to their destinations. People will go where they wish to go. In fact, I remember when all the trouble used to be about Shannon Airport and the landings there from America before aeroplanes would land in Dublin. I remember the late Tony Ryan saying to me down in Shannon, “Let them fly where they want because that is what they will do anyway”. It is a very competitive business and it is not for me to say that Dublin Airport or Aer Lingus should not advertise. Obviously, Shannon has its own capacity to get its own message out, and it is a very good message.

**Deputy Michael Harty:** The reason I raised this issue is not necessarily in respect of the advertising but in the context of the dominance that Dublin Airport is exerting over air travel in this country. There is a proposal to build a new runway at Dublin Airport and it may actually have a new terminal in years to come. This is creating an imbalance in the country and in air travel in and out of Ireland. Ireland needs an effective counterbalance to Dublin and to the

eastern regional economy.

**Deputy Mattie McGrath:** Hear, hear.

**Deputy Michael Harty:** This also applies to broadband, as the Taoiseach has mentioned, and to transport, health and education. We need to address the spatial imbalance that is developing today and is accelerating. Allowing Dublin Airport to dominate entry and exit by air is overheating the Dublin economy, which does not have the infrastructure to cope. The Atlantic economic corridor and other regions must not be undermined by Dublin Airport, which seeks to attain almost total dominance in air travel.

**The Taoiseach:** Deputy Harty is well versed in the programme for rural development, which provides opportunities and, indeed, incentives for communities and regions to benefit from it. Clearly, the Deputy is aware Norwegian Airlines added four flights from Cork and Shannon to North America this year. The numbers coming back in from there will be unprecedented. Tourism Ireland is actively looking at the regional marketing of the west, with a focus on the Wild Atlantic Way, servicing Shannon and other surrounding locations. The figures show ten million visitors to Ireland, 230,000 jobs and expenditure of €5 billion in the hospitality area alone. Consider the small and medium enterprises and the scale of inward investment. Clearly, Shannon, given the nature of the development of the aircraft business, has very clear opportunities. With airports in Knock further north and in Cork, Dublin and Belfast, the island has opportunities. It is all changing, as the Deputy is aware, with more efficient engines and airlines and more people wish to come here. Thanks be to God, Ireland is a safe location to visit and we hope to keep it that way. Clearly, the mid-west has changed utterly in the past ten years. Long may it and other areas continue to prosper in the time ahead. Shannon is a central focus of the mid-west, just as Knock is to the west and north west and Cork is to the south west. Dublin, of course, is a city that is going to grow very strongly again in the next 15 to 20 years.

**Deputy Catherine Murphy:** This morning RTE reported that the Government is considering relaxing the cap on bankers' pay to facilitate a huge salary for the new Bank of Ireland chief executive officer. The cap is already set at €500,000, yet Bank of Ireland has now stated such a cap places it at a competitive disadvantage. It is worth noting that last year alone, Mr. Boucher's total package was €958,000, nearly €1 million. Huge salaries far above the €500,000 cap were paid while the banking fiasco played out. We were told repeatedly that if one pays peanuts, one gets monkeys. Therefore, we paid the exorbitant salaries to the experts, who fiddled while Rome burned and the people were left to pick up the pieces.

The Minister for Finance, Deputy Noonan, has himself said that because the Government now holds a stake of only 14% in Bank of Ireland, it can be more flexible regarding pay. Are we now about to make the same mistake again by proceeding with the sale of AIB shares and further losing control of a sector that cost billions of euro and tore the social fabric out of this country?

AIB is 99.9% State-owned. The money we pumped into it is not the Taoiseach's or mine; it belongs to the people across this country, not just this generation but also generations to come. They deserve to know that any decision taken on AIB will not be informed by some arbitrary decision by the Taoiseach or by the Minister, Deputy Noonan, based on the same advice or the advice of some of the experts and consultants who stood on the sidelines cheering the boom, many of whom have benefitted considerably in advising on how to handle the wreckage of the bust.

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It was heralded recently that the Government is considering a sizeable AIB share sale. I now read that Goodbody Stockbrokers has been appointed along with familiar names such as JP Morgan, Goldman Sachs and Davy, among others. They have been appointed until July 2018. It appears that the Taoiseach expects the sale to proceed almost unnoticed. Have we learned nothing from the mistakes of the past? A share sale means losing control and losing control means a return to the same banking model that got us into trouble in the first place. The salary fiasco in Bank of Ireland is a prime example. Surely the Taoiseach recognises that a decision of such magnitude should be taken by democratic means and is not a simple matter for a minority Government to make. It is a matter for the people and, as such, no such sale should even be contemplated without at least majority support. The Social Democrats have tabled a motion on the Order Paper to that effect. Will the Taoiseach commit to producing a full cost-benefit analysis regarding any proposed share sale of AIB clearly laying out the benefits of a share now, at a future date or not at all? Will he make public the findings of that cost-benefit analysis and will he guarantee that no decision will be taken on any AIB share sale until at least there is a vote in the Dáil?

**The Taoiseach:** Deputy Murphy has raised a couple of issues. It is part of the programme for Government that there would be a sale of up to 25% of AIB. The Minister for Finance has made that perfectly clear on numerous occasions and is proceeding through the process of bringing that to a conclusion.

In respect of pay rates, the situation is that the cap remains and if the person to succeed the current chief executive comes from the internal panel, the cap will still remain in place. Bank of Ireland is in a position to negotiate an arrangement with a competent effective person if it deems somebody from outside to fulfil its requirements.

**Deputy Catherine Murphy:** I suppose clichés exist for a purpose but one that jumps to mind immediately is that if one does not learn from history, it has a tendency to repeat itself. It looks like we are heading back to the same banking model as was in place prior to the crash. Indeed, it was not only the citizens of Ireland who picked up the tab. Many people are in penury who had invested in these banks, in terms of shares for their pensions.

It is essential that there is a cost-benefit analysis on whether to sell, and when to sell if it is decided to sell. It is unconscionable that there would not be a vote in this House given that there is a minority Government. If the cap is breached, may I also ask if the Taoiseach would stand over that kind of salary for the chief executive of a bank, that is, somewhere in the region of €1 million?

**The Taoiseach:** Deputy Murphy has expressed an interest in this on many occasions but there is no economic reason to sell a share in AIB. We are not under economic pressure to do it. The Minister for Finance, the Department and the Government will get the best professional advice they can in respect of the valuation being put on the share to be sold and that would be in the interest of the people because it is held by the Government on behalf of the people. There is no pressure to sell it and the Minister will get the very best professional advice he can and then make a decision based on that best professional advice.

As I stated, the cap remains in respect of salary if that person is from inside the bank. If the Bank of Ireland wishes to negotiate up to the level of the current chief executive with an effective suitable appropriate person from outside, then it has that opportunity.

*Dáil Éireann*  
**Order of Business**

**An Ceann Comhairle:** I call on Deputy Ó Snodaigh to announce the Order of Business for the week ahead.

**Deputy Aengus Ó Snodaigh:** Seo tairiscint an Choiste Gnó maidir le gnó na seachtaine seo.

Tuesday's business shall be No. 4, motion re Committee on the Future of Healthcare to extend its deadline to report back to the Dáil; No. *a9*, statements on water; and No. 9, statements on Brexit, to include No. 10, motion re report of the Joint Committee on European Union Affairs entitled Committee Travel to Brussels 7-8 February 2017 (resumed). Private Members' business shall be No. 98, motion re reform of An Garda Síochána selected by Fianna Fáil.

Wednesday's business shall be No. 10*a*, statements on the report of the Fennelly commission, and No. 9, statements on Brexit, to include No. 10, motion re report of the Joint Committee on European Union Affairs entitled "Committee Travel to Brussels 7-8 February 2017", resumed. Private Members' business shall be No. 99, motion re the Garda Commissioner, selected by Sinn Féin.

Thursday's business shall be No. 1, Inland Fisheries Bill 2017 - Order for Second Stage and Second Stage, and No. 11, Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 [*Seanad*] - Second Stage, resumed. Second Stage of No. 21, Prohibition of Micro-Plastics Bill 2016, will be debated in the evening slot.

With regard to the proposed arrangements for this week's business, I refer Members to the revised report of the Business Committee dated 11 April 2017.

As regards today's business, it is proposed that: the motion re the Committee on the Future of Healthcare to extend its deadline to report back to the Dáil will be taken without debate; the statements on water shall conclude within 80 minutes, with the statements confined to an opening round from a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, which shall not exceed ten minutes each and all Members may share time.

Regarding Wednesday's business, it is proposed that the statements on the report of the Fennelly commission shall conclude within 90 minutes, with statements confined to the opening round and a single second round. On the opening round, statements of a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each. The second round of ten minutes in total shall be confined to members of the Government, Fianna Fáil and Sinn Féin to be divided proportionally on a 40-40-20 basis, respectively, and all Members may share time.

In the context of Thursday's business, it is proposed that the Dáil on its rising shall adjourn until 2 p.m. on Tuesday, 2 May 2017.

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

**Deputy Mary Lou McDonald:** It is not agreed. I object to the proposal of statements on water, for which 80 minutes have been allocated. I remind Members that last week, when pub-

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lication of the draft report was postponed, it was understood that time for debate would be allocated for tomorrow morning and on Thursday morning. There was also an understanding that a motion would be brought forward in respect of the report. Instead, we are offered statements for 80 minutes today. I am advised that Ministers were not available to take the debate on water charges in the Dáil on Wednesday and Thursday. If true, that is astonishing. Nonetheless, we will not accept statements today. We need the report, as drafted, to come through the committee and a motion to come to the floor of the Dáil for Members to debate and on which a vote will be taken - a vote taken in line with the original findings of the committee, in line with the electoral mandate of the majority of Deputies elected to the Dáil and in line with the expectations of hundreds of thousands of people across the State.

**Deputy Mattie McGrath:** On a point of order, we agreed the Order of Business at the Business Committee this morning. I am getting tired of going to the Business Committee every week and having agreed the business at the Thursday meeting seeing it changed the following week. We agreed the business at 11.15 a.m. today.

**Deputy Ruth Coppinger:** It certainly was our understanding that the Joint Committee on the Future Funding of Domestic Water Services would issue its findings today and that there would be two sessions scheduled for the debate on water. That was the understanding last week, not 80 minutes of statements. The concept of statements is becoming quite comical to the public. We continually make statements rather than decisions. People want a decision to be made in respect of this matter. With all due respect to Deputy Mattie McGrath, we want a decision. We have no wish to talk about water for ever either. We should not have to do so. It is clear that the public gave its opinion, regardless of whether people like it. There appears to be prevarication on the Taoiseach's side of the House. Why was that cut back to 80 minutes, and why was it changed, a Cheann Comhairle?

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** To be helpful to the two Deputies, procedurally one cannot bring a motion for something that has not concluded yet. We are all aware the Oireachtas committee on water is still concluding its deliberations downstairs. Once the committee has accepted a draft report I will bring a motion to the House asking it to vote on that draft report but I cannot do it before the committee has finished its work. That was discussed at length this morning. The reason we have statements is to allow everybody to share their views on either accepting or not accepting the draft report.

**Deputy Mary Lou McDonald:** Which we will not have seen.

**Deputy Regina Doherty:** More time was requested this morning for the report and it was also agreed that because the legislation will be before the Houses in the next month, ample time will be given to every single Member of this House to discuss the pending legislation after the draft report has been accepted or rejected by the Dáil.

**Deputy Mary Lou McDonald:** A Cheann Comhairle-----

**Deputy Micheál Martin:** Was that agreed by everybody at the meeting?

**Deputy Regina Doherty:** Yes.

**Deputy Micheál Martin:** I did not even object to the two weeks.

**Deputy Regina Doherty:** We were on a roll.

**Deputy Mary Lou McDonald:** A Cheann Comhairle-----

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

**Deputy Mary Lou McDonald:** I say, respectfully, that is the most arse-about-face approach I have ever heard in my life.

**Deputy Regina Doherty:** A Cheann Comhairle. One cannot be disrespectful.

**Deputy Mary Lou McDonald:** The Chief Whip cannot bring the motion because the committee has not completed its work-----

**Deputy Regina Doherty:** But that is-----

**Deputy Mary Lou McDonald:** Excuse me, but we are to have statements in the absence of that report. That is absolutely farcical and a joke. We are certainly not agreeable to that. What we need is the report, a motion, a debate and a decision. I entirely agree with Deputy Coppinger.

**An Ceann Comhairle:** Could I ask Deputy McDonald to clarify whether it is her proposal then that we do not have the statements if the report is not available to us?

**Deputy Mary Lou McDonald:** It is our proposal that we have the debate on Wednesday and Thursday, as committed to last week, and that the debate is premised on the basis of a motion on the basis of a completed report from the committee. As we know, the report has been drafted and there is a rearguard action by some now to tear it asunder but that is what needs to happen and that is the efficient way for us to go about our business.

**An Ceann Comhairle:** I wish to be clear, for everyone. I am in the hands of the House on this and I cannot determine what we will or will not do but what was decided last week was that the Business Committee would meet this morning at 11.30 a.m. to consider what was the position on the report from the committee. When we met at 11.30 a.m., there was no report from the water committee and nor could we be certain that there would be, but there was a feeling among the Members present at the Business Committee that the issue was so important that there should be statements today on the matter.

**Deputy Mattie McGrath:** Yes.

**An Ceann Comhairle:** Most people were in favour of that and that is why we are where we are in terms of the proposal before us. If Members wish to do something else-----

**Deputy Micheál Martin:** A Cheann Comhairle, could I make a point?

**An Ceann Comhairle:** Yes, of course.

**Deputy Micheál Martin:** It seems to me that Deputy Ó Snodaigh faithfully read out what the Business Committee had agreed this morning. We are happy to go along with that, but within a minute, Deputy McDonald disagreed with Deputy Ó Snodaigh's proposal.

**Deputy David Cullinane:** She is entitled to do that.

**Deputy Micheál Martin:** It is just ridiculous carry-on.

**Deputy Ruth Coppinger:** Fianna Fáil did the same.

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**Deputy David Cullinane:** Fianna Fáil did the same last week.

**Deputy Micheál Martin:** We did not, actually. The point I made is that within a minute, we got conflicting propositions on the Sinn Féin Party's position. One would have thought the Sinn Féin position would have been clear at this morning's meeting. That is a reasonable expectation.

**Deputy Mary Lou McDonald:** I am sorry, a Cheann Comhairle.

**Deputy Micheál Martin:** We have no difficulty with the statements this evening and we have no difficulty with a debate-----

**Deputy Mary Lou McDonald:** I am sure Deputy Martin does not.

**Deputy Micheál Martin:** -----on Thursday and Friday-----

**Deputy Brendan Howlin:** Good Friday.

**Deputy Micheál Martin:** -----because we did most of the heavy lifting on this work over many weeks, far more heavy lifting than Sinn Féin has ever done on the water issue since this Dáil was formed.

**Deputy Damien English:** Deputy Martin looks traumatised.

**Deputy Mary Lou McDonald:** That is very noble of Deputy Martin.

**An Ceann Comhairle:** We will have a final comment from Deputy McDonald and then we will move on. I am sorry but I cannot call Deputy Ó Snodaigh.

**Deputy Mary Lou McDonald:** The reality is that we have reached decision time on the issue and the kicking of cans down the road has to stop. To repeat, what we need is a motion, a debate and a decision on the report. Statements serve absolutely no useful purpose bar for those who perhaps wish to prevaricate and to shove the issue further down the road again. Deputy Ó Snodaigh read out the proposed business on behalf of the committee. It was not a personal statement by him and I am setting out the considered position of Sinn Féin on this matter.

**An Ceann Comhairle:** Again, for the record, Deputy Ó Snodaigh is acting as a rapporteur-----

**Deputy Mary Lou McDonald:** Precisely.

**An Ceann Comhairle:** -----on behalf of the committee so he is quite entitled to present the position and a party is quite entitled to challenge that.

**Deputy Micheál Martin:** It happened before though. There is a different reaction from everybody here. Let us be honest. There is a lot of hypocrisy now.

**An Ceann Comhairle:** There may well be. I am going to put the question.

**Deputy Regina Doherty:** Before the Ceann Comhairle puts the question, I wish to comment in an attempt to be helpful. It is the Government's position to bring forward the motion if the committee concludes its deliberations before 6.05 p.m. If the committee does not conclude its deliberations, I am procedurally unable to bring forward a motion or put something to the House.

**Deputy Mary Lou McDonald:** Stick to the original agreement.

**Deputy Regina Doherty:** Therefore, the debate and statements will start at 6.05 p.m. If the Joint Committee on Future Funding of Domestic Water Services has concluded its deliberations at that stage or beforehand, I will bring forward the motion. If not, the motion will be dealt with during the voting block on Thursday.

**An Ceann Comhairle:** Exactly. Is the proposal for dealing with Tuesday's business agreed to?

**Deputy Mary Lou McDonald:** Not agreed.

Question put:

<i>The Dáil divided: Tá, 92; Níl, 35; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brassil, John.</i>	<i>Brady, John.</i>	
<i>Brophy, Colm.</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>Burton, Joan.</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>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>	
<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Cannon, Ciarán.</i>	<i>Healy, Seamus.</i>	
<i>Carey, Joe.</i>	<i>Kenny, Gino.</i>	
<i>Casey, Pat.</i>	<i>McDonald, Mary Lou.</i>	
<i>Cassells, Shane.</i>	<i>Martin, Catherine.</i>	
<i>Chambers, Jack.</i>	<i>Mitchell, Denise.</i>	
<i>Chambers, Lisa.</i>	<i>Munster, Imelda.</i>	
<i>Collins, Niall.</i>	<i>Murphy, Catherine.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Murphy, Paul.</i>	
<i>Coveney, Simon.</i>	<i>Ó Broin, Eoin.</i>	
<i>Creed, Michael.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Curran, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>D'Arcy, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Deasy, John.</i>	<i>O'Brien, Jonathan.</i>	
<i>Doherty, Regina.</i>	<i>O'Reilly, Louise.</i>	
<i>Donnelly, Stephen S.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Donohoe, Paschal.</i>	<i>Pringle, Thomas.</i>	

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<i>Dooley, Timmy.</i>	<i>Quinlivan, Maurice.</i>	
<i>Durkan, Bernard J.</i>	<i>Ryan, Eamon.</i>	
<i>English, Damien.</i>	<i>Shortall, Róisín.</i>	
<i>Farrell, Alan.</i>	<i>Stanley, Brian.</i>	
<i>Fitzgerald, Frances.</i>	<i>Tóibín, Peadar.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Wallace, Mick.</i>	
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Gallagher, Pat The Cope.</i>		
<i>Grealish, Noel.</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>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kenny, Enda.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>MacSharry, Marc.</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, Dara.</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>Ó Cuív, Éamon.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Troy, Robert.</i>		

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

Question declared carried.

3 o'clock

**An Ceann Comhairle:** Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Mary Lou McDonald:** Can I ask a question?

**An Ceann Comhairle:** Yes.

**Deputy Mary Lou McDonald:** It is for clarity. Statements will be taken today. When the report is completed by the committee, will a motion be brought to the Dáil and will time be made available for a debate?

**An Ceann Comhairle:** Will the Government bring forward a motion?

**Deputy Regina Doherty:** As I said beforehand, we will endeavour to have the motion this evening.

**Deputy Mary Lou McDonald:** No. If the Government does not have the motion this

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evening-----

**An Ceann Comhairle:** The Deputy can have only one intervention.

**Deputy Mary Lou McDonald:** This is important, a Cheann Comhairle.

**An Ceann Comhairle:** I know it is very important but the Deputy can have only one intervention.

**Deputy Mary Lou McDonald:** Thank you, and I would like one answer to that question.

**An Ceann Comhairle:** The Deputy got the answer.

**Deputy Mary Lou McDonald:** It is a reasonable question.

**Deputy Richard Boyd Barrett:** To continue the point, as Deputy McDonald cannot come in again, if the committee report is not ready by this evening, which I would say is highly possible at this stage, if at all, and a motion flows from that, will the Government allow for a debate on that motion?

**Deputy Regina Doherty:** Again, to answer the question, the intention of Government is to have the motion before the debate this evening.

**Deputy Richard Boyd Barrett:** If not-----

**Deputy Regina Doherty:** If that is not possible, we will revert to the Business Committee tomorrow.

**An Ceann Comhairle:** We will move on. Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Mary Lou McDonald:** It is not agreed on the basis that there is uncertainty around this matter of the debate on the motion arising from the committee report. I say respectfully to the Business Committee that this is very messy.

**Deputy Michael Noonan:** It is only yourselves who are making it messy.

**Deputy Mary Lou McDonald:** My concern is that we will have statements this evening, which is fine.

**Deputy Paul Kehoe:** You were paying for it and then you were not paying for it-----

**An Ceann Comhairle:** Can we have order now, please?

**Deputy Mary Lou McDonald:** I was not talking to Deputy Kehoe. I am addressing the Ceann Comhairle.

**Deputy Mary Mitchell O'Connor:** Deputy McDonald is holding everyone up. She is wasting time.

**An Ceann Comhairle:** Please have respect for Deputy McDonald. She has the floor.

**Deputy Mary Lou McDonald:** Thank you, a Cheann Comhairle. My concern is that in the middle of this messing-----

**Deputy Mary Mitchell O'Connor:** The Deputy is messing.

**Deputy Mary Lou McDonald:** -----there will be a motion but that time will not be afforded to debate it. We will be in the ridiculous position, therefore, where we will have statements in advance of the report but no substantive debate on the motion. That is a farcical way to go about our business.

**Deputy Micheál Martin:** I want to put on the record that normally when there is a dispute about the debate it goes back to the Business Committee. I want to make it clear that we have no objection to having a debate on a motion. We did not ask for statements this evening. My understanding is that Sinn Féin and others asked for statements this evening at the Business Committee. I might be wrong but my understanding is that is what happened, and then suddenly-----

**Deputy Aengus Ó Snodaigh:** Deputy Martin was not there.

**Deputy Micheál Martin:** My understanding all along was that there was to be a debate on the report. I propose-----

*(Interruptions).*

**An Ceann Comhairle:** Can we have order, please?

**Deputy Micheál Martin:** Hold on a second. An attempt is being made here to imply that somebody somewhere mystically is blocking something. It is very simple. The Business Committee should be reconvened if there is such a breakdown in agreement, even though it met this morning and apparently agreed all of this. Clearly, that has broken down. I respectfully suggest that the Business Committee meets and sorts this out in terms of what it wants.

**Deputy Mattie McGrath:** As a member of the Business Committee-----

**Deputy Billy Kelleher:** Deputy McGrath will bring a bit of wisdom to the debate.

**Deputy Mattie McGrath:** -----I resent being accused of messing. We do our business in the best manner we can and I object to the way it is being changed and undermined here, but I will not accept that we are messing. I would prefer if Deputy McDonald withdrew that comment.

**An Ceann Comhairle:** Is the proposal for dealing with Wednesday's business agreed to?

Question put: "That the proposal for dealing with Wednesday's sitting be agreed to."

<i>The Dáil divided: Tá, 97; Níl, 34; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	
<i>Barrett, Seán.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brassil, John.</i>	<i>Brady, John.</i>	
<i>Brophy, Colm.</i>	<i>Broughan, Thomas P.</i>	
<i>Browne, James.</i>	<i>Buckley, Pat.</i>	
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>	
<i>Burke, Peter.</i>	<i>Connolly, Catherine.</i>	

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<i>Burton, Joan.</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>Doherty, Pearse.</i>	
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>	
<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Cannon, Ciarán.</i>	<i>Healy, Seamus.</i>	
<i>Carey, Joe.</i>	<i>Kenny, Gino.</i>	
<i>Casey, Pat.</i>	<i>McDonald, Mary Lou.</i>	
<i>Cassells, Shane.</i>	<i>Mitchell, Denise.</i>	
<i>Chambers, Jack.</i>	<i>Munster, Imelda.</i>	
<i>Chambers, Lisa.</i>	<i>Murphy, Catherine.</i>	
<i>Collins, Niall.</i>	<i>Murphy, Paul.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Nolan, Carol.</i>	
<i>Coveney, Simon.</i>	<i>Ó Broin, Eoin.</i>	
<i>Creed, Michael.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Curran, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>D'Arcy, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Daly, Clare.</i>	<i>O'Brien, Jonathan.</i>	
<i>Deasy, John.</i>	<i>O'Reilly, Louise.</i>	
<i>Doherty, Regina.</i>	<i>O'Sullivan, Maureen.</i>	
<i>Donnelly, Stephen S.</i>	<i>Pringle, Thomas.</i>	
<i>Donohoe, Paschal.</i>	<i>Quinlivan, Maurice.</i>	
<i>Dooley, Timmy.</i>	<i>Shortall, Róisín.</i>	
<i>Durkan, Bernard J.</i>	<i>Smith, Bríd.</i>	
<i>English, Damien.</i>	<i>Stanley, Brian.</i>	
<i>Farrell, Alan.</i>	<i>Tóibín, Peadar.</i>	
<i>Fitzgerald, Frances.</i>		
<i>Fitzpatrick, Peter.</i>		
<i>Flanagan, Charles.</i>		
<i>Fleming, Sean.</i>		
<i>Grealish, Noel.</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>Heydon, Martin.</i>		
<i>Howlin, Brendan.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		

<i>Kelleher, Billy.</i>		
<i>Kenny, Enda.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>MacSharry, Marc.</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, Catherine.</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, Dara.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Cuív, Éamon.</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'Dowd, Fergus.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		

<i>Ryan, Eamon.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smith, Brendan.</i>		
<i>Smyth, Niamh.</i>		
<i>Troy, Robert.</i>		
<i>Wallace, Mick.</i>		

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

Question declared carried.

**Deputy Aengus Ó Snodaigh:** I take it now that if the committee reports, a Business Committee meeting will be convened to table the motion and the time required, be it on Wednesday or Thursday of this week, and hopefully there will be sufficient time proposed by that Business Committee meeting.

**An Ceann Comhairle:** If the House requires a Business Committee meeting to be held, then we will hold it and we will consider those matters.

**Deputy Regina Doherty:** The objective is to bring the motion to the House this evening. If that happens then the Deputy's request will not need to be acceded to.

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

**Deputy Ruth Coppinger:** I understand that my colleague raised on the Business Committee the prospect of a debate on the Bus Éireann situation. Will the Ceann Comhairle give an assurance that such a motion could be tabled between 10 a.m. and 12 noon on Thursday? I raise this issue because at that point workers will have been on strike for more than 20 days. This is the equivalent of four week's pay for most people, four weeks multiplied by five days being 20 days. The Minister for Transport, Tourism and Sport, Deputy Shane Ross, has been pretending that the situation has nothing to do with him.

**An Ceann Comhairle:** Wait now, Deputy.

**Deputy Ruth Coppinger:** This should be-----

**An Ceann Comhairle:** We cannot have a debate on the matter.

**Deputy Ruth Coppinger:** We-----

**An Ceann Comhairle:** We cannot have a debate on the matter.

**Deputy Ruth Coppinger:** The reason we should debate it is the 2,600 workers who depend for their livelihood on Bus Éireann. There is talk of redundancies and reducing the composite pay of the workers by a dramatic amount. We have not had a proper debate on this in the Dáil. We have had Topical Issue debate with Deputies speaking for one minute, but this is obviously the key industrial dispute of our time over recent months and we should be debating it in Dáil Éireann. I ask the Ceann Comhairle to agree that we could table something between 10 a.m. and 12 noon on Thursday.

**An Ceann Comhairle:** It is not for me to agree. It is a matter for the Business Committee

to agree. Deputy Coppinger's colleague, Deputy Mick Barry, raised this issue this morning. We are conscious of the fact that as we speak, the Labour Court is considering this particular subject. We have adopted a protocol around how to deal with industrial disputes. Members agreed today that if the Labour Court fails to reach an agreement today, the matter would again be considered by the Business Committee and time would be made available for a debate.

Is the proposal for dealing with Thursday's business agreed to? Agreed.

### **Committee on the Future of Healthcare: Motion**

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

That the Order of the Dáil of 1st June, 2016, as amended by the Order of the Dáil of 13th December, 2016, relating to the special all-party Committee on the Future of Healthcare, be amended in paragraph (*I*) by the deletion of '28th April, 2017' and the substitution therefor of '31st May, 2017'."

Question put and agreed to.

### **Ceisteanna - Questions**

#### **Brexit Issues**

1. **Deputy Micheál Martin** asked the Taoiseach if he will report on the breakdown in talks in Northern Ireland; if he has spoken to the British Prime Minister, Theresa May, regarding same; if this deadlock will be overcome; his views on the fact that emergency powers are now allowing senior civil servants take control over Stormont's finances; and the way he envisages that concerns for Northern Ireland following the instigation of Article 50 will be addressed. [16401/17]

2. **Deputy Gerry Adams** asked the Taoiseach if he has spoken to party leaders in Northern Ireland in relation to the restoration of political institutions there since the deadline for the nomination of First and deputy First Ministers on 27 March 2017. [16410/17]

3. **Deputy Michael Moynihan** asked the Taoiseach if the absence of the Northern Ireland Assembly will have an impact on the Brexit negotiations. [16724/17]

4. **Deputy Seán Haughey** asked the Taoiseach if he has spoken to Northern Ireland leaders since the Northern Ireland Assembly elections and since the deadline was extended. [17827/17]

5. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his engagements with political leaders in Northern Ireland and the UK on plans to restore the political institutions following the Northern Ireland Assembly elections. [17851/17]

6. **Deputy Micheál Martin** asked the Taoiseach if he has spoken with Prime Minister May regarding the ongoing talks on the Northern Ireland Assembly and the way in which legacy issues will be addressed. [18285/17]

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**Taoiseach (Enda Kenny):** I propose to take Questions Nos. 1 to 6, inclusive, together.

I discussed the political situation in Northern Ireland with Prime Minister May when I spoke to her by phone on 29 March. The main political parties in Northern Ireland have been invited to participate in political talks, which started on Monday, 3 April in Belfast. The Irish and British Governments are agreed that this phase of talks will be best supported by an intensive process to drive progress here.

The talks have two objectives, first, to allow the political parties to reach an agreement on the formation of a new Executive, and second, to address the implementation of outstanding issues from previous agreements. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, is representing the Government during this phase of discussions and is keeping me continually informed.

It is critically important to see devolved government restored and working effectively in the interests of the people of Northern Ireland, in particular in the context of Brexit. As a co-guarantor of the Good Friday Agreement, the Government is determined to uphold its principles and protect its institutions. We will continue to work to this end with the British Government and with all of the parties in the discussions that are under way in Belfast. I and the Government will continue to advocate very strongly for Northern Ireland's interests to be protected in the Brexit negotiations. There is, however, no substitute for an Executive speaking with one voice on these critical issues. All concerned must, therefore, redouble efforts to achieve the re-establishment of power-sharing government in Northern Ireland.

**Deputy Micheál Martin:** As the Taoiseach knows, it is my view that the Northern Ireland Assembly and the Executive should never have collapsed in the first instance. I believe that it was an engineered decision for electoral purposes. The result is that Northern Ireland now lacks a coherent voice, especially on Brexit, which is the single, greatest, once in a generation challenge to the island of Ireland. The Good Friday Agreement and the institutions of the Agreement, particularly the North-South Ministerial Council, could have been very useful mechanisms in facilitating a proper coherent response by Northern Ireland and Ireland to the challenges of Brexit.

I ask that the Taoiseach reports on the progress of the talks. Yesterday, I believe, Sinn Féin started demanding an election if there is no agreement by Friday. For its part, the DUP appears still to be refusing to give an unambiguous commitment to implementing past agreements. The other parties have been pushed to the margins by the two largest parties. This is a trend we have seen happening time and time again.

It is clear to me that the policy of disengagement from the process that was developed over the last six years by the two Governments has to end as it simply does not work. It has failed miserably. Time and again, the DUP and Sinn Féin have proven that they cannot just be left to get on with it. Each party is blaming the other for not moving forward. While Sinn Féin will argue that it has done nothing wrong in government, the smaller parties find that very difficult to comprehend, given that they were excluded from receiving even basic information when they were in the Executive. That was one of the reasons they left. The current negotiating dynamic does not appear to be working. I ask the Taoiseach to indicate whether he has spoken to Prime Minister May about this and if he and the Prime Minister have agreed to hold any further meetings specifically to discuss the impasse in these talks.

**The Taoiseach:** The last time I spoke to the Prime Minister, I expressed the hope that the politicians elected to the assembly would accept their responsibility and get on with putting together an Executive. I think everybody can agree that this is absolutely essential if the issues that affect the people of Northern Ireland, which were voiced on two occasions at the all-island forum and on many more besides, are to be addressed effectively. We all know that in the previous Executive, the then First Minister and deputy First Minister, now deceased, were able to write a letter to the British Prime Minister setting out what were their common objectives. That is needed now more than ever. I agree with the Deputy that if the North-South Ministerial Council were now in operation, it could be convened on a regular basis to discuss the issues in the different sectors that are important here.

I also spoke to the Secretary of State, Mr. Brokenshire, in Derry at the funeral of the late Martin McGuinness. Although I do not speak for the Prime Minister in this, from my conversations with her and for my part, if it comes to it that we have to engage at prime ministerial and Taoiseach level, then we will do that. The important issue here is that, at the level that it is now being discussed, the politicians have to be able to put together an Executive. The DUP and Sinn Féin, as the two largest parties, hold a really responsible position and have a decision to make here. I saw the comment from the leader of the Sinn Féin group saying that if an Executive is not put together by the end of the week, it wants another election. I am not sure what that is about, whether it is putting it up to the Secretary of State or a clear position of wanting to have another election. The fact of the matter is that people have been elected from a range of parties to the Assembly. The two largest parties have a duty and a responsibility to sit down in the interests of the people they represent and form an Executive. Northern Ireland should have a clear voice in order that we can get on with the business of discussing the issues of Brexit. If that is not going to happen - I will be speaking again to the Minister for Foreign Affairs and Trade this evening - I am quite happy to engage as necessary with the British Prime Minister, as Deputy Martin is aware.

**Deputy Mary Lou McDonald:** For the information of the House, the Taoiseach and the leader of Fianna Fáil, a fresh election is envisaged because that is what the legislation provides for. I am sure both gentlemen are aware of that.

**The Taoiseach:** It also provides for an Executive to be set up.

**Deputy Mary Lou McDonald:** It is extremely alarming that the Taoiseach continues to entirely misunderstand his role in these matters. The Taoiseach needs to lift the phone to Theresa May. It is quite disgraceful that he has not done so at this stage as we are five and a half weeks at this. It is the political equivalent of a slow bicycle race.

We are speaking into a vacuum, it seems, as regards the DUP. We have come not with a Sinn Féin shopping list but with an audit of outstanding issues that have to be implemented. People in the North expect a very basic thing. They expect that when two Governments and political parties sign up to sworn agreements on issues that might be contentious, those matters will be implemented. That is what good government means. Yes, we want to get the Executive back up and running but it has to be credible. Credible means delivering.

The Taoiseach shakes his head benignly at me and I very much welcome that.

**The Taoiseach:** I am nodding my head.

**Deputy Mary Lou McDonald:** The Governments have also defaulted on their obligations.

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It is a matter of all parties implementing - that is what we want. Why is that such a contentious thing to ask for? How could the Taoiseach imagine that we could re-establish an Executive or institutions on any other basis?

Deputy Micheál Martin believes that the institutions should not have been collapsed. Of course, Deputy Micheál Martin does not represent anybody in the North of Ireland. He struggles with the notion that institutions come down because corruption has been discovered.

**Deputy Micheál Martin:** Sinn Féin's leader in the North promoted the ash scheme.

**Deputy Mary Lou McDonald:** Is this not very interesting? Fianna Fáil struggles with the idea of a political system reacting to allegations of corruption, coming from within the DUP in respect of advisers and so on. I must stress they are only allegations but they are very serious. Here is the newsflash for the leader of Fianna Fáil: people in the North do not just want credible institutions, they want clean ones.

**An Leas-Cheann Comhairle:** Your time is up, Deputy.

**Deputy Micheál Martin:** Sinn Féin's leader in the North promoted it.

**Deputy Mary Lou McDonald:** When they are found not to be clean, the people respond in a very negative way. That is how Nationalists, republicans and others in the North of Ireland actually roll, Deputy Martin.

**An Leas-Cheann Comhairle:** You have exceeded your time, Deputy.

**Deputy Micheál Martin:** No one is more corrupt than your gang.

**Deputy Pearse Doherty:** The party of corruption is speaking now.

**Deputy Micheál Martin:** No one is more corrupt than Deputy Doherty's gang --- Sinn Féin and its colleagues.

**Deputy Pearse Doherty:** How many went before the tribunal? How many brown envelopes were handed over?

**Deputy Micheál Martin:** No one could be more corrupt in terms of the destruction of Ireland politically than Sinn Féin-IRA.

**Deputy Mary Lou McDonald:** Deputy Martin's party wrote the guide book on corruption.

**Deputy Micheál Martin:** It is a very touchy subject for Sinn Féin.

**An Leas-Cheann Comhairle:** The Deputies can have their one-to-one outside. In here they cannot do that. I call Deputy Haughey, without interruption.

**Deputy Seán Haughey:** I think we all need to calm down a bit. Brexit will have major implications for the Republic of Ireland, Northern Ireland and the all-island economy. It has major consequences also for the peace process and, in particular, the Good Friday Agreement. These implications will have to be teased out as the negotiations continue. It is vital that the institutions in Northern Ireland be established as soon as possible.

There is a Conservative Government in the UK. Conservative Governments traditionally do not have much time for devolved administrations. It is therefore really important that the Irish

Government be proactive on this issue and actively engage with the British Prime Minister, the British Government and the Secretary of State to ensure that agreement is reached on time. The Taoiseach and the Minister for Foreign Affairs and Trade in particular have to be proactive on this, given the circumstances. The whole peace process is fragile and could unravel very easily.

As regards the all-island economy and the promotion of tourism and the economic development on this island generally, the free travel scheme was announced on this day 50 years ago. It was a simple measure but it had a profound impact. As I am on my feet, I ask the Taoiseach to give an assurance that the Government has no plans to restrict its use or to scrap the scheme altogether. All of us will agree that it was a revolutionary measure with a profound impact, particularly for the elderly and the disabled.

**An Leas-Cheann Comhairle:** We will take Deputy Howlin's one and then the Taoiseach will respond.

**Deputy Brendan Howlin:** While I do not want to get involved in everybody else's scrap-----

**An Leas-Cheann Comhairle:** The Taoiseach is taking note.

**Deputy Brendan Howlin:** -----one should be allowed to ask one's parliamentary questions if other people eat up the time. I am really worried on a number of fronts. I am worried that Northern Ireland is not properly represented in respect of the ongoing Brexit talks now they have formally started. I do not believe the people of Northern Ireland will be adequately represented by the Theresa May Government, no more than will be the people of, or the implications for, the whole island of Ireland. I am also worried - I know we will hear protests about this - that there is at least a strong prevailing view within both the largest parties in Northern Ireland that another election might actually be in their interests. I would be interested in the Taoiseach's view on this. In the case of Sinn Féin, it may well become the largest party. For the DUP, bluntly, there could hardly be a worse election than the last one and those from that party might be able to cannibalise UUP votes. It is concerning if this is driving the lack of progress that seems to have materialised in the past five and a half weeks.

What additional initiative will the Taoiseach take to ensure that no stone is left unturned to try to end the current impasse before we are plunged into another set of elections? I do not believe that in the aftermath of another divisive political campaign, anything will be resolved other than a deeper entrenchment of fixed views. Is there anything further the Taoiseach can do? Perhaps Deputy McDonald is right. Could the Taoiseach sit down with the British Prime Minister to and make the case that this is sufficiently important to warrant a joint initiative?

**An Leas-Cheann Comhairle:** The Taoiseach may respond to all of the questions.

**The Taoiseach:** I recognise what Deputy Haughey has been talking about. When free travel was introduced by his late father 50 years ago, the move was revolutionary. It was always seen as something that was very good for a Minister to be able to do. Millions of people have availed of it once they passed the particular age. I assure Deputy Haughey that there is no intention whatsoever to scrap the free travel scheme. There is an important social dimension relating to connection for people throughout the country, as well as for those who travel from abroad but who are Irish and who come back here. They have that facility as well. There is no intention along the lines suggested.

Deputy Haughey asked a question on Brexit and Deputy Howlin made another comment. I

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am unsure as to whether those involved are playing games now. It is a serious matter. However, let us follow Deputy McDonald's logic. I recall Sinn Féin comments after the election to the effect that the Northern Ireland Executive was more important than the personality of the First Minister to be appointed. If that is the case and if those in the Sinn Féin party are serious about putting together an Executive, then they should not be contemplating the end of the line in the legislation or another election. Perhaps that is what they are contemplating. However, if those in the party are serious, then the new leader should be sitting down with a view to-----

**Deputy Mary Lou McDonald:** She is meeting all the parties.

**The Taoiseach:** I hear different things.

**Deputy Mary Lou McDonald:** She is meeting extensively-----

**An Leas-Cheann Comhairle:** Please, the Taoiseach without interruption.

**The Taoiseach:** Why then are we having ultimatums?

*(Interruptions).*

**An Leas-Cheann Comhairle:** We cannot have this.

**The Taoiseach:** Why then are we having ultimatums about another election?

**An Leas-Cheann Comhairle:** Can we move on to the next question?

**The Taoiseach:** If it is possible to do it, then let it happen. The traditional thing was always that the British Prime Minister and the Taoiseach of the day would arrive in Belfast at the last minute. There would always be a demand for more money and yet more money. That has always been the case over the past 30 years. If the DUP and Sinn Féin are serious, they can sort this out quickly if they want. If they do not want to do so, then other options have to be considered.

**Deputy Mary Lou McDonald:** We are all serious about delivering on these matters

**An Leas-Cheann Comhairle:** The Taoiseach to speak, please. The Taoiseach did not interrupt Deputy McDonald.

**The Taoiseach:** As far as I am concerned, we have co-guarantorship responsibility for the Good Friday Agreement.

*(Interruptions).*

**Deputy Micheál Martin:** Sinn Féin appointed a spin doctor one month before the collapse-----

**An Leas-Cheann Comhairle:** Please, the Taoiseach to speak without interruption from any Deputy.

**The Taoiseach:** We will continue to see that this happens.

**Deputy Pearse Doherty:** That is disgraceful. Martin McGuinness tried to keep the Northern Executive going. Deputy Micheál Martin's little snide comments are of no help.

**An Leas-Cheann Comhairle:** The Taoiseach, without interruption. Deputy Pearse Doherty should be aware that there are rules to which we must adhere.

**The Taoiseach:** It was not possible to get agreement on how to deal with the legacy issues of Northern Ireland. These are very serious and sensitive on both sides. It was not possible to deal with the question of the Irish language, which I favour strongly.

**Deputy Mary Lou McDonald:** We had agreement on that.

**An Leas-Cheann Comhairle:** I thank the Taoiseach. He has exceeded his time.

**Deputy Mary Lou McDonald:** The Taoiseach has not challenged them on that matter.

**The Taoiseach:** The essential point is-----

**An Leas-Cheann Comhairle:** Deputy McDonald, if we are going to have a debate-----

**The Taoiseach:** The essential point is that two major parties have the biggest responsibility to sit down.

**Deputy Mary Lou McDonald:** We have agreed to the mechanism for that.

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

**The Taoiseach:** I hear a great deal of talk about the willingness of Sinn Féin to form an Executive. I accept that. Is Deputy McDonald telling me that the DUP does not want to form an Executive? That is the corollary of what she is saying.

**An Leas-Cheann Comhairle:** Hold on.

**Deputy Mary Lou McDonald:** Can I be of help to the Chair?

**An Leas-Cheann Comhairle:** No. The questions are to the Taoiseach. Time is running down. Do Deputies want another round of one-minute questions? Next is Deputy Micheál Martin.

**Deputy Brendan Howlin:** My question was bundled together for lack of time. Yet, other people can seem to banter about whatever they like.

**Deputy Mary Lou McDonald:** I have no interest in bantering. These are serious issues and the clock is ticking.

**An Leas-Cheann Comhairle:** I will give the Taoiseach extra time to answer Deputy Howlin. A supplementary answer for Deputy Howlin.

**The Taoiseach:** I can answer the question for Deputy Howlin. The Minister for Foreign Affairs and Trade, Deputy Flanagan, has been up there all day. He has been up there for several weeks now, off and on, working with the parties and representing the Government. He is there again today. I will be talking to him later. Deputy Howlin asked me what else I can do. The Deputy should note that if the two parties do not want to form an Executive, they will not form one.

**Deputy Brendan Howlin:** Is that the Taoiseach's view?

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**The Taoiseach:** Is Deputy Howlin suggesting that we go down the old road of incentives and offer a sweet?

**Deputy Mary Lou McDonald:** No, that is a cop-out.

**The Taoiseach:** The people have voted. They voted for the parties. Their representatives are in Stormont. There is a requirement to put an Executive together so that we can have leadership from Northern Ireland on the issues that are going to impact on thousands of people arising from Brexit. We know what those issues are because they have been articulated by Northern Ireland businesses, trade unions, farmers, students and people in general from both sides of the community. They want leadership in the Northern Ireland Assembly that they have elected, but it is not materialising.

**Deputy Mary Lou McDonald:** The Taoiseach should get his skates on.

**The Taoiseach:** Am I supposed to go up there with the UK Prime Minister, Ms May, take the hands of the leaders and tell them to sit down and put this together? Surely, the Sinn Féin programme and the DUP programme should be meshed in some way? There may be areas where they cannot agree but they should have a common set of objectives.

**Deputy Mary Lou McDonald:** That is nonsense.

**The Taoiseach:** Deputy Howlin asked what else we can do. We will continue to be very active in this regard. As I said earlier to Deputy Micheál Martin, if it means that-----

*(Interruptions).*

**Deputy Brendan Howlin:** I have not-----

**An Leas-Cheann Comhairle:** I am doing the best I can. The Taoiseach will get to the Deputy.

**Deputy Brendan Howlin:** I have not got to put a second question yet.

**The Taoiseach:** If I have to go up there with the UK Prime Minister, then I will do that.

**An Leas-Cheann Comhairle:** Deputy Micheál Martin has one minute for a supplementary question. One minute will be one minute only.

**Deputy Micheál Martin:** I want to make a point through the Chair. The Northern Ireland Executive and the Assembly were deliberately scuttled on an issue that everyone knew about six months in advance, namely, the renewable heat scandal. Sinn Féin has no monopoly in the context of objecting to corruption, no more than anyone else. Tonight's "Panorama" programme might be revealing in that regard.

I want to make the point that what we got in the last all-island Brexit forum was a clear message from the civil dialogue people from Northern Ireland. It was simply this: there is an absence of a coherent voice on Brexit at the table in Northern Ireland because of the collapse of the Northern Executive and the Assembly. The overriding imperative has to be to restore the Northern Executive and Assembly rather than seeking election after election, as if the whole purpose of the Good Friday Agreement was electoral advantage and appealing to the base all the time. Let us remember that a month before the collapse of the Northern Executive, both parties appointed a joint spin doctor on the grounds that they had a good story to tell. One

month later, it collapsed. People can make up their own minds about that. In any event, the Brexit issue demands that the parties come together, put aside their squabbles and organise the restoration of the Executive and the Assembly. They both now have a mandate to do that. The others do too of course.

**Deputy Mary Lou McDonald:** I strongly object to anyone describing issues around dealing with the legacy of the past, matters relating to a bill of rights, marriage equality or dealing with Irish language rights as petty squabbles. They are not one bit petty. They go to the heart of people's basic civic rights in Northern society.

As it happens, I was in Belfast last night. There is a clear voice from civic society looking for leadership. That same voice is telling us clearly that we should not back down on these basics. We are not doing another ten years of going around in circles and having the same endless debate and argument. We have agreed on these matters. We want the agreement relating to them implemented. In that regard, the Taoiseach should be on the blower to Theresa May. The Taoiseach should be asserting himself as co-guarantor of the Good Friday Agreement and the subsequent agreements. That is the expectation of the Taoiseach in his role.

Reference was made to the issue of a single voice on Brexit. The DUP took a pro-Brexit line. Arguably, that was the prerogative of the party. There is no single view between Sinn Féin and the DUP. That is the reality. Furthermore, Theresa May has made clear that she is not interested in affording to the North of Ireland or Scotland or anywhere else a significant role at the table in respect of Brexit. Consequently, people in the North rely on the Taoiseach to do his job and to represent them.

**Deputy Brendan Howlin:** Deputy McDonald was right when she said that there is no single view in respect of whether the United Kingdom should have stayed in the European Union. However, there is surely a commonality of interest in respect of what is good for the people of Northern Ireland and the people of the island of Ireland as a whole such that we can build a consensus view. Unfortunately, there is nobody at the table with the authority to speak for Northern Ireland as long as there is no Executive. That is the issue.

I know that Sinn Féin representatives have a view that none of us can speak with authority on Northern Ireland, only themselves. I believe that is a partitionist view and a wrong view. Sinn Féin should not shout down people and ask who people represent and all the rest of it. All of us with an interest in this island and the peoples of this island have something to say. We should be respected and at least listened to when we say that.

**Deputy Mary Lou McDonald:** On the basis of fact, yes.

**Deputy Brendan Howlin:** The very real question the Taoiseach asks is whether I or the House want Theresa May to arrive up and hold hands as Taoiseach and Prime Minister have done on every occasion and ride into it. I know from talking to people, including the American facilitators of peace over the time, that the question is about when they will actually stand on their own two feet. Will it be in a decade, two decades or three decades? When will the devolved administration be its own creature? That is not to say that we will not have something to say or that the British Government will not be co-guarantors and have a right to overview solemn international agreements, but ultimately responsibility must reside with the people elected in Northern Ireland and others must not constantly be blamed. I believe that matters are of such a pass now that some sort of intervention from the Taoiseach is justified.

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**The Taoiseach:** Deputy Martin made the point very clearly that following the collapse of the Executive, the situation is now that there is no leadership at Executive level in Northern Ireland. The Ulster farmers want to know what subsidy the British taxpayer is going to have to put out when Brexit takes effect and the CAP is no longer there. What is the situation for the Erasmus programmes and the collaborations between universities here, in Northern Ireland and in Britain? What is the situation for the corporate tax rate, for which authority was devolved to the devolved Assembly? Why is it that in Scotland there is a devolved assembly and it is the same in Wales? They do not agree on everything, but they have a voice. Deputy McDonald said-----

**Deputy Mary Lou McDonald:** They do not have D'Hondt. It is a completely different system of governance.

**The Taoiseach:** -----there is no singular voice. I am not asking for a singular voice. As Deputy Howlin rightly pointed out, there are a whole range of issues that are important to-----

**Deputy Mary Lou McDonald:** The level of ignorance is astonishing.

**The Taoiseach:** -----the DUP and to the Sinn Féin Party. There may not be a singular voice, but there must be an agenda that they want reflected in the actions taken for the people that they represent.

**Deputy Mary Lou McDonald:** The Scottish have a singular position.

**The Taoiseach:** It is true to say that Sinn Féin cannot continue not to accept that responsibility and to wait for somebody else to put the Executive together for it. It is time for parties to focus-----

**Deputy Mary Lou McDonald:** The Taoiseach is a co-guarantor-----

**The Taoiseach:** -----on the real issues and say that these are the things we can agree on, this is what we do not agree on, but here is the complete agenda. In so far as my job is concerned-----

**Deputy Mary Lou McDonald:** So that we can see people's-----

**Deputy Pearse Doherty:** Park the Irish language, park Brexit, park dealing with the past-----

**An Leas-Cheann Comhairle:** Deputies, please. The Taoiseach to conclude.

**The Taoiseach:** We will continue with our co-guarantorship of the Good Friday Agreement and help them where we can.

**Deputy Mary Lou McDonald:** The Taoiseach is a waste of space, God bless him.

**The Taoiseach:** One can bring a horse to water but one cannot make it drink.

## **Brexit Issues**

7. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his engagements with Mr. Donald Tusk on the Brexit negotiating mandate from the EU Council to the EU Commission. [16426/17]

8. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his Department's engagements with the EU's Brexit negotiating team, led by Mr. Michel Barnier. [16459/17]

9. **Deputy Joan Burton** asked the Taoiseach the details of his approach to negotiations to the forthcoming discussions with fellow EU heads of government in view of the fact that Article 50 has been triggered by the United Kingdom to withdraw from the EU. [16732/17]

10. **Deputy Micheál Martin** asked the Taoiseach the contributions he will be making on the Brexit negotiations at the April EU Council meeting. [16718/17]

11. **Deputy Micheál Martin** asked the Taoiseach the way he and his Department are deepening the links with Ireland's EU partners following Article 50 being triggered. [16720/17]

12. **Deputy Joan Burton** asked the Taoiseach the further discussion he had with the European chief negotiator for Brexit, Mr. Barnier; and if he sought specific reference for the island of Ireland in the EU 27 negotiating position. [16733/17]

13. **Deputy Joan Burton** asked the Taoiseach if he has had further discussions with Mr. Barnier, European chief negotiator for Brexit; and if he has sought specific reference for the island of Ireland in the EU 27 negotiating position. [17712/17]

14. **Deputy Gerry Adams** asked the Taoiseach if he will report on his engagements with the President of the European Council, Mr. Donal Tusk, in respect of the European Council's Article 50 negotiating mandate. [17836/17]

**The Taoiseach:** I propose to take Questions Nos. 7 to 14, inclusive, together.

As I have previously reported to the House, I have met with the head of the Commission Brexit task force, Mr. Michel Barnier, on a number of occasions, most recently on 2 March when I visited Brussels. We also continue to have regular ministerial and official-level engagement with Mr. Barnier and the task force, particularly through our permanent representation in Brussels.

I see the President of the European Council, Mr. Donald Tusk, regularly at meetings of the European Council. My most recent bilateral meeting with him was in Brussels on 2 March. Over recent months, I have continued my intensive programme of strategic engagement on Brexit. In addition to Mr. Tusk and Mr. Barnier, I have met with the President of the European Commission, Mr. Jean-Claude Juncker, and the President of the European Parliament, Mr. Antonio Tajani. I have also held bilateral meetings with a number of EU counterparts, including the leaders of France, Spain, Poland, Malta, Cyprus and Belgium. Most recently, I met with Chancellor Merkel in Berlin on Thursday, 6 April, when we had a very constructive discussion about the upcoming negotiations. Of course, I also speak regularly with my EU colleagues in the margins of the scheduled and the informal meetings of the European Council.

The Minister for Foreign Affairs and the Minister for European Affairs have both also been engaging in extensive outreach with EU partners, while other Government Ministers continue to engage with their own EU counterparts. There has also of course been ongoing extensive engagement at senior official level.

In all these meetings, we have highlighted and explained in detail our particular concerns arising from Brexit in relation to Northern Ireland, the Good Friday Agreement, the Border and citizenship issues and have stressed the need to reflect those in the negotiating guidelines and

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the final agreement. I very much welcome the fact that the guidelines, circulated by Mr. Tusk on 31 March, highlight these issues and identify the aim of protecting the peace process and avoiding a hard Border. This is the positive outcome of the Government's patient and careful work over recent months. The guidelines will be discussed at ministerial and senior official level ahead of the European Council on 29 April.

Although we regret the UK's decision to leave the EU, we have been preparing solidly for a long time and we are ready for the negotiations ahead. We understand our concerns and have a clear sense of our priorities, including in relation to trade and the economy. Now that the EU guidelines have issued, the Government is preparing a consolidated policy paper setting out our approach to the forthcoming negotiations. This will be published later this month. Ireland will be part of the EU 27 team and we look forward to working with our EU partners to ensure the negotiations are conducted in a calm and constructive way and that we achieve the best possible result for our country, our citizens and our businesses.

I have finalised a meeting with the leader of the Netherlands, Mr. Mark Rutte, and the Prime Minister of Denmark, Prime Minister Rasmussen. I think that is to go ahead on 21 April. We are the three countries that are indicated to be the most adversely affected by Brexit. I intend to have direct discussions with these prime ministers in the Hague.

**Deputy Brendan Howlin:** It is reported in today's *Financial Times* that the 27 EU member states are set to approve tough draft Brexit guidelines, among which would be that Britain will have to accept EU laws, the jurisdiction of the European Court of Justice and pay a determined amount in budget fees if Britain is to seek even a gradual transition from the Single Market. Is there any agreement within the EU 27 on the negotiating mandate? Is there a strategy for an interim deal after the two-year negotiating period as part of the negotiating strategy or has the Taoiseach a view on that?

With regard to the view expressed in this House many times of a bespoke deal for Northern Ireland, is there any progress on that? Does the Taoiseach have any further thoughts on how EU citizens living in Northern Ireland post-Brexit will vindicate their EU citizenship and Irish citizenship, though they will live at that stage outside the borders of the EU?

**An Leas-Cheann Comhairle:** The next question is in the name of Deputy Joan Burton.

**The Taoiseach:** Are we going to take answers first?

**An Leas-Cheann Comhairle:** There are 13 minutes left so if we wish-----

**Deputy Brendan Howlin:** If we go through everybody, we will have lost the first question.

**Deputy Micheál Martin:** It is all about Brexit.

**An Leas-Cheann Comhairle:** It is all on the one topic. It is up to the Deputies.

**The Taoiseach:** I will say to Deputy Howlin that the priorities he mentioned have all been referred to in the letter from Prime Minister May to Mr. Tusk triggering Article 50. They have been referred to extensively in the European Parliament paper and have been referred to specifically in the draft regulations published by the European Council and Mr. Tusk. Deputy Howlin mentioned the question of the charge that applies here in respect of Britain. There are principles and modalities here. Nothing has been agreed in this regard.

**Deputy Brendan Howlin:** Is there a sum agreed?

**The Taoiseach:** I have seen reports ranging from low double digits to higher double digits. There has been no detailed discussion about these figures and no outcome has been agreed on it.

**Deputy Brendan Howlin:** Will there have to be agreement on the sum to move on?

**The Taoiseach:** It is the methodology they are considering in regard to how one might arrive at what the charge would be in respect of participation in the European Union and contracted payments going forward when Britain decides to leave. I have seen the comments from the British Government in respect of the European Court of Justice and the European Court of Human Rights. They are issues that have not been decided but comments have been made on them by members of the British Government.

What is going to happen? As the Deputy is aware, the divorce proceedings will be under way for two years and that means a determination of what might be due and the question of the issues the Deputy raised. That will be followed by the question of what is done with European Union citizens who live in Britain and British citizens who live in Europe. For example, there are over 1 million British people living in Spain and a serious number of people of EU nationalities living in Britain.

As the Deputy knows, under the Good Friday Agreement everybody in Northern Ireland is entitled to Irish citizenship and, therefore, European citizenship. The question is on how we deal with this when we do not envisage a return to a hard border, which is the clear political understanding. The Leas-Cheann Comhairle will know this very well given where he lives and the county he represents. We do not want a return to the sectarianism or violence we had in those years. That will require creativity and a bit of imagination to deal with it.

**Deputy Joan Burton:** Last week I asked questions to each Minister and the Taoiseach about the number of people who are employed in each Department in working on Brexit. I did not expect to find huge numbers involved but I have to say I was shocked at the replies of the Taoiseach and his fellow Ministers. For example, in a very complicated area, the Department of Justice and Equality, which, as the Taoiseach has just said, has very serious responsibilities, not least in regard to the peace process, the division is headed up by an assistant secretary and there is an existing team of 11. The Department of Justice and Equality has always had a big permanent representation, as Deputy Martin will know. Does the Taoiseach know what is being added to the team for Brexit? It is the powerful sum of one official.

Many of us in the House have experience of being involved in government. When we, and Fianna Fáil on previous occasions, were involved in the development of the Irish EU Presidency, as the Taoiseach will recall, people were brought in - some on a part-time basis and some for a limited period - to beef up the Irish Presidency both in the permanent representation in Brussels and in the individual Departments. I recall the Taoiseach speaking with some justifiable pride about it and Fianna Fáil in government also having justifiable pride in this regard.

**An Leas-Cheann Comhairle:** Go raibh maith agat. I want to accommodate all.

**Deputy Joan Burton:** I have a book with me which I will give to the Taoiseach. It shows nothing in respect of the Department of Defence and the Department of Children and Youth Affairs has nobody. Will the Taoiseach explain this?

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**The Taoiseach:** I will explain it. There have been over 400 meetings held-----

**Deputy Joan Burton:** I am not talking about meetings.

**An Leas-Cheann Comhairle:** Order, please.

**The Taoiseach:** What Deputy Burton seems to want here is that we would just employ numbers. I am giving her the first output, which is the triggering of Article 50 and the letter from the British Prime Minister. That reflects all the priorities we have, as a country. It is embellished by the British Government saying it does not want to do anything to harm Ireland. It talks about no return to a hard border, about the common travel area and about the traditionally very close relationships we have in so many ways with the United Kingdom. It is reflected in the European Parliament document and in the document from the 27 as outlined by President Tusk. Does Deputy Burton think that happened just like that? Does she not understand that every Minister, Minister of State and senior official is engaged on this business?

**Deputy Joan Burton:** That was not in their answers.

**The Taoiseach:** One can have big numbers but the outcome here is the first tranche of what we know we need, which is that our priorities are reflected in these documents.

**Deputy Joan Burton:** That is not what they had to say.

**The Taoiseach:** Gibraltar is in there and, obviously, there is a reference to Cyprus. Every Prime Minister and every government knows that we have a single peace process and that there is a unique situation here. They know we are not going back to the Border of the past and they understand what the Good Friday Agreement is about. As Deputy Burton well knows, that does not happen just by assuming people will know about these things. Some 400 meetings have taken place.

Deputy Micheál Martin made the point to me before that if we need particular expertise brought in, it will be brought in and there will not be any objection. That is what will happen. As these negotiations become more formal, more complex and more concentrated, we will have access to the people we will need. For instance, in the area of fisheries, the Common Fisheries Policy is exceptionally complex and complicated and cannot be unravelled layer by layer in the way other arrangements might be. We have geared up for this and, as needs be, personnel of experience, including those with specialist experience, can be brought in.

**Deputy Micheál Martin:** I would agree overall with Deputy Burton's point. I am concerned about the level of capacity behind the effort both diplomatically and in key areas, as well as in regard to bringing back people who have a lot of experience with Europe. It seems to me we should tap into that experience, particularly that of former diplomats, former civil servants and people in the private sector who could give advice to the Government.

The Taoiseach will have noticed that, yesterday, a large number of southern member states held the latest in a series of summit meetings on their approach to the Brexit negotiations. The idea that Ireland is unique or has a unique diplomatic campaign under way is a bit of a misnomer given that many others are at it as well. It is also now clear that other countries are seeking specific changes to President Tusk's draft negotiating mandate. My sense is that, for some reason, the Taoiseach is refusing to request that the draft would mention Northern Ireland, other than to say the Good Friday agreement should be protected. As a general principle that is

positive but it fails to confirm that what we are talking about also includes the key economic, social, cultural and constitutional dimensions of the peace settlement. I think close ongoing connections beyond the legally required provisions of the Agreement go to the core of the overall settlement and we need the Brexit terms to reflect this.

I also put it to the Taoiseach that he seems to be refusing to ask for a reference to the continued full EU citizenship of both current and future Northern Ireland citizens. I have been making the point for quite a long time that, in Northern Ireland, we will have the largest cohort of EU citizens outside of the European borders after Brexit and this should be reflected in the draft agreement. Will the Taoiseach confirm whether he is seeking changes to the draft negotiating text? If so, what changes is he seeking? Why will he not ask for a simple reference to being open to a special arrangements within Ireland that would protect economic and social ties across the Border?

**The Taoiseach:** We have 100 people in the permanent representation in Brussels. Their single focus now is Brexit and they are meeting officials every day about elements of this. The sections in every Department dealing with Brexit, be they small or large, are focusing on the issue that is really of importance to us.

The Deputy made the point in a different way that the fact there is no Executive in Northern Ireland means its voice is not out there in the way we would like, as has been referred to by the British Prime Minister. We refer to it in the sense of protection and co-guarantorship of the Good Friday Agreement and of no return to a hard border, and we make the case about the intertwining of economies on a daily basis. Some 600 million litres of milk are produced in Northern Ireland and brought down and processed by Aurivo and others, and some of it goes back across the Border again in semi-processed form. There are 30,000 to 40,000 people who cross the Border every day and hundreds of thousands of truck movements every year. These are issues of real concern to us.

That is why I am glad, for starters, that these issues are part of the written priorities from a European point of view. Michel Barnier had a meeting with the Irish Farmers Association yesterday in Brussels to deal with elements of this cross-Border activity and cross-Border trade. Deputy Micheál Martin, Deputy Mary Lou McDonald and the other leaders of the groups should note we are not hiding anything here. We issue the full up-to-date Brexit report on an as-needs-be basis. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, the Minister of State at the Department of Foreign Affairs and Trade, Deputy Dara Murphy, and every other Minister meet their counterparts. They have done so and will continue to do so. There is a very big agenda here.

Of all the countries, Ireland is the best prepared. Every other country in Europe knows just how assiduously we have prepared for this. The first outcome is our references of our priorities in the draft negotiating document, which I hope will be signed off on 29 April.

**Deputy Mary Lou McDonald:** The simple repetition of “no return to a hard Border” does not achieve no return to a hard Border. If we are to take Ms Theresa May and the Tories at their word, we are walking very close to a return to a hard Border. The Taoiseach will know, because we debated it in the Dáil, that a motion was passed proposing we seek special designated status for the North of Ireland within the European Union. That is the view of this House. What progress has the Taoiseach made in advancing that proposition? When does he propose to publish his consolidated document outlining his negotiating strategy? I do not know whether it will be

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a White Paper or what colour paper it will be on. I cannot discern any coherent strategy in the Taoiseach's approach. Perhaps that was evidenced by Deputy Burton's query on staffing levels but I do not believe it is just a matter of staffing levels.

The Taoiseach should be seeking a strengthening of the Council guidelines. Contrast the reference to Gibraltar with the reference to the North of Ireland and the island of Ireland. Gibraltar is a special case and has very special circumstances. It has a contested border, an internationally binding peace agreement and the constitutional and legal framework and architecture that go with that. Brexit will sabotage that. Let us not put any sugar coating on it.

**The Taoiseach:** I do not agree at all with this. Gibraltar does not have an internationally legally binding agreement. What happens to the status of Gibraltar is a matter between the United Kingdom and the Kingdom of Spain. That is a bilateral matter. Gibraltar joined the European Union when Britain joined the European Union.

We already know about - it is referred to in the documents from Prime Minister May, the European Parliament and the European Council - the unique and particular very special circumstances that apply in the case of Northern Ireland because of the peace process and the Border, in respect of which there will be no return of a hard Border. These are already special status arrangements. The Deputy does not seem to want to appreciate or accept it. Everybody in Northern Ireland is, under the Good Friday Agreement, entitled to Irish citizenship and therefore to EU citizenship. This matter is very clear under the Good Friday Agreement. Owing to the intertwining of the economies, I will say it again that there will be no return to a hard Border. The Deputy will keep repeating her mantra and I will tell her that the Irish Government's view, which is shared by the British Government, is that there will be no return to a hard Border, but it will require creativity and a bit of imagination to make this function, depending on the trading relationship that will apply after the divorce between the United Kingdom and the European Union. That is where the measures of real negotiation and complicated and difficult discussions will take place.

**Deputy Mary Lou McDonald:** What about special status?

**The Taoiseach:** The nature of that agreement will decide the nature of the relationship between the European Union and the United Kingdom. Britain wants to have as close a relationship as possible with us. We support that because that would suit us.

### Topical Issue Matters

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Michael D'Arcy - an affordable housing strategy for earners of low to average incomes; (2) Deputies Joan Collins and Gino Kenny - the supply of Orkambi for cystic fibrosis patients; (3) Deputies Pat The Cope Gallagher and Niamh Smyth - the impact of the closure of Ulster Bank branches; (4) Deputy Thomas Byrne - the recent cut in occupational therapy services in County Meath; (5) Deputy Maureen O'Sullivan - the need to recommit to stroke services; (6) Deputy Carol Nolan - the terms and conditions of non-academic third level staff; (7) Deputy John Brassil - activity-based budget allocations in Kerry University Hospital for 2017; (8) Deputy Thomas Pringle - delays with the building project at St. Mary's national school, Stranorlar; (9) Deputy Pat Casey - the report into Sunbeam House services in

Wicklow and south Dublin; (10) Deputy Shane Cassells - educational facilities at St. Fiach's national school, Ballinacree, County Meath; (11) Deputies Clare Daly and Mick Wallace - the crisis in Syria; (12) Deputy Mattie McGrath - patient accommodation at South Tipperary General Hospital; (13) Deputy Dessie Ellis - the comments of the Minister for Housing, Planning, Community and Local Government on the report of the Joint Committee on Future Funding of Domestic Water Services; (14) Deputy Donnchadh Ó Laoghaire - mental health services for children in Cork; (15) Deputy Billy Kelleher - children and adolescent mental health services in Cork; (16) Deputies Richard Boyd Barrett and Mick Barry - the Bus Éireann dispute; (17) Deputy Catherine Connolly - maidir le torthaí damanta an daonáirimh ó thaobh na Gaeilge; and (18) Deputy Mary Butler - the Health Research Board report on statutory home care.

The matters raised by Deputies Michael D'Arcy, Joan Collins and Gino Kenny, Maureen O'Sullivan, and Shane Cassells have been selected for discussion.

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

#### **Priority Questions**

#### **Citizen Information Services**

36. **Deputy Willie O'Dea** asked the Minister for Social Protection the future of the Money Advice and Budgeting Service and the Citizens Information service in view of a motion in Dáil Éireann requesting the restructuring of these services be halted to allow for meaningful engagement on this issue from all relevant stakeholders; and if he will make a statement on the matter. [18239/17]

**Deputy Willie O'Dea:** As the Minister will be aware, we debated a motion in the Dáil recently on the question of citizens information centres and MABS. I just want to ascertain what the position is now.

**Minister for Social Protection (Deputy Leo Varadkar):** I am assured by the Citizens Information Board that its decision to restructure the governance arrangements of its delivery partners will not impact negatively on the front-line services they provide. The changes will be at board level only and no closures or changes will occur at local delivery points. In fact, the ultimate aim of the board is to improve and expand the local delivery of services. The restructuring will allow the board to improve the effectiveness, efficiency and responsiveness of its partnered services and to redirect valuable resources away from back-end administrative processes to front-line service delivery for customers.

The board fully acknowledge the tremendous contributions that members of local boards have made to the development of Citizens Information service and MABS companies over the years and appreciates that some of these individuals are keen to continue playing an active role. In recognition of this, and to continue to encourage this ethos, the Citizens Information Board plans to set up local advisory groups. In addition, current local board members will be able to go forward for selection as members of the new regional boards.

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The board has not taken this operational decision lightly. It comes after almost five years of extensive analysis of options and a detailed consultation process. I am satisfied that the board would not support changes that would be detrimental to the services provided locally or to the staff and volunteers working in those services. In any event, I am advised by the Attorney General that it would not be lawful or appropriate for me, as Minister, to direct the Citizens Information Board to halt the implementation of this operational decision. Furthermore, I am assured by the board that further meaningful consultation with all stakeholders will form part of the restructuring implementation process. I hope this clarifies the matter for the Deputy.

**Deputy Willie O’Dea:** I thank the Minister for his response. His reply bore an uncanny resemblance to the reply to the Private Members’ motion we submitted a few weeks ago. We have had the debate. People on all sides of the House expressed their opinions. The vast majority in the House believed the restructuring should not go ahead or at least should be halted pending further consultation and input from the people who will be affected most directly, namely, staff, volunteers and the people running the community information centres and MABS on the ground.

I take the Minister’s point about the Attorney General’s advice. I do not agree with it. My opinion is that it is entirely wrong but, nevertheless, one has to respect it when one gets it. Will the Minister elaborate on his remark indicating there will be further consultation with and input from the people involved on the ground? I am a little unclear about that.

**Deputy Leo Varadkar:** Absolutely. I would like to allay the concerns of staff and volunteers in my discussions with the chairman of the board and the CEO. I have been assured on a number of occasions that all the local services and local offices will be protected, as will the positions of staff. I do not subscribe to the view that there has to be an independent company with its own board in every local area in order to have volunteers. The Deputy will be very familiar with Special Olympics Ireland, for example. It has considerable numbers of volunteers in many local areas but it is a single corporate entity with one company and one corporate board for the country.

The next step in the consultation and implementation of what the board is planning is to establish what is being called a restructuring implementation group. That will carry out the cost-benefit analysis which we spoke about previously and will also set about implementing the new 16-board model.

**Deputy Willie O’Dea:** I agree with the Minister. We do not need a board in every parish in the country. We do not need 93 separate boards. Both organisations have told me that. They have stated that publicly. We are all on the one page in that regard.

The Minister states he is establishing a restructuring implementation committee. On the decision on 15 February last to go ahead with this restructuring, do I take it that it is full steam ahead despite what the volunteers tell us, despite what the users of the services who we all are supposed to be here to serve tell us and despite what those at the front line tell us? Can the Minister tell me who will be represented on the restructuring implementation committee? Will it include representatives of the two organisations presently operating the schemes, that is, Citizens Information and MABS?

**Deputy Leo Varadkar:** I do not know what the composition of the board will be. It would certainly make sense to have representatives of those organisations on it and I can certainly

convey that to the chairman.

I should say this is a decision of the Citizens Information Board, not a Government decision. There is a reason we have State boards, that is, so that some decisions can be made at arm's length. While I am happy to take responsibility for any decisions that fall into my statutory remit, where something is left to a board established by the Oireachtas to make a decision, I will stand by that board. If I were to countermand their decision or in some way order them to reverse it even if I had the legal authority to do so, that would be tantamount to expressing a lack of confidence in the board members and I do not. I have full confidence in them. I am sure they have considered this fully and have made this decision for the right reasons.

I have had discussions with the Chairman of the committee, Deputy Curran, and I understand the Oireachtas committee has held hearings and may put forward a set of alternative proposals. If those are reasonable and workable and perhaps present a way forward, I certainly will take a look at them and ask the board to consider them as well.

### **Labour Activation Projects**

37. **Deputy John Brady** asked the Minister for Social Protection if his attention has been drawn to ongoing issues in the JobPath scheme; when the next review will be conducted; and if he will make a statement on the matter. [18279/17]

**Deputy John Brady:** Is the Minister aware of ongoing issues in the JobPath scheme and when does he intend to carry out a full review of the scheme from its introduction?

**Deputy Leo Varadkar:** I am pleased to advise the Deputy that the experience of JobPath to date has been very positive.

The most recent unemployment figures from the CSO show that the monthly unemployment rate in March 2017 stands at 6.4%. This is a decrease from 8.3% in March 2016 and 9.9% in March 2015, which is a decline of 3.5 percentage points in the past year.

In addition, the CSO's quarterly national household survey reports that there were 2.048 million people in employment at the end of 2016. Employment increased by over 65,000 or 3.3% in the year to the fourth quarter of 2016 and by 2.3% the previous year.

My Department recently published the results of an independent customer satisfaction survey, which indicates that jobseekers feel that they are receiving a good service and that JobPath has improved their chances of securing employment.

Between 76% and 81% of customers were satisfied with the service provided and only between 5% and 8% expressed dissatisfaction. More than 90% of customers reported that JobPath staff made them feel valued and that they had a good relationship with their adviser. They also felt the service had improved their chances of getting a job.

An analysis of employment outcomes for JobPath participants shows they have a higher chance of securing and remaining in a job than participants with a similar duration of unemployment who were not referred to JobPath. Given that only a small number of people have completed their full engagement with the service, these results can only be treated as indicative at this stage. Nevertheless, they are encouraging. Should the Deputy wish to consider the

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matter in more detail, the results and a copy of the survey findings are available on the Department's website.

My Department will publish similar performance reports for each successive quarter as job-seekers complete their 12-month engagement period and the next set of results to be published in the coming weeks. In addition, my Department will have an econometric review of the Job-Path service, which will commence later this year when participant numbers will have reached a sufficient level to support a robust review.

**Deputy John Brady:** The emergence of JobPath signalled a drive towards a privatisation agenda within the Department for job activation schemes. Since 2011, penalties have been increasing year on year for those who do not engage in a job activation scheme. Between 2011 and 2016, more than 27,000 people were sanctioned. As the live register goes down, penalties go up. Is this a new policy within the Department?

Those engaged with JobPath cannot transfer to another scheme if they are offered a place, incur travel costs that are not reimbursed and are obliged to travel for up to 60 minutes to whatever job, and the Department's preference for JobPath is taking away from local employment services and CE schemes, which are suffering.

The priority for Turas Nua and Seetec is to make money. That is the bottom line. They do not care in what job they place a person; their objective is profit. Is it now a policy objective of the Department to give preference to JobPath ahead of all other schemes?

**Deputy Leo Varadkar:** The preference of the Department absolutely is jobs first. The first thing we should try and get for somebody is a regular job as opposed to being on a scheme. A regular job is better paid, has the prospects of promotion and means that one is working and paying tax rather than being on a scheme, which means that the taxpayer has to pick up the bill and which will end. Of course, the preference is for a full-time job of more than 30 hours over a scheme. Absolutely, our policy is a regular, real job first. If somebody cannot get such a job, then he or she may well be suitable for supported employment with a scheme.

What we are doing is a customer satisfaction survey. That is done quarterly. The success rates are also published quarterly. One should bear in mind that success is being in a regular job of more than 30 hours a week, that is, a full-time job, and remaining in that job for more than 13 weeks - none of that stuff about part-time employment or unstable jobs - and we will do an econometric analysis this year.

I would point out though that this is a contract that runs until the end of 2019. We can have any review we like under the sun. The contract stands until the end of 2019 and then there is a two-year run-off period. Obviously, in 2018, this Government or the Government of the day will have to make a decision as to whether it wants to re-tender for a similar contract, not do it at all because unemployment might be extremely low by then or have a different type of contract, perhaps trying to activate different groups of people.

**Deputy John Brady:** The only review that has been carried out so far was useless. The review relates to the first three months of the operation of JobPath, from July to September 2015. This review was not published until January of this year.

I am sure other Deputies have similar experiences of constituents coming through their doors outlining many concerns. That report is not a true reflection of the scheme and the jobs

in which the scheme is placing jobseekers, the questionable quality of the jobs being sourced for jobseekers and how the vulnerable jobseekers are treated. What we have is two private companies making money on the back of jobseekers. We have no figures. We have no costs. We have no review. We have no idea of the impact the scheme is having on jobseekers or its success rate. We have a situation where JobPath will not engage with public representatives or deal with third-party queries in any way, which is a serious problem. The Minister stated there would be some sort of a review later in the year. It needs to be a root-and-branch review of the total operation of the scheme. I again ask the Minister whether that is something to which he will commit.

**Deputy Leo Varadkar:** I have already told the Deputy what reviews are being done and I have also explained to him that the contract runs until the end of 2019 regardless of any reviews. We would only consider cancelling the contract if the contract was breached and it certainly has not been breached.

The customer satisfaction survey and the outcome results that show how many participants are moving into employment are published quarterly. The second quarterly report will be out in the next couple of weeks.

In terms of making money, it is important to bear in mind that these companies bore all of the start-up costs. Had the Department been obliged to set up that number of offices all around the country, it would have cost tens of millions of euro. The companies bore all the start-up costs and get paid by results. It is a very good model from the point of view of taxpayers. They only get paid-----

**Deputy John Brady:** Will the Minister release the figures?

**Deputy Leo Varadkar:** Absolutely. I have already released figures.

**Deputy John Brady:** We are informed that they are commercially sensitive.

**Deputy Leo Varadkar:** They only get paid by results - the result being somebody taking up sustainable employment of more than 30 hours per week for which he or she is paid. They also only get paid if the person sustains the job for more than 13 weeks. That is a good model. If it is such a lucrative thing, I do not see the other groups signing up for payment by results. If payment by results is so lucrative, why are other providers, be it local employment or community employment schemes, not seeking to move to that model?

**Deputy John Brady:** Will the Minister commit to releasing the figures?

### **Labour Activation Measures**

38. **Deputy Willie O’Dea** asked the Minister for Social Protection the number of persons who have been subject to sanctions and penalties for non-engagement with employment and activation schemes or measures from 2014 to 2016, inclusive, and to date in 2017; and if he will make a statement on the matter. [18240/17]

**Deputy Willie O’Dea:** The question is self-explanatory. I am concerned about the connection between the activation systems that are in place and compulsion. Rather than having a link between both, they appear to be two sides of the same coin. That is the reason I asked for the

figures.

**(Deputy Leo Varadkar):** My Department is committed, under Pathways to Work, to incentivise the take-up of activation and job opportunities, including implementing sanctions for failure to engage with the activation process. The Social Welfare Act 2010, enacted in December of that year, provided for the introduction of reduced rates of payment to people who did not engage with the State's employment services. Reduced rates of payment are a means of encouraging jobseekers to engage with activation measures and to take advantage of the supports offered by the Department to co-assist them in securing employment. Reduced rates are only applied where a jobseeker fails to engage as requested - and following at least two warnings - with the Department's employment services.

There are long-standing and separate, unrelated sanctions to deal with failure by a jobseeker to comply with and satisfy the qualifying conditions relating to the jobseeker scheme. Those conditions are being available for and genuinely seeking work. A range of sanctions, including a full payment suspension or disallowance of the jobseeker claim, can be applied in circumstances where this condition is not met. In the interests of natural justice, a jobseeker who fails to participate in the activation process is given both written and verbal warnings and an opportunity to comply before a reduced rate of payment is applied. Furthermore, jobseekers can, through co-operation with the activation service of my Department, benefit from early reinstatement of the full rate of jobseeker's payment.

The legislation underpinning the application of reduced rates of payment is the Social Welfare Act 2010. All decisions on the application of reduced rates of payment are made by deciding officers of the Department and are based on all the available evidence and the circumstances of each case. The jobseeker can appeal the decision through the social welfare appeals office. The number of cases where reduced rates have been applied is detailed in the table I have provided. Typically, reduced rates tend to last for a relatively limited duration of only a few weeks and at any given time approximately 1,200 jobseekers are on a reduced rate of payment. This number must be viewed against the approximately 300,000 people who are subject to activation in a given year and come within the scope of the reduced rate provisions of the 2010 Act. At any given time, it might be 0.4% of jobseekers who face reduced payments.

<i>Year</i>	<i>No. of Penalty Rates Applied</i>
<i>2014</i>	<i>5,325</i>
<i>2015</i>	<i>6,743</i>
<i>2016</i>	<i>10,867</i>
<i>2017 to end March</i>	<i>2,960</i>
<i>Total</i>	<i>25,895</i>

**Deputy Willie O'Dea:** The figures available to me indicate that in 2011, 359 people were subject to sanctions and penalties for non-engagement with employment and activation schemes. That trebled to 1,519 in 2012, it reached almost 3,400 in 2013, 5,325 in 2014, 6,743 in 2015 and from January to December 2016 it rose to 10,428. That is an increase of 2,300% in five years. All of this has happened while unemployment has been falling, so the percentage of jobseekers who have been subjected to sanctions has increased by perhaps twice as much as 2,300% since 2011. I acknowledge that there must be sanctions in some cases, but it appears that people are being forced into low-paid, insecure jobs that do suit them. They are jobs in which they end up worse off as a result of having to travel to work and so forth. I have encountered people who

were forced to undertake training and education courses in which they have absolutely no interest and which they never intend to use. If they do not undertake them, they will be penalised. We have made many recommendations to the Minister on this. An activation service is not a sanctions regime. While there must be sanctions, there surely must be some controls to ensure that people are not forced, for the benefit of employers, into low-paid jobs or into education and training courses that are not suitable for them.

**Deputy Leo Varadkar:** Even at a time of relatively low unemployment, there are still 300,000 people who come on and off the live register in a given year. Of those, perhaps 10,000 might be subjected to reduced payments. It is a very small percentage of people who have their payments reduced. It is not as if it is 10% or even 5%. It is considerably less than that, so it is important to bear that in mind. There are two reasons that there has been an increase in the frequency with which penalty rates have been applied, and there has been an increase. First, this provision only commenced in 2010 when it was introduced by the then Minister, Deputy Ó Cuív, in the Act to which I referred earlier. It was always going to start off at a lower point than where it ended. The second reason is that there is far more one-to-one engagement. When there was a large number of jobseekers, and Intreo had not yet been established and JobPath had not been contracted, there was little one-to-one engagement. Now, it is far more common so there has been an increase in the number of those sanctioned. I do not anticipate the number escalating much further. It will probably stabilise this year in the 10,000 to 12,000 range.

**Deputy Willie O’Dea:** It might only be a small percentage of the overall number of jobseekers, but the numbers have still increased quite dramatically. It is a sword of Damocles that hangs over the head of every jobseeker in the country. Has the Minister carried out an assessment of the impact the sanctions have on compliance and employment? Has he assessed the quality and sustainability of the type of employment being offered? Has he put safeguards in place, or is he considering putting them in place, to mitigate the impact that sanctions might have on households where there are children, for example, or those considered to be vulnerable?

**Deputy Leo Varadkar:** There are safeguards already. Under the previous regime, one’s payments were stopped altogether if one was determined not to be genuinely seeking work. Under this regime, payments are only reduced by a certain amount and the payment in respect of a child is never reduced, nor is the payment in respect of a qualified adult. The secondary payments, such as the fuel allowance, are not affected. It is only the payment to the main person in the household of a jobseeker that is reduced, not the child or dependent adult payments or the secondary payments. However, I intend to examine, for my own interest as much as anything else, a breakdown or profile of the reasons for sanctions and of the people who have had sanctions applied to them. I have asked for that but I do not have it yet.

### **State Pension (Contributory) Eligibility**

39. **Deputy John Brady** asked the Minister for Social Protection his plans to end inequalities in the State pension payment for women as a result of the 2012 changes and the calculation of contributions; and if he will make a statement on the matter. [18280/17]

**Deputy John Brady:** What plans does the Minister have to end the ongoing discrimination imposed on women in their State pension payments as a direct result of changes made by his party in 2012? What will he do to make the calculation methods for contributions fair for those individuals?

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**(Deputy Leo Varadkar):** The average pensions paid by my Department to men and women over 66 years of age are within 2% of each other. This is reflected in the consistent poverty figures for people over 65 years of age, which show 2.6% of women and 2.9% of men experience consistent poverty, which, effectively, is parity. In fact, men are slightly more at risk of poverty in old age than women.

The current rate bands applying to the State contributory pension were introduced from September 2012 by the then Minister, Deputy Burton, replacing previous rates introduced in 2000. These more accurately reflect the social insurance contributions history of a person. Alternative payments are available for those with little or no means. It is estimated that to revert to the previous bands would cost at least €60 million in 2018, €70 million in 2019, €80 million in 2020, €90 million in 2021 and so forth - an increase of €10 million each year. The main beneficiaries from such a decision would be better-off pensioners who do not qualify for means-tested pension payments and who did not make sufficient contributions to the Social Insurance Fund during their working years to qualify for a full-rate contributory pension, so such a change would increase inequality. I am informed that 57.8% of those affected by the changes in 2012 are women. However, 54.4% of people over 66 years of age are women, so the gap in this regard between men and women is only 3.4%. The contributory State pension is an entitlement built up through PRSI contributions, and is not impacted on by the means of the pensioner.

The principle of the contributory State pension is that people will receive a fair return for the contributions they have made to the Social Insurance Fund by paying PRSI during their working life. Generally speaking, those with a stronger attachment to the workforce, who have paid more into the Social Insurance Fund over a sustained period, are paid a higher pension than those with fewer or more intermittent contributions during their working life.

**Deputy John Brady:** To date, 36,000 older people are in receipt of a lower State pension payment than would have been the case prior to the band changes as a direct result of the changes introduced by the Government, of which the Minister was a part, in 2012. I commend Age Action Ireland on highlighting that in an excellent and very detailed report which it recently launched.

The Minister constantly points to the homemaker's scheme as some sort of saviour for women in ensuring they are not discriminated against for taking a caring role at home. The homemaker's scheme only applies to periods of care from 1994 onwards. The Minister acknowledges women in caring roles after 1994 but anyone who cared for someone before that is totally disregarded. Is that fair in the eyes of the Minister? Is it fair that the pensions system is punishing women for taking time out of the workforce to raise a family?

**Deputy Leo Varadkar:** I did not mention the homemaker's scheme at all.

**Deputy John Brady:** The Minister does constantly. He mentioned it previously.

**Deputy Leo Varadkar:** Perhaps the person who writes Deputy Brady's scripts might give him option A, B and C and suggest that if the Minister says this he should use option A, for example.

**Deputy John Brady:** The Minister should do his job and answer the question.

**An Leas-Cheann Comhairle:** The Minister should be allowed to speak without interruption.

**Deputy Leo Varadkar:** I am not sure which policy office prepares Deputy Brady's scripts - the one in Dublin or the one in Belfast - but he should ask for a few different options so that his supplementary questions might follow on from something I said.

**Deputy John Brady:** The Minister might start implementing stuff here as opposed to it being imposed on him.

**Deputy Leo Varadkar:** There are different types of pension. There is the State pension, non-contributory, which is means tested and it is based on one's means; and there is the State pension, contributory, which is based on how much one paid into the Social Insurance Fund. It is very similar to occupational pensions that are paid to public servants and to the pension Deputy Brady will get paid for his service as a Deputy. The number of years one works and pays in results in the number of years in which one gets a payment and I think that is fair.

**Deputy John Brady:** I will not take lectures from the Minister as to who writes my speeches or dictates my policy. My party members dictate my party's policies. I question where the Minister gets his right-wing policies from. The simple fact of the matter is that since 2012, one third of new applicants for the State pension have received smaller pensions than they would have received had they retired prior to 2012. Last December Sinn Féin introduced a motion to address the issue. The Minister might remember that because he and his party opposed it. The motion called for a reversal in the band changes and for the widening gender pension gap to be tackled. It is quite obvious that the Minister does not wish to narrow the pension gap nor to see equality for women. He is quite happy to preside over the current system. His reply to my question alludes to that. Ultimately, the message coming from the Minister today and previously to the 36,000 older people in receipt of a greatly reduced pension is "tough". That is shameful. Perhaps the Minister would address that issue.

**Deputy Leo Varadkar:** I certainly do want to see the gender pension gap reduce and it is reducing. In 2014 the gap was 32%, which is a fall of 5% on two years previously, and the gap is lower than it is in the EU, which is 39%; in the Netherlands it is 40% and in Germany it is 48%. We anticipate that the gap will fall. The best way to ensure the gender pension gap continues to fall is to increase the number of people contributing to an occupational pension or to a State pension. I have proposals to do exactly that. The solution is not the solution proposed by Deputy Brady, which is just to lob another bill on the general taxpayer, to say to those who pay for everything and who pay all the taxes that they must pay some more. That is not the solution. The way contributory and occupational pensions work is that people pay into them and because of that they get a pension return. We need more people starting earlier, paying into their pensions and paying in enough to make sure they get a decent pension. That is how we get good outcomes for people. Suggesting that somehow we can just indefinitely add to the taxpayers' bill every time there is a problem is not good policy and it is not sustainable.

**Deputy John Brady:** So it is a good outcome for the 36,000 older people.

### **Community Employment Schemes Operation**

40. **Deputy Willie Penrose** asked the Minister for Social Protection if he will amend the qualifying criteria for eligibility to participate on community employment and Tús schemes and in particular, the length of time a person has to be in receipt of a qualifying social welfare payment. [18238/17]

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**Deputy Willie Penrose:** I am sure the Minister is aware that community employment, CE, and Tús schemes provide communities across the State with a deep network of services. They have always acted where State provision has not been fully accessible to communities and are, in effect, part of the State machinery in looking after some of the most vulnerable communities in the country. Many non-profit organisations, charities and community groups are heavily reliant on CE staff. It is in that context I call on the Minister to relax the eligibility criteria to ensure that more schemes could be sustained, given that it is more difficult for them to get suitable applicants to ensure the tremendous work in communities continues.

**Deputy Leo Varadkar:** As the economic recovery takes hold and the overall level of unemployment continues to fall, the need to adapt employment programmes such as community employment and Tús to the changing circumstances, opportunities and the needs of jobseekers has become more apparent and urgent. With this in mind, my Department undertook an analysis of CE, which also looked at other employment programmes associated with it such as Tús. The report, which was recently approved by Government and which I published last Friday, made a number of recommendations on the operation of these schemes.

The changes I am introducing will see the general qualifying age for CE reduced from 25 to 21 years, thus allowing more younger people to take part in CE schemes and it will be easier for previous participants to re-enter a scheme for another year as the baseline year is being moved from 2000 to 2007. The changes widen the range of people who can take part in CE and that will improve the availability of people for the schemes.

However, the length of time a person must be in receipt of a social welfare payment to qualify for CE or Tús remains at 12 months and I have no plans to change that. That ensures a person who becomes unemployed is, in the first instance, provided with the one-to-one intensive activation support of a case officer to try to find regular employment for them before being considered for a placement on an employment programme. We want people to get into work first or education and training ahead of a scheme. We also want to ensure that the focus of these schemes continues to be on the long-term unemployed, those who are not able to find jobs.

The Deputy should note that the overall number of scheme places available in 2017 is 32,000. CE will continue to be the largest programme with 22,400 places in almost 1,000 schemes across the country. The balance will be made up of placements in schemes such as the rural social scheme, RSS, and Tús.

As part of the implementation of the new measures, my Department will consult with key stakeholders in the coming weeks about the implementation of the new arrangements which will commence thereafter. I have also signalled my intention to make a decision on relaxing the rules for people over 55 who are long-term unemployed and I will make a decision on that in the next three months.

**Deputy Willie Penrose:** I am pleased my question triggered some response from the Minister and his Department because I tabled a question last Wednesday and lo and behold, last Friday it all came tumbling out. I am very pleased I played a role in that regard, along with some of my colleagues who are present. So be it.

It is vital that people over 55, in particular those who use the schemes as a form of rehabilitation, are allowed to continue on schemes. There is nothing to stop that. It is all right talking about work but in rural areas in particular, one might not even have transport to get to work.

There should be a change in the Tús scheme in terms of providing materials grants and educational and training opportunities. Does the Minister still plan to reduce the number of places on community employment and Tús schemes when he links them to the live register, as he outlined in his reply? Would that not imperil the provision of community services? In terms of his future plans for CE and Tús schemes, does the Minister intend to reduce the number of places in 2018? When the Minister starts to talk to bureaucrats they will certainly urge him to do so. Does the Minister have plans to increase the materials or training grants received by CE schemes? That would be very important. In addition, does he have plans to incentivise those in receipt of disability allowance to take up places on CE schemes? That would be a very important avenue of participation.

**Deputy Leo Varadkar:** I would very much like to increase the materials and training grant and to increase the €22.50 top-up paid to participants in the schemes. However, these are budgetary matters and I am sure there will be competing priorities for the budget this autumn, as is always the case. They will certainly be on my ask list. I cannot guarantee that I will be able to deliver on them, but I will certainly try to do so.

During the recession, there was a major increase in the numbers on schemes. The CE scheme increased in numbers, while Tús, Gateway and JobBridge added to that. Logically, as the economy recovers, the numbers are being reduced. JobBridge is closed to new entrants and Gateway is being phased out. CE will be protected because of the important service provision role it plays. We are providing for 22,400 places to be funded this year. At present, we are slightly below that, at 22,356, so there is room for a small addition. In the medium term, we intend to link the numbers to the live register. As a result and as the numbers on the live register increase, there will be more places. As the numbers decrease, there will be fewer places. I think that makes sense.

**Deputy Willie Penrose:** Is an instruction in place from the Minister's Department that requires mandatory placement of long-term unemployed individuals with private companies? Are they prevented from participating in CE schemes if suitable vacancies arise when they are engaging in JobPath? JobPath is nothing short of legalised bullying. It is time to stop that. If people want to move to CE schemes that are more advantageous, they should not be dumped into offices or put into one-to-one schemes where they learn nothing. It is time to call those boys off and terminate that contract. We might have been a party to bringing it in, but we should dump it now because it is nonsense. I am sick of it. The most complaints I, as my party's spokesperson on social welfare, received were about that scheme. The Minister would not believe how many complaints I received.

It has come to my attention that Intreo places greater emphasis on helping recipients into the JobPath programme, often without mentioning the potential of CE schemes for them. Is that a policy within the Department?

**Deputy Leo Varadkar:** The way it works is that anyone who has a start date for a CE scheme - and if that start date is within four weeks - can take that up ahead of any referral to a job provider such as Turas Nua or Seetec. The Department's policy is one of work and jobs first. We want to get people into regular employment and reserve places on employment programmes like CE and Tús for those who are unable to gain such employment. The initial work we want to do with people in the first year or so, whether it is done through Intreo or Seetec, is to assist them into full-time paid employment. If that is not successful after a year or so, they are then very good candidates for CE schemes, Tús schemes or other programmes. That is very

much the policy and I think it makes sense.

Although I have seen many such cases, I do not want to see people who have been on the live register for years only wanting to take part in CE schemes all of a sudden when they are referred to JobPath, although they had an opportunity to do CE schemes years earlier. We cannot have people chopping and changing between different programmes and schemes. Once a person is on one scheme, he or she remains on it until such time as it finishes.

## Other Questions

### Free Travel Scheme

41. **Deputy Mick Barry** asked the Minister for Social Protection his plans to announce an increase in his Department's contribution to Bus Éireann to cover the real cost of free travel; and if he will make this announcement before the conclusion of talks between Bus Éireann management and unions at the WRC. [17854/17]

49. **Deputy Mick Barry** asked the Minister for Social Protection the methodology arrived at for calculating the contribution his Department makes to Bus Éireann and to private coach firms for free travel; and if he will make a statement on the matter. [17855/17]

**Deputy Mick Barry:** I am asking the Minister to report on the issue of increasing his Department's contribution to Bus Éireann for the free travel pass scheme. When precisely will the relevant changes be coming through? That question is quite pertinent at the moment.

**Deputy Leo Varadkar:** I propose to take Questions Nos. 41 and 49 together.

The free travel scheme is a valuable support for older people, those with disabilities, carers and their companions. I am fully committed to its retention and I am keen to see more private bus operators participating in the free travel scheme, particularly across rural Ireland. My Department, the Department of Transport, Tourism and Sport and the National Transport Authority are reviewing the overall funding mechanisms underpinning the scheme to ensure equity, consistency and transparency in approach to all participating travel operators. These discussions are going well and I expect matters to be brought to a conclusion in the near future. The Deputy will appreciate that I am not yet in a position to make any specific announcement on the future level of funding for the scheme.

My Department makes a block payment to the CIÉ group and the apportionment of payment between the three constituent companies, Bus Éireann, Bus Átha Cliath and Iarnród Éireann, is a matter for the group's board. This payment reflects a range of factors negotiated over the years, including fare increases, peak-time access to free travel and service improvements, changes and enhancements. A discount of 40% is applied to reflect the fares forgone nature of the scheme.

Payments to private travel operators participating in the scheme, new operators wishing to enter the scheme or existing operators seeking an increase in payment are determined by way of a survey of their passenger numbers. An average fee is agreed on foot of surveys undertaken over a six-month period and based on an operator's own fare charges. This is then discounted

by 30% to reflect the fares forgone nature of the scheme. Discounts are the norm for bulk purchases and also reflect the savings that arise from not having to collect fares and issue tickets. Many journeys undertaken would not have taken place at all were it not for free travel.

**Deputy Mick Barry:** Putting Bus Éireann on a sound financial footing is, to a significant extent, within the Minister's gift and that of his Department. If the free travel pass was to be paid to Bus Éireann at a 100% rate, rather than at the rate the Minister has indicated, it would make a difference to the tune of millions. I have seen some reports that indicate a sum of €17 million per annum. The Minister for Transport, Tourism and Sport, Deputy Ross, tells us that this is in the pipeline. He says it will happen soon but he has been telling us that for weeks and months. We are at a critical stage with this company, so why is it taking so long? Is there a deliberate policy on the part of the Minister, Deputy Varadkar, and his Department to facilitate the crisis at Bus Éireann and push a privatisation agenda? Can the Minister please reply to that question?

**Deputy Leo Varadkar:** First of all, it is not within the gift of my Department. Any money we spend on free travel is taxpayers' money. It says a lot about the Deputy's political philosophy that he sees taxpayers' money as a gift that the Government can just give out to resolve problems in companies, pay off debts or solve other difficulties. If we are using taxpayers' money, we expect to get something, such as a service, in return. This is not unusual when one buys something in bulk. I do not know if the Deputy goes to the supermarket very often but if I am buying Coke Zero, I buy the twin-pack and get a discount on that. If I am buying toilet rolls, I buy the 24-roll pack and get a bloody good discount on that too. That is how bulk buying operates - one gets a significant discount. When it comes to the TV licence, for example, there is a discount from RTE. I do not, therefore, see why there should not be a discount. That is the basic principle that is applied.

As regards how this impacts on Bus Éireann, the Deputy should bear in mind that it is not just about Bus Éireann or CIE. These payments are also made to Luas. A sum of €8.5 million is paid to private operators, €1.5 million to Pobal for rural transport and €1.8 million is paid in respect of cross-Border travel. Any decision we make on free travel, therefore, will not be about CIE or any one part of that company because we are paying for a service and we need to have equity across the transport sector.

**Deputy Mick Barry:** On 1 April, the mask slipped a little when the Minister said in an interview that the Government may allow Bus Éireann to fold. He did say that this would not be his preferred option but he then highlighted what he described as the reality of the fact that there are more and more private transport firms in the field, which clearly indicates that this is an alternative he would consider. The Minister has just expressed his concern for the taxpayer. It would cost the taxpayer a king's ransom if the Government were to allow Bus Éireann to go to the wall. Some €59 million in payroll taxes would be forgone. The Minister could buy a lot of Diet Coke with that. There would also be hundreds of millions in redundancy and social welfare payments.

Leaving the word "gift" out of it, the Minister's Department clearly has the option of increasing payments made for the free travel pass to semi-State companies. We have been hearing for months that this is in the pipeline.

*5 o'clock*

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The crisis continues and yet the money continues to be withheld. Why? What is the story there? What is the agenda?

**Deputy Leo Varadkar:** First of all, we only have a certain amount of money allocated in the budget for free travel this year, which is in the region of €77 million to €80 million. That is the envelope in which I can operate. I do not have the authority to spend a whole load of extra money beyond that envelope in one year because of the way the Estimates work. It is not the case that I can just decide to pay additional funds to public transport companies. The same would have to apply, and the same treatment would have to be given, to private operators such as the private bus companies and the Luas for example. Any increase would also have to apply to the bus operators who have continued to operate for the past 18 days, to the Luas and to others. For obvious reasons I could not single out one part of one public company and give it an increase without giving it to everyone else as well.

I am keen to come to a situation, if we can, whereby we are able to increase funding for free travel not just for commercial bus operators operating in the public sector, but also for those in the private sector. That would provide additional revenue for Expressway but it would also provide additional revenue for private operators. It might, perhaps, bring some more of them into the scheme, because some are not currently. That would serve the very important public policy objective of giving people who have the free travel pass more options. That would be of benefit to the taxpayer.

**Deputy Mick Barry:** The mask is slipping even further.

### Family Income Supplement

42. **Deputy Willie Penrose** asked the Minister for Social Protection his plans for reforms of the family income supplement scheme. [17591/17]

**Deputy Willie Penrose:** I understood that last year, when Deputy Varadkar became Minister, he indicated that he had significant plans to implement reforms of the family income supplement scheme. More particularly, I believe it was his intention to introduce a working family payment that would replace the family income supplement. Will the Minister let us know how far these thoughts and policy reviews have been advanced in his Department?

**Deputy Leo Varadkar:** The family income supplement, FIS, is an in-work support, which provides an income top-up for employees on low earnings who have dependent children. FIS is designed to prevent in-work poverty for lower paid workers with child dependants and to offer a financial incentive to take up employment. There are in excess of 57,000 families with more than 126,000 children in receipt of FIS. The estimated spend on FIS this year is approximately €422 million.

The programme for Government contains a number of commitments to improve the take-home pay of families on low incomes. One such commitment is the proposed working family payment targeted at low-income families. My Department's approach to developing the working family payment is being guided by two principles. First, that it should ensure that work pays and that no family is better off on welfare than at work, and second, and equally important, that it should have a positive effect on reducing child poverty.

Family income supplement is one of the in-work supports that contribute to Ireland having one of the lowest at risk of poverty rates for working families among the EU's 28 member states. Recent EUROSTAT data, based on the latest CSO survey on income and living conditions for 2015, show that Ireland has one of the lowest in-work poverty rates among the EU 28 member states. The EU average is 9.5% and Ireland ranks fourth lowest with a rate of 4.8%. I am satisfied that the family income supplement is fulfilling its role in assisting employees to take up employment opportunities and to remain at work but further improvements can be made.

**Deputy Willie Penrose:** I agree with the Minister. I and the Labour Party would be very supportive of FIS. The one concern we have is that it is not used as an addition to, or substitute for, very low pay, that employers can avail of at the State's expense. We must be careful. We have to try to balance that. I think that is what the Minister has in mind, in his own way - that it should not be used that way. It is very important.

The figure of €420 million signifies a significant element of low pay across the economy. That is what the starting figure is for this scheme. Of course, if a person has four or five children, or if a person was, like me, one of ten, that would certainly mean any such person would be a big recipient of this. If it had been out in the 1960s, my family would have been. I might as well be straight and honest with the Minister.

There are two aims with the introduction of a working family payment, namely, to reduce child poverty and to ensure no family is better off on welfare than in work, which would have a positive effect. How far advanced is the Minister in bringing forward this type of proposal for inclusion in the 2018 budget? What is his aim with these plans?

**Deputy Leo Varadkar:** I share the Deputy's concern. As is the case with any in-work payment, there is a worry that low pay might be subsidised and facilitated. That is a big issue in the United Kingdom where I think they have very much gone down that road. We always need to guard against that.

FIS is, of course, about more than pay. It is also about family size, so there are people on low pay who do not qualify for FIS because they have no children or only one. There are people on low to middle incomes who qualify for FIS because they have a lot of children. It is important to acknowledge that.

My Department has given me an options paper on different options we could pursue in respect of the working family payment. I am considering that paper at the moment and I intend to share it with the Oireachtas joint committee this side of the summer. The approach emerging at the moment is to make amendments to the family income supplement rather than starting from scratch and designing a whole new scheme - to build on FIS, which seems to be working quite well. Anything that is done comes with a cost, but my intention is to share that paper with the joint committee before the summer recess.

**Deputy Willie Penrose:** I thank the Minister. That is a sensible way of progressing this. As I said, I support family income supplement very strongly. It is important for large families. It encompasses two things and must be balanced between the risk of aiding employers who only give low wages and the necessity of ensuring large families are maintained and sustained. In this context it is extremely important that the appropriate balance is struck with the working family payment when the Minister brings it forward.

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**Deputy Leo Varadkar:** I very much agree with what the Deputy has said. I look forward to engaging with the committee on this and talking to the various spokespeople in the run-up to the budget.

*Question No. 43 replied to with Written Answers.*

### **Unemployment Levels**

44. **Deputy Mick Wallace** asked the Minister for Social Protection the measures he is taking to address the unemployment rate in County Wexford (details supplied); and if he will make a statement on the matter. [17847/17]

**Deputy Mick Wallace:** As we are told by members of the Government every second day, the national unemployment rate has dropped to 6.4%. The Government is slightly more sheepish about revealing the number of people on the live register in Wexford. Some 18% of the workforce in Wexford is on the live register, and that does not take into account the number of people in job activation programmes.

I have raised this issue with the Minister for Jobs, Enterprise and Innovation on a number of occasions but she struggles to differentiate between the south east region doing well and the fact that Wexford is performing dismally and being left further and further behind. Given that the Minister has a more than 50-50 chance of being the next Taoiseach, is there any chance we might get some joined up thinking, because Wexford is a seriously deprived area? It will require some all-round Government approach to change things.

**Deputy Leo Varadkar:** The official measure of unemployment comes from the quarterly national household survey. The most recent data show that unemployment has fallen from a peak of 15% in 2012 to 6.7% at the end of 2016. Numbers at work have increased from 1.825 million at the start of 2012 to 2.048 million at the end of last year, which is an increase of almost 250,000 people. Within the south east, unemployment has fallen from 20.1% to 9.4% over the same period, and numbers in employment have increased by 33,500 to 214,800. Unemployment in the south east has fallen by more than half since my party came into office.

The live register, which captures those registering for unemployment benefits, including people working part-time who draw partial unemployment payments, is an administrative record. While data from the quarterly national household survey are not available on a county level, trends in the live register can give an indication of underlying trends in unemployment.

Overall, the live register in Wexford has fallen by 37.5% in the period from 2012 to March 2017 compared with a reduction of 36.5% nationally. In the year to March 2017, the live register has fallen by 2,112 people, or almost 15%, compared with 12.8% nationally. These figures show that Wexford, although it is a county with high unemployment, is now catching up with the rest of the country and unemployment in Wexford is now falling faster than in the country as a whole. The Department has ten activation case officers and an activation support team in Wexford. These officers are based across the county and work closely with other stakeholders including the Waterford and Wexford Education and Training Board to identify suitable training and educational opportunities for jobseekers in Wexford. Case officers in Wexford are currently working with over 1,400 people in identifying suitable employment and training opportunities. Almost 3,000 referrals to training and educational opportunities took place in 2016,

and 1,165 have been made to date in 2017, an increase of over 33% on the same period last year.

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

Case officers also work closely with employers to ensure that suitable people are matched to appropriate vacancies and in promoting the back to work enterprise allowance for those wishing to pursue self-employment.

Additional activation capacity has also been sourced through the local employment service operated by Wexford Local Development which employs eight mediators across the county.

Furthermore, there are almost 1,000 community employment places available to long-term unemployed jobseekers and over 300 places available on the Tús programme in Wexford.

**Deputy Mick Wallace:** Listening to the Minister's reply, one would think that things are wonderful in Wexford. If things are improving so much, how can the live register still be at over 18%? Wexford is ranked the third most deprived county in the country. Why does Wexford have one of the worst illiteracy rates in the country? Why does it have one of the highest teenage pregnancy rates in the country? Why does it have one of the highest suicide rates in the country?

The Minister can use figures all he likes but they will not change the reality. There are bugger all jobs in Wexford. Most of the Wexford people that are working have to leave the county to do so. There are a few people back working because they are getting into vans at 5 a.m. and driving to building sites in Dublin for work. There are no jobs worth talking about coming to Wexford and they will not come unless there are proactive measures taken by the Government.

**Deputy Leo Varadkar:** I did not claim, nor do I believe, that everything is rosy in the garden of Wexford. That is not what I said. I appreciate that there are long-standing problems in Wexford. As Deputy Wallace knows, I lived there for a few months while I was a hospital doctor. I got to know the county and liked it a lot. It has a lot to offer. It has not done as well as it should have done for decades now and has a lot of the problems that the Deputy mentioned. It is encouraging that unemployment is now falling in the county and I do not think anyone is denying that. I have given examples of some of the things that my Department is doing.

There are other important things happening. Deputy Wallace will be aware of the investment in the Wexford road infrastructure which is crucial to driving economic growth. The very important Enniscorthy and New Ross bypasses are pressing ahead. There have been other very good road investments in the county.

Deputy Wallace will be familiar with the broadband plan produced the other day. There are a lot of yellow areas, that is, areas with no high speed broadband, in Wexford which will benefit from intervention. There is the potential for Rosslare Port to become a more important sea facility because we may, depending on trade arrangements with Britain, need far more direct links with France. There is potential in that for Rosslare in particular.

**Deputy Mick Wallace:** It would be wonderful if there was investment put into Rosslare Port because there is an opportunity there to make things much better.

The Minister mentioned road improvements. That is not the biggest demand in Wexford at the moment. A bypass is being built around New Ross. A bridge to deal with the traffic issue could have been built for a fraction of the price that the bypass will cost. It is a public private

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partnership. It is going to cost over 15% to buy the money to do it. We are paying 15 times more than we should be for the money because we have not managed to get the EU to allow us to invest in infrastructure off the books. If it goes on the books we have to watch the 3% mark. We are paying through the nose for that.

We are building a new courthouse and a new Garda station but these are not the most demanding things for the people of Wexford. Sadly, there are massive waiting lists for social housing and jobs. There are huge problems of lack of investment in and resources for mental health. Improving the road infrastructure is not solving all Wexford's problems.

**Deputy Leo Varadkar:** No one thing will solve all our problems. However, the vast majority of people in Wexford, certainly any I have talked to, welcome the substantial investment that has been made in the road network in Wexford including that Gorey is bypassed and we are building new roads for Enniscorthy and New Ross. Roads help to bring economic development into a county.

The national broadband plan is particularly positive for Wexford as are the developments Deputy Wallace mentioned such as the courthouse and so on.

We should invest more in Rosslare port. We are somewhat constrained by EU state aid rules and by the port being attached to Irish Rail. Part of the response to Brexit could be a recognition that if Britain continues on its current course, a transition fund will be needed. We will need to look at facilities like Rosslare Port, the Port of Cork and potentially Knock Airport and say that we will need special investment, with the support of the EU, in direct links between the island of Ireland and the Continent of Europe. Perhaps there is an opportunity there which should be pursued.

## Social Insurance

45. **Deputy Willie Penrose** asked the Minister for Social Protection his plans to reform PRSI. [17588/17]

46. **Deputy Willie O'Dea** asked the Minister for Social Protection the social insurance measures that are to be introduced in December 2017 for the self employed; the type of benefits that will be included; the amount which has been allocated for this extension; the estimated full year cost of the measures that are due to come into effect in December 2017; and if he will make a statement on the matter. [17858/17]

**Deputy Willie Penrose:** What plans has the Minister to extend and reform PRSI? He has recently spoken about this possibility. In particular, what plans are there to extend the range of benefits for people who make their PRSI contributions? There has been a recent debate in the House on that issue.

I got a letter today from the mother of a surrogate child. She is a teacher who pays PRSI. She gets no PRSI benefit, no maternity benefits, nothing. That is a huge hole in the availability of benefits for people.

**Deputy Leo Varadkar:** I do not know why that is so. The Deputy might pass that letter on to me. I would be interested to see it.

**Deputy Willie Penrose:** I was shocked by the letter.

**Deputy Leo Varadkar:** It may concern a pre-1995 public servant who pays 0.9% rather than 15%. If the contribution is less than one fifteenth of the normal contribution, the benefits will be less.

**Deputy Willie Penrose:** That could be the case.

**Deputy Leo Varadkar:** I propose to take Questions Nos. 45 and 46 together.

PRSI is just one element of a statutory payroll deduction system that includes three parts, income tax, USC, and PRSI, which between them have three different sets of thresholds and entry points, seven bands and eight rates. Given its complexity, this is a system that most people find difficult to understand. It is expensive to administer and can be inequitable. For example, certain reliefs and benefits are available to employed people but not self-employed people.

Welfare and taxation systems which use income and other thresholds to trigger eligibility and payment rates will inevitably give rise to some unintended effects at the margins of these thresholds and these can reduce incentives for people to work or for employers to offer employment. We should therefore constantly seek ways to improve how the system works and, in particular, how it can be simplified and its benefits to contributors and taxpayers made more transparent.

As one example of how the system could be simplified and made more transparent, it might make sense to replace the USC and PRSI with one new PRSI-style charge: social insurance. This could in turn be linked to wider and better benefits. This is an option I intend to explore further once the results of the actuarial review of the Social Insurance Fund, which is currently under way, become available later this year. These results will allow us to calculate long-term costings for any changes to social insurance.

We also need to make the system more equitable, particularly for self-employed people, and I have already started this process by implementing a number of important measures as part of budget 2017.

Since March 2017, self-employed people have access to the treatment benefit scheme which includes free eye and dental exams and contributions towards the cost of hearing aids. These measures benefit over 300,000 self-employed workers and their dependants and will cost €3.5 million in 2017 and €4.5 million in a full year. Treatment benefit entitlements will also be extended from October 2017 to provide further dental and optical benefits for both the self-employed and employees. The cost of this measure is €9 million in 2017 and €47 million in a full year. Over 2.5 million workers, including the self-employed, will benefit from these additional benefits.

Self-employed workers will also be eligible for the invalidity pension from December 2017. This is a major reform as, for the first time, self-employed people will have access to the safety net of State income supports without having to go through a means test if they become permanently incapable of work as a result of an illness or disability. It is estimated that 1,400 self-employed people will immediately qualify for invalidity pension based on contributions made to date from December 2017, giving rise to a cost of €1.5 million this year. The estimated 2018 and 2019 costs are €23 million and €38 million respectively.

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**Deputy Willie Penrose:** I note that it is the Minister's intention to roll the PRSI and USC into one scheme. How would that progress, and what impact would it have in terms of the various existing wage structures? I know the PRSI system is complex.

I salute the Minister for attempting to end the discriminatory way self-employed people were treated. I know that from first-hand experience as I was self-employed before I was elected to this House. The way they were treated was disgraceful. I always believed self-employed people had a legal case to make against the State and it was in my head to take it before I got elected here.

The Minister is due to bring a social welfare and pensions Bill to the House soon. Would he consider extending maternity benefit to those mothers whose babies are born prematurely? It is a simple measure that we discussed here previously *ad nauseam* by way of a motion. In an emotional contribution, Deputy Catherine Martin of the Green Party made a compelling argument in favour of the motion, for which I believe all the colleagues were present at the time. I understand it would only cost €5.4 million, which is not a lot of money when the Social Insurance Fund is on target and unemployment, thankfully, is falling. I ask the Minister to consider bringing that forward.

**Deputy Willie O'Dea:** First, will the Minister reiterate the figures? It is €1.5 million this year for the introduction of invalidity pension for the self-employed in December. I think he mentioned €23 million next year and then €28 million. He might clarify that. I appreciate the fact that, for the first time, the self-employed will benefit by way of getting invalidity pension without a means test as and from December. Could the Minister give us some idea of the criteria that will apply? He stated that 1,400 people will qualify based on contributions paid so obviously he has worked out the contributions system. Will it be the same as that for employees?

Second, one of the criteria for getting an invalidity pension is that the person must be deemed to be permanently incapacitated. Many self-employed people, through injury, temporary illness or otherwise, become temporarily incapacitated; they are not permanently incapacitated. In such a case an employee can avail of illness benefit. What will be the position for the self-employed when invalidity pension is introduced for them?

**Deputy Leo Varadkar:** I will have to get back to the Deputy with the details on that. The self-employed will be able to apply for invalidity pension but not illness benefit. There is a difference between the schemes but the criteria for the self-employed will be the same as for employees for invalidity pension.

The costs for 2017 are €1.5 million; €23 million for 2018 and €38 million for 2019 but it is very much an estimate. We do not know for certain the number of people who have been paying PRSI at class S as self-employed and are unable to work long-term because of illness or injury. It is one of these measures for which we will find out a definite cost when the scheme is in place, although so far I have found the officials in my Department to be fairly accurate in their costings. I hope it will come in a little cheaper than that but we will know when it happens.

In terms of maternity benefit, maternity benefit flows from maternity leave so it is a matter for the Minister for Justice and Equality and the Oireachtas to make a decision on maternity leave but if that decision is made, we will follow on with that in terms of maternity benefit.

I did not have a chance to follow the debate but I can see the compelling case that may exist for extending maternity leave and maternity benefit where a child is born prematurely. How-

ever, we would need to think it through because children born prematurely can be very healthy and not spend any more time in hospital than any other child yet other children who are born full term or who come late have to spend a good deal of time in hospital due to all sorts of problems and issues. We would need to look at the entire area in the round.

**Deputy Willie Penrose:** We had a comprehensive debate on this and there was a unanimous view among colleagues on all sides of the House. The range we focused on at that time was from 24 or 25 weeks up to 37 weeks. In the interests of fairness, there are huge costs associated with premature births. The Minister will be aware that a parent might have to attend one of the specialised neonatal units and may have to travel from Mullingar to Dublin, as well as to look for accommodation. There are many costs involved, and the 26 weeks of maternity leave are utilised, as well as the non-paid term, without the mother getting a chance to bond with the child. This is a very important issue. The money comes from the Minister's pot whereas the legislation will have to be prepared by his colleague, the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, and the Minister of State, Deputy Stanton. This is a measure that would be of immense benefit to mothers across Ireland and if the Minister is not able to do it soon, it certainly should be included in the budget in the autumn.

**Deputy Willie O'Dea:** Will the Minister consider extending eligibility to self-employed people who will be in receipt of illness benefit on a short-term basis, perhaps after December 2017? Many of them are not permanently incapacitated and therefore would not qualify for invalidity pension on those grounds. However, they are temporarily incapacitated and if such a person's spouse happens to be working, he or she would not be entitled to jobseeker's or disability allowance or the means-tested benefits, which can be demeaning.

I ask the Minister about his plans regarding the unemployed and jobseeker's benefit. Has he given consideration to the notion of extending jobseeker's benefit to the self-employed on a voluntary contributions basis?

**Deputy Leo Varadkar:** In response to Deputy Penrose first, it does not have to be the case but it has always been the case that the benefit is aligned with the leave. If somebody gets X number of weeks statutory maternity leave we will match that with the benefit. I had intended to do the same. Of course, the money does not come from my pot. It comes from the Social Insurance Fund so that has to come from contributions from people working and paying their PRSI every week. However, I believe it is something people would be willing to pay PRSI for and I do not believe that would be a great difficulty if the rules around leave are changed.

In terms of the other benefits for the self-employed, I have asked my Department to do up some work on a system of jobseeker's benefit for the self-employed. It is a tricky one because it is very obvious when somebody who is employed becomes unemployed in that they get a P45. It is a little trickier to establish when a self-employed person becomes unemployed. I have not made a decision on it yet. The earliest we can bring it in would be 2018 but perhaps in line with proposals the Deputy has made in the past, a voluntary scheme with somebody paying for a new stamp or voluntarily paying a higher rate of PRSI in return for that additional benefit might well be the most sensible way to proceed.

On short-term illness, we will examine that too. The order in which we are doing it is treatment benefit, invalidity pension, jobseeker's and then short-term after that.

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## State Pensions

47. **Deputy Clare Daly** asked the Minister for Social Protection his plans to alleviate the financial hardship that will be endured by many persons due to an absence of financial bridging in the social protection system and the time-limited nature of jobseeker's benefit (details supplied). [17757/17]

**Deputy Clare Daly:** This question arises from the massive race of the previous Government to increase the pension age in 2012 without putting in place any financial bridging arrangements to cushion the blow from the way in which our pension schemes operate, with the result that many people who took early retirement had their pension based on an un-coordinated basis until they reached the age of 65. However, upon reaching 65, the full State pension is deducted from that pension even though they are not receiving it. That is causing massive hardship and I ask the Minister about his plans to address that.

**(Deputy Leo Varadkar):** There is no statutory retirement age in the State, and the age at which employees retire is a matter for the contract of employment between them and their employers.

Where a person exits the workforce before reaching State pension age they may apply for either the jobseeker's benefit or jobseeker's allowance schemes. Jobseeker's payments are paid to eligible jobseekers aged 18 to 66 years and all recipients of a jobseeker's payment are subject to the rules of the scheme.

People in receipt of a jobseeker's payment must engage with my Department's activation measures and can face sanctions if they fail to do so. However, from January 2014, these criteria were eased for people aged 62 and over, such that they are not obliged to engage with the activation process. They are still able to voluntarily avail of an array of supports, which are available from my Department if they wish to return to work, training or education. Furthermore, the majority of these individuals will have to register with their local office only once a year and their payments will be paid directly into their bank accounts.

Once a person has exhausted his or her entitlement to jobseeker's benefit, he or she may be eligible for jobseeker's allowance, subject to the means test and other qualifying conditions. However, someone claiming jobseeker's benefit from a date after his or her 65th birthday continues to be eligible for that payment until reaching State pension age.

**Deputy Clare Daly:** Notwithstanding the Minister's answer, there is still an enormous gap because of the rules around the State contributory pension and indeed rules around pension schemes. I will give an example of a former Aer Lingus colleague of mine who took early retirement. His pension was €25,615 per year. He celebrated his 65th birthday in January 2017 but it was not much of a celebration because his pension was reduced by €15,150, a staggering drop of over €10,000 or over €200 per week. He did not have an entitlement to jobseeker's benefit because the six to nine months were used up and he was not entitled to an allowance because his pension, even though it had been butchered, was inadequate. Like many others, this man had worked all his adult life bar a couple of years at the end and contributed significantly to the system. There is an anomaly here and we need some form of financial bridging system to meet the gap because a gap is there and many people like this man are falling into it.

**Deputy Leo Varadkar:** There are anomalies. The Government made the right decision to

increase the pension age. It might not be popular but it was necessary. The State pension age in the 1970s was 70. Average life expectancy in those days was 68 for a man and 72 for a woman so people paid into the pension system for 40 or 50 years and retired for a few years. We are now in a very different situation where people are working for 40 or 50 years and are retired for 20 or 30 years. The Deputy can understand why we need to increase pension age in line with life expectancy if we are to have decent pensions in the long term. However, it has thrown up anomalies, one of which involves people who are contractually required to retire at 65 by their employer and who cannot avail of the State pension until the age of 66. We are dealing with that through employment equality law and, hopefully, a change to the rules for public servants to allow them to work to 66 if they wish.

The other scenario raised by the Deputy has come up previously. I do not yet know what the solution to it is. We need to come up with a solution for it. I know that some pension schemes and some trustees have changed their own rules, and they can do that, to extend the bridging period. I know of schemes that have done that but, obviously, all schemes are not going to do that, which leaves some people in a difficult position. It would be hard to come up with a solution that would recognise the fact that every pension scheme has its trustees and they make their own rules.

**Deputy Clare Daly:** The problem is that the Minister does not have the solution but I would be somewhat reassured if I thought he was actively looking for one. What the question is saying is that we need to put a system in place that addresses this. The Minister calls it an anomaly. I call it a deliberate gap or a gap that has arisen because of the way we structure our State contributory pension scheme and the rules around the occupational pension schemes. In some cases, if the pension schemes absorbed it, it would put a strain on the solvency of the schemes when there are already difficulties - not because of actual solvency but because of the rules around that. I ask the Minister to get heads together in the Department to look at how private pension scheme rules and the State contributory pension can be matched up or married to address what is a heartbreaking erosion in quality of life for people who have worked for years. Let us remember that if we do not address this, people retiring in 2021 will have two years with no income - not just one year as in the case involving the man to which I referred.

**Deputy Leo Varadkar:** I am aware of the problem. We are looking for a solution precisely because of the reason mentioned by the Deputy, namely, the fact that this issue will become twice as frequent in 2021 and three times as frequent in 2028 so it would be wise of us to find a solution as quickly as possible. Admittedly, it certainly would have been wiser when the change was made a few years ago to think through many of these consequences and the bad solutions in place. The ideal solution is for trustees of pension funds to do the right thing and extend the bridging for another year. This is what they should do but in cases where they do not, it leaves individuals very exposed to a reduction in their income through no fault of their own for that one-year transition period. While we do not yet have a solution, we will try to develop one.

### **Employment Support Services**

48. **Deputy Willie O’Dea** asked the Minister for Social Protection his views on the concerns that have been expressed regarding the moves towards increasingly using for-profit companies as opposed to not-for-profit companies for services such as employment activation services and the local employment service, his further views on the impact that this is having on the com-

munity and voluntary sector and if he will make a statement on the matter. [17860/17]

**Deputy Willie O’Dea:** As the Minister is aware, the move towards using private for-profit companies to deliver employment activation services and local employment services, which were previously delivered by the State and the voluntary sector, has caused a number of concerns. Is the Minister aware of these concerns and what action is being taken?

**Deputy Leo Varadkar:** The State’s public employment service is managed by my Department and delivered directly by its own Intreo service, as well as by contracted private companies such as the two JobPath companies, Seetec Limited and Turas Nua Limited, the local employment service companies and job club providers. The Department has contracts in place with in excess of 60 companies for the provision of these services. This includes two contracts with JobPath service providers.

JobPath is a new contract model whereby the providers, which are private commercial enterprises, are paid by results. In other words, they are paid when they achieve sustained employment outcomes for jobseekers. This payment model contrasts with the approach used to fund the local employment service, where the providers are paid by inputs regardless of outcomes. In other words, they are paid an amount that is agreed at the beginning of each year based on the forecast level of activity. The success or otherwise of the local employment service provider in securing employment for jobseekers does not affect the payment amount.

When JobPath was developed, fears were expressed that it would take over from or substitute for the local employment service. While I understand these concerns, this was not the intention and it has not happened. The purpose of JobPath was, and is, to complement and augment the existing service capacity of the Department through Intreo and the local employment services. There has been no reduction in the budget allocated to the local employment services.

In fact, in addition to the service capacity offered by the local employment services, more than 600 staff are employed by the JobPath providers delivering a case management and advisory service to long-term unemployed people. These people would not have had access to such a service had JobPath not been made available. In addition, the capacity introduced by JobPath has enabled the Department to reduce the workload on its own caseworkers such that each local employment service caseworker should have a caseload of no more than 120 jobseekers. This is in line with international norms. Prior to the introduction of JobPath, the caseload was more than 1,500 jobseekers per Intreo and local employment service caseworker. I am, therefore, satisfied that the development of JobPath has been, and will continue to be, positive both for jobseekers and for the local employment service.

**Deputy Willie O’Dea:** I understand the Minister’s rationale. These jobs were previously done by the community and voluntary sector and the State. One could get the figures regarding the number of jobseekers per case officer etc., if one expanded the State’s resources. Is it more cost-efficient to bring those private companies on board? Is it a cost saving measure? Is the Minister aware of a number of allegations of cherry-picking by those companies where people who are likely to succeed are preferred to those who will require more intensive supervision or attention?

**Deputy Leo Varadkar:** I am certainly aware of allegations of cherry-picking but they do not stack up because it is my Department that decides who is referred to JobPath. This is very different from the model used in the UK, which has been much criticised and where cherry-

picking was possible. We decide who is referred and we make sure it is a decent spread of people with different types of needs.

I do not really mind whether the service is provided by a private for-profit company, a private not-for-profit company or any other body. What I am interested in is value for the taxpayer and results for the people receiving the service. One of the advantages of Seetec and Turas Nua in respect of JobPath is that they covered all the set-up costs themselves. There would have been a considerable expense for the taxpayer had the Department had to set up all those offices around the country. Another advantage is payment by results. These companies are paid for the results they get whereas under different models, people are paid for the activity they do regardless of whether they get any results. There are pitfalls and perverse incentives in any system one uses. That is inevitable, which is why they need to be monitored closely. I do not think we will really know which model is the best for a number of years but I think we should continue to use both.

**Deputy Willie O’Dea:** I take the Minister’s point but has analysis been done or is any planned regarding the impact of those reforms? Is there any independent evidence as yet that they represent the best outcomes for the State and the individual?

**Deputy Leo Varadkar:** The evidence that exists, which is there in the first quarterly report on the Department of Social Protection website, and there will be another quarterly report out in the next couple of weeks, shows very high levels of customer satisfaction. It also shows that people who have been referred to Seetec and Turas Nua are more likely to be in employment and to gain employment than a similar profile of people who were not referred. This is especially true of people who are longer-term unemployed. These are only initial results and I would not be writing about them in the OECD Journal just yet. We are going to need to see this develop over another year before we can be certain that these results are as good as they appear. An independent econometric analysis will be done also to see what sort of results and outcomes we are getting.

*Question No. 49 answered with Question No. 41.*

*Questions Nos. 50 to 62, inclusive, replied to with Written Answers.*

### **Jobseeker’s Allowance Payments**

63. **Deputy John Brady** asked the Minister for Social Protection the reason for the delay in the report on the impact of reduced jobseeker’s payments for those aged under 26; his plans to end this discrimination; and if he will make a statement on the matter. [17954/17]

**Deputy John Brady:** We are aware of the ongoing discrimination against our young people aged under 26 who are unemployed. This has been borne out by evidence, through constituents, by people coming forward and by a number of organisations. The budget just gone has continued that discrimination. What is the Minister going to do to bring an end to the ongoing discrimination?

**(Deputy Leo Varadkar):** The Central Statistics Office latest monthly figures report that the seasonally adjusted unemployment rate for persons aged between 15 and 24 was 13.9% in March 2017. This is a significant decrease of more than five percentage points, from 19% in

March 2016.

Lower weekly rates for younger jobseekers were first introduced in 2009 and further extended in subsequent budgets. The rationale for these rates is to prevent young unemployed people from entering longer-term welfare dependency by providing a strong financial incentive to take up a job, training or education programme. Should a young jobseeker on a reduced jobseeker's allowance payment participate on an education or training programme, he or she will receive a higher weekly payment of €160. This rate will be further increased to €193 per week from September 2017.

The National University of Ireland, Maynooth, NUIM is undertaking a piece of research at the moment which is examining the effectiveness of the reduced rates in encouraging young jobseekers to avail of education, training, employment programmes and opportunities. My Department has not commissioned the NUIM to undertake this research. Rather, as part of an effort to encourage and promote research, my Department has facilitated the NUIM with access to the data from the jobseeker's longitudinal database to undertake this research. The findings of the NUIM research are likely to form the key element of the review which my Department is undertaking in line with the Pathways to Work 2016-2020 strategy. It is hoped that the research and report will be completed shortly.

With effect from last month, rates of jobseeker's payments were increased for claimants of all ages as a result of measures introduced in budget 2017. I have no plans for any further increases in rates at present. Any such changes could only be considered the context of the next budget.

**Deputy John Brady:** I urge the Minister to look at it in the next budget. It is certainly having a huge impact on our young unemployed. We know the figures. Young people are twice as likely to be unemployed as older people. The Minister did commit to a report, which I believe was due to be brought forward in the second quarter of 2016. This was in the Pathways to Work 2016-2020 strategy but we still have not seen that report. I am not sure if this is the report to which the Minister has just referred in his reply. He said there were increases to the jobseeker's payment for the young who are unemployed. This was a measly €2.70 for people under the age of 24 and €3.80 for those aged 25 and upwards. This continues the discrimination for young people who are unemployed and it needs to come to an end. I ask that the Minister brings forward the report. Let us have a debate on the matter and put in place measures to end the discrimination for our young people.

**Deputy Leo Varadkar:** I do not have the report so I cannot bring it forward at this stage. Once I have it I will certainly read it and bring it forward then. Changes I am making at the moment which the Deputy may be aware of include the opening up of the community employment, CE, scheme to younger people by reducing the minimum age from 25 to 21 for all schemes. It is already the case for child care and one or two other schemes. Any person who is between the ages of 21 and 24 who cannot find employment, training or education and who is unemployed for more than a few months now has the option of going on to a CE scheme. In this case he or she will receive more than €200 per week.

**An Ceann Comhairle:** Sin deireadh le ceisteanna chun an Aire Coimirce Sóisialaí. Táimid ag dul ar aghaidh anois go dtí Ábhair Reatha.

*Written Answers are published on the Oireachtas website.*

*Dáil Éireann*  
**Topical Issue Debate**

**Social and Affordable Housing**

**Deputy Michael D’Arcy:** The issue I raise is an area that seems to have been left behind in the Rebuilding Ireland plan. I have gone through the plan and the affordable sector appears to have been ignored. I believe it is an important area. The problem with the rental sector is quite simple: there are too many people who are renting. A huge number of people are locked out of the market who have the capacity to purchase a property.

I will put it into context. According to the Central Statistics Office the average industrial wage is €35,600 per annum. At €33,800 those people entered a higher rate of tax at 40%, but it is not just 40%. It is 40% plus the universal social charge, USC, and pay related social insurance, PRSI. Consider the Central Bank’s rules for borrowing from a financial institution. Three and a half times the salary allows for the borrowing of €124,600 to purchase a property. If two people are earning the average industrial wage it allows for borrowing something less than €250,000. Last year the Society of Chartered Surveyors Ireland issued a very good report which showed that the cost to build a house in greater Dublin is €330,000. The numbers are actually quite simple. Those people are locked out of the market unless they get a very large amount of money from somewhere or somebody else. Not everybody is in a position where their parents or grandparents are capable of helping, where they have an inheritance, or where they won the lotto. Until we do something to help those people, we are going to have serious problems with homelessness and with the rental sector. The problem is growing and getting worse.

In the past, the local authorities had an affordable housing scheme. The information I have received in replies to questions I have put to the Minister is that those schemes have effectively been closed down. They are not functioning now and have not functioned for a number of years. I can understand that this may have been the case during the period when it was cheaper to purchase a property than it was to build one. The issue now, however, is that as the market has recovered and house prices have increased, we have not re-enacted those schemes. The Ceann Comhairle was once a member of a local authority. These local authority schemes were prevalent in greater Dublin and in the major urban areas such as Cork, Limerick, Galway and less so in Waterford. I hold the strong view that the State must intervene. The State has intervened in the past. The Rebuilding Ireland programme is a €5.35 billion scheme for people who are not capable of getting a house and to help deal with homelessness. However, the niche for people who are just above that in lower, moderate and average pay seem to have been forgotten about. This is an area we cannot just forget. There are too many people renting. If there is a small inducement, we can get them into their own houses; the affordable housing scheme needs to be revived.

**Minister of State at the Department of Health (Deputy Catherine Byrne):** I will be taking this matter on behalf of the Minister, Deputy Simon Coveney.

A range of measures is being taken under the Rebuilding Ireland Action Plan for Housing and Homelessness to increase housing supply overall, with the aim of creating a functioning and sustainable housing system which can meet housing demand at more affordable prices. The plan is divided into five pillars, with each targeting a specific area of the housing system.

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Pillar 3, entitled “build more homes”, has a key objective of increasing the output of private housing to meet demand at affordable prices, including by opening up land supply and State lands, including the major urban housing development sites initiative, which identified large-scale sites in the main cities that are capable of delivering significant numbers of homes in the short to medium term to boost overall housing supply, a €200 million local infrastructure housing activation fund, National Treasury Management Agency financing of large-scale “on-site” infrastructure, planning reforms, putting in place a national planning framework and land management actions, efficient design and delivery methods to lower housing delivery costs and measures to support construction innovation and skills.

While there are no plans at present to reintroduce an affordable housing purchase scheme, pillar 4 of Rebuilding Ireland, entitled “improve the rental sector”, provides for the introduction of an affordable rental scheme to enhance the capacity of the private rented sector to provide quality and affordable accommodation for households currently paying a disproportionate amount of disposable income on rent.

As set out in the strategy for the rental sector published in December 2016, the commitment to introduce affordable rental units is now to be progressed through kick-starting supply in rent pressure zones. Lands held by local authorities in rent pressure zones are to be brought to market on a competitive tendering basis, with a view to leveraging the value of the land to deliver the optimum number of units for rent, targeting middle income households, in mixed tenure developments. The cost of providing rental units is to be permanently reduced by lowering the initial investment and development costs for providers - approved housing body or private - allowing the rental units to be made available at below market prices without the need for ongoing rental subsidies.

The local authorities concerned will identify a number of sites with potential and will move forward as soon as possible to issue calls for proposals from parties interested in developing projects. As speed of delivery will be critically important, appropriate licence arrangements, incorporating clear timescales for delivery, will be a key feature of the process.

This programme is being co-ordinated with the dedicated measures in Rebuilding Ireland to accelerate housing output from the major urban housing delivery sites, including support from the local infrastructure housing activation fund, LIHAF, where necessary. Through this combination of measures, the Government is satisfied that a more sustainable housing system delivering accommodation at more affordable prices and rental levels can be achieved.

**Deputy Michael D’Arcy:** It goes to show that there is a major anomaly here, namely, that we have budgeted €5.35 billion for one sector while the sector immediately above it has nothing. It is a huge hole in the scheme. I am disappointed. I raised the matter before the Rebuilding Ireland programme was announced. It is an area we must revisit. In respect of the figure on the help to purchase scheme, we are looking at tens of millions of euro going into that scheme, which is welcome. The area I am talking about has been ignored, however. I flagged it. Something needs to happen here. I will be speaking to the Minister, Deputy Coveney, and the Minister of State, Deputy English.

This is the first occasion that I have got it out of the Department that there are no plans to introduce an affordable housing purchase scheme. It is a serious error. Part of the Irish psyche is to purchase property. Whether we like it or not, that is not going to change. Pillar 4 is about affordable renting. People do not like renting, especially in areas where rent is €1,200 per

month. That is €15,000 per year. People will purchase but they need a little bit of help from the State. The State has done that successfully in a number of past decades, going back to the 1960s, 1970s, 1980s, 1990s and the 2000s. It needs to be reintroduced. It is a massive error of judgment by the Minister, Deputy Coveney, and the Minister of State, Deputy English, not to reintroduce the affordable housing purchase scheme.

**Deputy Catherine Byrne:** I thank the Deputy for his contribution and appreciate his concerns. I had a huge interest in the matter as a member of a local authority during the time that affordable housing was being issued. Many young people got their first kickstart into buying a home for themselves that way.

These issues are included in the policy of the €5.3 billion that has been allocated by the Government to build houses. It is important to remember that we are at the beginning of a different kind of housing environment in this country. The Government is focused on being able to put in place more affordable housing across the board for anybody who wants to be able to buy a property, particularly young people and first-time buyers, which has already started, and particularly around people who want to come back and live in their own community. While there are no plans to introduce an affordable housing scheme at this time, we are confident that the wide range of measures being taken by the Government in the context of Rebuilding Ireland will provide opportunities for people to access good quality housing at a price level that they can afford. The increased supply is already starting to come on-stream and it is expected that it will be fast tracked considerably over the coming months.

I take on board what the Deputy has said; he speaks with great knowledge of the issue. I will relay his message back to the Minister, Deputy Coveney. The Deputy will speak to the Minister himself and we will have opportunity to speak together ourselves.

### **Medicinal Products Availability**

**Deputy Joan Collins:** I tabled a written question on 24 January asking what the status of talks were between Vertex and the HSE. The reply stated that talks resumed last December and the Minister stated at the end of February that a decision would be made in a matter of weeks. It has now been months. It has been a very frustrating ten months for people in respect of this issue. On 28 and 29 March I received calls from parents of CF children saying Vertex had contacted them to say no contact had been made with it since 2 February. I submitted this Topical Issue matter on 30 March and unfortunately the Minister has not been available since then. Maybe he was waiting for today.

Cystic fibrosis awareness week starts this week. I watched Jillian McNulty last night on the “Claire Byrne Live” show, as well as Ronan and Linda, the parents of young Finn, and Aidan, who are waiting for Orkambi. I believe the talks started again last week. The price has gone down but it looks like the HSE is looking for a package for future drugs like VX-661, which is really a game changer for people with CF. Members of the CF community feel they have been pawns in this process, between Vertex putting them under huge anxiety and the Minister suggesting earlier this year that there would be announcements imminently. Vertex was looking after its own self-interest there, as well.

I would particularly like to mention Hazel Robinson, a mother who has been camping outside these Houses for the last few days. She has a young daughter who has CF. I got word that

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there could be a statement in the Dáil today and I presume that is why the Minister, Deputy Harris, is in the Chamber. I hope the statement is a positive one. If it is not people will be very angry tomorrow at the demonstration at 1 o'clock. I hope they will be out there celebrating rather than being angry.

**Deputy Gino Kenny:** I think the Minister might have good news. I was looking at his Twitter account. We will see in a few minutes. Hopefully it is good news for the many people who have been waiting for an end to this long drawn-out saga. Hopefully weeks will turn to minutes now. As Deputy Collins said, there is a young mother, Hazel Robinson, outside the Dáil at this moment. She has been sleeping there for the last three days. She is campaigning for her own daughter, Gypsy Anne.

This makes us reflect on why people go to such desperate measures to highlight such desperate situations. It is terrible that people have to resort to such things.

I hope the Minister will have some good news today in this regard. I realise talks are ongoing with Vertex Pharmaceuticals and the HSE over a proper price structure for Orkambi. I hope the Minister can give a commitment today to the effect that the people who could benefit greatly from this drug can get good news. That would enable them to get on with their lives. If we could start to administrate that, it could help a great many people. It is down to the Minister.

**Minister for Health (Deputy Simon Harris):** I thank Deputy Collins and Deputy Kenny for raising this issue in the Dáil. I thank Deputies from all sides of the House who have consistently over a long period raised this important issue relating to cystic fibrosis patients. In raising this issue this evening, the Deputies have provided me with an important opportunity to provide an update in the Dáil on behalf of myself, the Minister of State at the Department of Health, Deputy Catherine Byrne, the Minister of State at the Department of Health, Deputy Finian McGrath as well as all of us in government.

I am pleased to inform the House and in particular cystic fibrosis patients, their families and friends, that the HSE and Vertex have this evening confirmed that an agreement has been reached in principle on the commercial terms for the supply to Irish patients of Orkambi and Kalydeco from next month, and for other treatments and age cohorts following market authorisation in Europe. I am keen to provide this update this evening to the House to offer reassurance to patients on this important matter and to inform them that the HSE and Vertex expect these medicines to be available from next month. I also wish to inform the Dáil that both parties are now working to finalise the contractual arrangements and complete approval processes in advance of 1 May.

I recognise the work the HSE has put into these negotiations over a long period. These were not easy negotiations. A large body of work needed to be done on this important matter. I want especially to acknowledge that this has been an extraordinarily difficult time for cystic fibrosis patients, their families and friends as they have been waiting for this process to conclude. I was determined that the process would conclude and that we would get the best possible arrangement for cystic fibrosis patients. In the past, this group of patients have not been properly and adequately catered for in terms of certainty of medicine supply.

However, I am sure that the Deputies will accept that, given the scale of the investment, the potential benefits for Irish patients and the impact of this decision on the health service overall, it is appropriate to allow the statutory process in this State to be concluded appropriately to bring

certainty to matters. As Deputies are aware, the HSE has statutory responsibility for decisions on pricing and reimbursement of medicines in the community drug schemes in accordance with the Health (Pricing and Supply of Medical Goods) Act 2013. In reaching a reimbursement decision, the HSE must examine all the evidence that may be relevant in its view, and it has done so. The HSE takes into account such expert opinions and recommendations that have been sought at its sole discretion, for example, from the National Centre for Pharmacoeconomics.

I will outline the position on Orkambi for the treatment of cystic fibrosis patients aged 12 and older. Following an application by the company, the treatment was assessed in line with the statutory process, following which the HSE called on Vertex to re-enter negotiations. Further meetings were held with the manufacturer in December and early January. The discussions with the company broadened to include Kalydeco and further treatments for CF patients. I hope more iterations of drugs will come on stream and more iterations of drugs will be able to cater for other patients of other ages. It is important we get all these elements right in order that we not only have an arrangement for now but an arrangement that is future-proofed to meet the needs of all cystic fibrosis patients throughout the age spectrum.

Following detailed consideration by the HSE directorate, its legal representative and officials in my Department, further negotiations took place last week. Those discussions have continued up to this afternoon. I am pleased that we are now in a position to reassure people that we are in the concluding stages of the agreement, as I outlined earlier. Further work in the coming days will bring this matter to finality. These drugs will be available for Irish patients in this country from next month.

**Deputy Joan Collins:** That is great news for the CF community, parents, Cystic Fibrosis Ireland and the children. I watched Aidan last night. He is 43 years of age and his lung capacity is down to 40%. For him, that will amount to a life-saving statement. He will be delighted. I sincerely congratulate the community for staying strong although they have been under extraordinary anguish and anxiety in recent times.

I hope that the march tomorrow will be one of celebration and that they will be out in the streets. Those affected expect the talks to be concluded in the coming days in order that they can see the drugs on the market on 1 May. This is especially important for people who have been on the drug on compassionate grounds and other grounds. This copperfastens for them that they will hold on to these drugs in future. That is important.

The Minister referred to future drugs that could be introduced by Vertex. Have they been included in the deal or are they separate issue? I thank the Minister for coming to the Dáil and making the statement today.

**Deputy Gino Kenny:** It is good news. There are not many occasions when we hear such news. Sometimes in this House there is good news but most of the time it is bad news. It is good news for the people who are listening, especially the CF sufferers. This lengthy saga has been dragged out.

If there is one lesson that everyone should learn, especially the Government and the HSE, it is that this should never happen again. This has been a drawn-out painful process for those who need essential drugs. It must not happen again. At the crux was the question of drug companies holding governments to hostage. Ultimately, it was about price. We cannot put a price on a person's life or health. That goes across the board. I hope the lesson is learned. Can the Min-

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ister comment on the price structure of Orkambi? A figure of €159,000 per year is completely unsustainable. I hope the price can be reconfigured.

**Deputy Simon Harris:** I thank Deputy Collins, who I know has a sincere interest in this and who has raised this issue on several occasions. I thank Deputy Kenny for his comments as well. It is, as Deputy Kenny, said, a rare enough occasion in this House when we can be unified in our desire to do good and to try to agree on what that looks like in terms of doing good. Providing certainty in terms of access to innovative medicine for patients with cystic fibrosis in this country is a good act.

I have many thoughts on the process in terms of how we negotiate drugs and international collaboration on drug companies. However, I do not believe today is the day for that. I would very much welcome a debate in the House on how we can improve the process and how we ensure we get the best outcome for our patients in the knowledge, ultimately, that the health services in this country and every other country, no matter how large the budget, have finite amounts of money. We should have that discussion and discuss how to keep patients up to date. We should discuss the lessons that can be learned from this process. That would be a worthwhile debate to have in the House and I would welcome it.

I will come back to Deputy Collins on her specific question. I am keen to get clarity on the point first. I do not intend to comment on any specific contractual issues because lawyers need to get involved on both sides. Contracts need to be exchanged and logistics need to be looked at. Ultimately, I need to bring this to Government for agreement at the next available opportunity after Easter. However, I did not want to have this news and allow us go to the Easter recess without sharing the information with patients and their families. I join the Deputies in thanking Cystic Fibrosis Ireland for its advocacy. I thank people like Jillian McNulty and Orla Tinsley. I thank the mothers, fathers, brothers, sisters, friends and people who have contacted all of us. They were all unified by the same desire. They did not want to get caught up in a big political debate. They simply wanted what was best for their loved ones.

Now, we will get on with the process of finalising the arrangements of dealing with the important contractual elements. The message going out to Irish patients from Vertex and the HSE is that these medicines will be available to patients from next month.

**An Ceann Comhairle:** I think it would be appropriate to congratulate you, Minister, and all the Deputies who have consistently raised this matter as well as all the valiant campaigners who have been alluded to outside the House on a job well done.

### **Business of Dáil**

**An Ceann Comhairle:** The Chief Whip has an item of business to raise.

**Minister of State at the Department of the Taoiseach (Deputy Regina Doherty):** Following our conversation earlier with regard to the Order of Business, it is proposed, notwithstanding anything in Standing Orders or the Order of the Dáil today, that: (1) statements on water will not now take place tonight; and (2) the motion re the report of the Joint Committee on the Future Funding of Domestic Water Services shall be taken tomorrow evening after the statements of the report on the Fennelly commission and shall conclude within 80 minutes, and the following arrangements shall apply: speeches shall be confined to single round from a Minister

or Minister of State and the main spokespersons for parties and groups or a Member nominated in their stead, which shall not exceed ten minutes each; and all Members may share time.

**An Ceann Comhairle:** Is that agreed? Agreed.

### **Topical Issue Debate (Resumed)**

#### **National Stroke Programme Implementation**

**Deputy Maureen O’Sullivan:** I welcome the opportunity to discuss this matter. The Minister for Health, Deputy Harris, explained that he had to leave, but I know he will hear about it. This issue is particularly alarming because I was in the audio-visual, AV, room last week and heard from the Irish Heart Foundation and doctors who are involved in the treatment of strokes that there has been a regression from the positives of some years ago. The advances in acute stroke care, which saved more than 200 lives a year and reduced the rate of severe disability by more than a quarter, are being undermined. They are the facts as presented by Professor Joe Harbison, who was the head of the HSE national stroke programme. For me, right across the board on health matters, whether it is to do with heart, cancer, addiction, strokes or whatever, prevention and immediate intervention are paramount. If we get those right, it is infinitely better for the person involved, his or her family and our health services. In the main, prevention and immediate intervention do not cost as much as long-term care.

The facts are that stroke is Ireland’s third-leading cause of death. It is the biggest cause of adult physical disability. Some 20% to 25% of residents in nursing homes are there due to strokes. It is estimated that the rate of stroke will increase by a further 50% in the next five to eight years. There is a crisis and it has been described as an avalanche. Very sadly, this comes after a number of years of improvement. We knew, and the recent census figures have confirmed it, that we have an increasingly ageing population with people living longer. An important indicator of the worsening outcome is the increase in the length of hospital stay and the increase in direct discharges to nursing homes. That is the case for the first time since the national stroke programme was established and it means that the costs are increasing. We know that nursing home care is expensive. There was a figure from 2015 on nursing home care which showed a 2.3% increase, which amounts to €17.3 million. That would pay for 1.6 million hours of home care at current rates. I want to stress very forcibly the fact that death and severe disability from stroke were being dramatically reduced in recent years.

There was a stroke survivor in the AV room who was visible proof of how those procedures were working. He had a stroke a number of years ago and was totally paralysed on one side, unable to speak and unable to move. He got to Beaumont in a reasonably timely way, was subjected to the necessary procedures and normal life resumed. He spoke very graphically of what that has meant to him. If it had not happened, the process would have meant that he would be in a nursing home long term.

In the four years from 2010 on, the national stroke programme was responsible for reducing nursing home costs by €30 million a year. If the HSE had spent €15 million a year on providing the 200 extra therapists required in stroke units, the cost reductions would be restored and the service would be able to deal with the increase in strokes that the hospitals are seeing. It was

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horrifying to hear that there are more people being employed in a coffee shop in one hospital than there are in the stroke programme in that hospital.

We know what works. Initially, prevention is needed beforehand, as well as awareness and screening programmes for those with high blood pressure and atrial fibrillation. Also required are immediate investigations and assessments of mini-strokes and access to the clot treatment thrombectomy for all stroke patients regardless of location. Timely access is needed to appropriate levels of in-hospital rehabilitation as well as a national roll-out of an early supported discharge programme. That is what works. It is what saves money and lives. I ask the Minister to look at the 2017 manifesto of the Irish Heart Foundation because the measures suggested there are largely deliverable within the funding, with perhaps only a small increase necessary. Many consider as basic the standards of care in other countries that are not available here. This is about preventing death and disability.

**Minister of State at the Department of Health (Deputy Finian McGrath):** Before I respond to Deputy Maureen O’Sullivan, I warmly welcome the agreement between Vertex, the HSE and the Government on the drugs for treating cystic fibrosis. I want to commend all those involved, including the Minister, the cystic fibrosis families and Ms Rebecca Hunt from Vertex, who did a lot of work on this issue as well. I just want to wish everybody well because it is a good day for cystic fibrosis families and a good day for the health service.

With regard to this Topical Issue, I am very grateful to Deputy Maureen O’Sullivan for providing me with the welcome opportunity to talk about stroke services in Ireland. Let me start by referring to the good work of the HSE national clinical programme for stroke. The national clinical programme for stroke has been in place since early 2010. The vision of the programme is to design standardised models of integrated care pathways for the delivery of clinical care to ensure sustained quality clinical operational management. Overall, the programme aims to improve the quality, access and cost-effectiveness of stroke services in Ireland. The programme can point to many improvements in stroke care since its inception. The HSE has previously advised my Department that emergency thrombolysis is now provided to patients in all regions through improved hospital and ambulance protocols, health professional training and the appointment of new physicians. There is national 24-7 access to safe stroke thrombolysis, the rate of which has increased from 1% in 2006 to a current rate of 13%. This exceeds the national target of 9%.

Access to stroke unit care has been shown to improve stroke patient outcomes through reduced mortality rates, reduced dependency and shorter lengths of stay in hospital for patients. Since the commencement of the national clinical programme for stroke, nine new stroke units have been opened, bringing the total number of stroke units in acute hospitals to 22. This is a major improvement on the first national stroke care audit in 2006, which reported one stroke unit in the country. The programme has also developed a range of care pathways to assist the streamlining and standardisation of stroke care delivery. The cost objectives of the programme have also been met with more stroke patients experiencing improved clinical outcomes. Examples include: fewer stroke patients are dying in hospital - the rate dropped from 16.2% in 2009 to 14.1% in 2014, an overall percentage reduction of 12.9%; fewer stroke patients are discharged to nursing homes and, therefore, there are improved disability outcomes - this decreased from 17.7% in 2009 to 13.8% in 2014, an overall percentage reduction of 22.1%; more stroke patients are discharged directly to home from acute hospitals - the rate increased from 50.7% in 2009 to 51.6% in 2014; and the median acute hospital length of stay for stroke fell from ten days in 2009 to nine days in 2014, with an estimated 19,000 bed days saved in the 2011

to 2014 period. This is all good news for stroke patients. However, I accept Deputy Maureen O'Sullivan's point that we have to do more and that more has to be done.

**Deputy Maureen O'Sullivan:** Nobody is denying the progress that has been made. However, there is a real fear that that progress is being undermined. There is somewhat a discrepancy between the facts provided in the Minister of State's answer and what we heard last week in the AV room. There must be action around the rehabilitation services. As the Minister of State said, more people than ever are living and not dying following strokes, but they are living with the aftereffects of strokes. More lives are being saved because of the improvements in the acute services. However, the therapy to ensure quality of life is missing. The physical, psychological and communication services are available to those with private insurance.

The rate of the return home of stroke patients is falling. Returning home is more beneficial personally and costs less, but the services have to be there to ensure that. We need to look at the way the money is spent. Immediate treatment in hospital, rehabilitation in the community and home care mean less reliance on nursing home care. There is research from the Irish Heart Foundation on the cost of stroke. Out of a direct cost to the State of up to €557 million per annum, as much as €414 million is spent on long-term care for stroke patients. Less than €7 million is spent on community rehabilitation programmes that help people remain at home.

I want to quote from an advocate whose family have suffered strokes. He said: "Tonight hundreds of people will sit down to dinner with their families because of service improvements delivered by stroke teams in every corner of the country in the last six years but a great deal more will not be in their own homes but forced to live away from their families in long-term care because we ultimately did not do enough for them." He is just asking that we look again at how the money is being spent to ensure people do not have to go into long-term nursing care but can go home.

**Deputy Finian McGrath:** I am particularly conscious that the early supported discharge service for stroke patients requires attention. Indeed, it has been recognised internationally that early supported discharge of stroke patients from hospital improves outcomes, reduces the need for long-term care and increases acute hospital capacity by freeing up beds. I accept those arguments. The programme has helped to establish three effective early supported discharge teams in Dublin and Galway. The Galway service has developed a model whereby the service can be effectively provided in the more rural areas of Ireland. This and other issues for stroke services will be considered as part of the annual Estimates process, which frames the HSE's national service plan for 2018.

I take the Deputy's valid points in regard to quality of life and the return home. We need to develop community rehabilitation programmes and other services in the interests of the patient but also in the interests of cost-effectiveness. I will bring the important issues raised by the Deputy to the attention of the Minister, Deputy Harris.

### **School Accommodation Provision**

**Deputy Shane Cassells:** I thank the Ceann Comhairle for the opportunity to raise in our national Parliament the concerns and issues of St. Fiach's national school in the small parish of Ballinacree in north Meath. I am very appreciative of the fact it is the Minister, Deputy Bruton, who is present and I thank him for that because, as a Meath man, he knows this area of the

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county well and knows how this little school is so integral to the way of life in north Meath. It is the most northern part of the county. This little village is made up of the school, the church, the community centre and Briody Beds, which is the main employer in the area. The people of Ballinacree are proud and resilient but that little school, which keeps the village alive, is in dire need of help and attention.

The school, which I visited yesterday, was built and opened in 1961, and the facilities which I inspected with the principal, Dr. Ann Bennett, have changed very little since that time. The changing rooms for the boys are adjoining out-of-date toilet facilities and are unhealthy. The lack of any resource facilities for the SNA teacher is a scandal. The classroom floors bear the scars from the turf-burning stoves, which were only recently removed. I do not think students in any other part of the country could envisage such a scenario. To participate in PE, gymnastics, school drama and assemblies, the children have to leave the school premises and walk to the nearby community centre. Until recently, this was a case of taking their lives in their hands because there were no footpaths connecting the two buildings and they were walking along a busy country road where trucks pass by on their way to the industrial units. As Dr. Bennett told me yesterday, the facilities she had when she taught in Botswana were better than those she has to work with in this little school since she arrived in 2011.

The fact it is a little school and located in the most rural part of north Meath should not conspire against it in terms of access and funding. This is quite a famous little school and two years ago, it received international acclaim because All Blacks fly-half, Beauden Barrett, had attended primary school here when his family relocated from New Zealand for a while, and he even played Gaelic football with the school. This World Cup winner returned to Ballinacree recently and even performed the haka on the front lawn of the school. However, the facilities he saw did not meet world standards - they do not even meet basic health and safety standards, as matters stand.

The school applied recently for funding to construct additional rooms - a general purpose room and classroom facilities - and that application was refused on 10 March. This was despite the fact the school inspector and the senior medical officer in the HSE were in unison in terms of the dire need to progress the plans from a health and safety point of view. The school was awarded an additional teacher in 2011 but due to internal issues at the time, applications for the additional space were not progressed and as a result, the issue of the cramped facilities was compounded. The school's board of management has appealed to the Department to look at this retrospectively and work with it to achieve what is needed for the 94 pupils and six teachers.

The Minister will have prepared notes on behalf of his Department, which I appreciate. However, I appeal to him to look at the needs of this little school again, at what it has achieved and what it aspires to achieve. As Dr. Bennett said to me yesterday, the kids in this school want to kick football in their own parish, not in another one. As a fellow Meath man, I know the Minister will know what I mean by that. To do that, however, and for this community to continue to survive, they need the facilities to so do. I ask the Minister to please look again at this file in order that the opportunity for these kids to develop their critical thinking and to fulfil their thirst for knowledge in facilities fit for this age will become a reality.

**Minister for Education and Skills (Deputy Richard Bruton):** I thank Deputy Cassells for raising this issue and I can understand his concern. The backdrop to this, which he probably understands, is the pressure I am under to deliver new school places. Each year we have to deliver at least 15,000 new school places and 5,000 absolutely essential replacements, and, therefore,

the Department has to become very selective and prioritise very carefully. Obviously the first emphasis has to be where new places are not available and have to be built. As my written reply states, there is pressure at primary level, with about 25,000 pupils having to be provided for over three years, and the position is similar at second level, which gives the overall figure of 15,000-plus per year. That is the backdrop and it takes up about 80% of the budget. It is for this reason that, when this application was made to convert two existing classrooms into a general purpose room and to build two new classrooms and a resource room, the Department turned it down. In doing so, it looked at pupil number trends, which have been pretty stable in the past few years, and this resulted in the turning down of the school, as the Deputy has outlined.

The Deputy asked that this be re-examined. I understand the school, pretty much simultaneously, has resubmitted the application and the school authorities have asked that this be reconsidered. I note the points the Deputy is making, which are obviously part of the reconsideration, including the added teacher. I also note the school has made an application in respect of the toilets under the summer works scheme and that has yet to be decided. It is in category five under the summer works scheme, which is still under consideration and a decision will have to be made on that.

The Deputy also spoke on the issue of support for SNAs and resource teachers. Bearing in mind the points he has made and the submission the authority has made, I will ask the Department to look afresh at this and to reconsider the application. The difficulty I have is that we are against this backdrop of pressure on our capital budget to deliver the new build that is absolutely essential because, otherwise, children will have no place to go. That has forced us to be very strict in regard to which of the extensions that are not meeting demographic need we can cater for. I will convey the concerns of the Deputy in the context of this reconsideration of the submission made by the school.

**Deputy Shane Cassells:** I thank the Minister for the response and I appreciate he gets many such requests. However, the context for engaging with him on this particular file is the fact the school was awarded an additional teacher in 2011 and the plans to progress the much-needed facilities were never implemented. The school needs positive engagement with the Department. I ask the Minister to re-examine that technical issue of how it lost out, in particular in the context of how that has now compounded the cramped facilities. The school management has requested a reappraisal with Brian O'Connell from the buildings works section and a request for a meeting to discuss the intricate nature of the required works has been sent to Tona Redmond in the school capital appraisal section. In the first instance, I ask that the Minister would ensure this meeting goes ahead, that there is positive engagement in terms of the officials actually looking at the case file from 2011, given there is a need to revisit the events that occurred at that time, and that the pressing need to develop facilities is examined.

They are good kids. As I said, the Minister knows this part of the county very well. They just want simple, basic facilities. In order for the school to provide whiteboards, the principal had to acquire them from another school that was throwing its boards out because it was getting upgraded equipment. The school is literally living on the clippings of tin. Just because it is out of the main gaze of the media and not in a big town or this city does not mean its pupils do not deserve the same crack at life as anyone living in this city or any big town.

When one walks through the front door of the tiny little school, one is struck by the amazing wall of achievement. It nurtures every little child as one of its own. It is rightly proud of how a current member of the famed All Blacks team is a past pupil. I would desperately love it if on

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the next occasion Beauden Barrett and his family visit, they will be able to see a school that will encourage the next generation of young scholars and sports stars in this part of County Meath. They visit regularly and I met Beauden's dad in Oldcastle last year.

Dr. Ann Bennett, who is the principal, Fr. Philip O'Connor and all the people of Ballinacree are willing to play their part in working with the Department to see the facilities they require developed. I passionately request that the Minister meet them half way on the road to help them to do so.

**Deputy Richard Bruton:** There is no doubt but that if Meath footballers started to do the haka before their competitions, we would certainly see a bit of a change. I note that the Dublin team was under pressure at the weekend-----

**Deputy Michael Healy-Rae:** And rightly so.

**Deputy Richard Bruton:** -----so perhaps this is the start of the great revival.

I will definitely ask the Department to examine this matter. The position is that the school has 93 pupils enrolled. There are four permanent classrooms, a resource room, a staff room and an office. As the Deputy said, the school is using the local community centre for physical education. That is the factual situation against which the Department will be judging the application and also the application in respect of the summer works scheme regarding toilet facilities.

It is stated that there is a resource room. I do not know whether the Deputy said there is none.

**Deputy Shane Cassells:** It is not a proper one. It is a room the school has adapted.

**Deputy Richard Bruton:** I will convey that to the team examining this. My briefing notes do not refer to the added teacher in 2011 and how that issue was dealt with at that stage. I will ask that this be included in the assessment.

### **Brexit: Statements (Resumed)**

**An Ceann Comhairle:** Deputy Tom Neville was in possession. Before he contributes, I wish to bring to the attention of the House a small housekeeping matter. After Deputy Neville, Deputy Ó Caoláin and Deputy Louise O'Reilly will be the next contributors. I understand they are amenable to allowing Deputy Michael Healy-Rae, who has a pressing engagement, to contribute between them. I do not mean between them but between their time slots.

**Deputy Caoimhghín Ó Caoláin:** We would never let him come between us. We are amenable to accommodating him all the same.

**An Ceann Comhairle:** I thank the Deputies. If the House is amenable to that, we can proceed.

**Deputy Tom Neville:** On the previous occasion, I was speaking about Asia and concentrating on the Asian market in light of the fact that there are 4.5 billion people living there. Sixty per cent of the world's population live in the region. There is a rising middle class with rising incomes and, therefore, a rising market. We must bear in mind that the United Kingdom is targeting Asia also, using a Singaporean model. I have seen this from some of the presentations.

We could piggyback on this and work in conjunction with the United Kingdom with complementary industries going into Asia. We could use the UK network and its friends in Asia, such as Singapore, and obviously Oceania.

We want to maintain the Single Market, free trade and the common travel area. The Dublin-London route is the busiest international route in Europe. We need to maintain that. We have 23,000 to 30,000 cross-Border workers. That has a huge impact on Northern Ireland. According to estimates, there are 40,000 legal Acts and 15,000 court verdicts in the EU that are binding on EU citizens that must be dealt with in the context of Brexit. Therefore, it is going to be a long process. We need to attract the businesses that will pull out of the United Kingdom to Ireland, not only to Dublin but also to towns and cities - including mine, Limerick - throughout the regions. It is in the regions that we need to start working a lot more on our infrastructure. A Cork-Limerick motorway is required to generate 300,000 jobs in the area as a counterbalance.

I welcome the Government's movement on housing - the €5.5 billion over the next four years - and also the new movement on broadband, which involves getting the 300,000 houses connected as soon as possible. The workforce is needed, including in rural areas, because the latter will have the most impact in regard to Brexit given the food exports.

**Deputy Caoimhghín Ó Caoláin:** Two weeks ago, I met a number of MEPs from across Europe who were in Ireland on a fact-finding mission. They were here to meet with local communities, north and south of the Border, in order to establish the extent to which Brexit will affect them. They saw at first hand the hugely negative impact Brexit will have on Ireland, particularly the Border counties. There was no doubt but that they were unanimous in their belief that the only sensible and viable - and, yes, achievable - option in this situation is for special designated status for the North of Ireland within the European Union. The call for special status is supported by the majority of parties here too. Need I remind the House that in February this year a motion calling for the North to be given special designated status in the European Union was supported by the majority of Deputies?

Last week in the European Parliament in Strasbourg, a joint resolution was debated calling for the North to be protected from Brexit. Five hundred and sixteen MEPs supported it. That resolution is proof that we have the support of MEPs from across Europe and from across the political spectrum. Having that European support, and majority support here in the Dáil, why then is this Government not following through? Is it deliberately choosing to ignore the will of the Dáil and, more importantly, is it wilfully choosing to ignore the will of the majority of the people in the North who voted to remain? Is it ignoring the rights of all those Irish citizens in the Six Counties who are also European citizens? It is quite astonishing that Spain has been more successful on the issue of Gibraltar than our own Taoiseach has been on the North. Mór a náire.

In recent decades, the European Union has shown itself to be flexible in dealing with different forms of integration for member states within the Union and for non-member states with the Union. However, in the North's case, special designated status will not be achieved if the Taoiseach and this Government do not up the ante. They have a responsibility to stand up for the interest of Irish citizens. The Taoiseach must harness European and Irish support, stand up for Ireland and argue for designated status for the North within the European Union.

In previous contributions on this subject, I have made reference to the sense of foreboding and fear among people in Border communities, such as my own in Cavan and Monaghan, re-

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garding the implications that all of this will have. I also made reference to and questioned the fact that this Government had begun to identify location points for full customs checkpoints along the Border with the North. What a disastrous prospect. Is there any update on all of this? Have the people tasked with this responsibility - whoever tasked them - reported back? If so, what have they recommended and what, if anything, has been decided?

It is now over nine months since the Brexit referendum took place. The result introduced a new and formidable element of uncertainty into the lives of so many. What will it mean for our communities? The answer at that point in time was, "We do not know". Nine months later, we are all still none the wiser, sadly. It is critical that the Government outline its Brexit negotiating position as soon as possible. It needs to be debated here in the Dáil. In addition, Article 11 of the European Council's draft guidelines for Brexit negotiations is extremely weak and needs to be amended to strengthen Ireland's position. I commend the proposal to address it to the Minister.

The next meeting of the European Council, on 29 April, will be critical. That will be the Taoiseach's opportunity to follow through on the wishes of the majority and fight for special designated status for the North. It is the only option and certainly the only sane and sensible approach that has been put on the table. It is the best negotiating position to have in order to minimise the consequences of Brexit for all the people of this island.

**Deputy Michael Healy-Rae:** At the beginning, I thank Deputies O'Reilly and Ó Caoláin for kindly facilitating me.

Ever since I became Chairman of the Joint Committee on European Union Affairs, the impact of the UK's decision to leave the European Union on Ireland and on the European Union as a whole has been clear. As a result, the annual work programme of the committee and the work we have done has placed the strategic impact of Brexit at the heart of what we are doing.

The committee has been serious and diligent in its work. There are Members with a lot of experience on the committee and we all are clear that this is likely to be the most important public policy issue for Ireland for the next few years. As the committee responsible for also looking to the impact on the European Union, the committee is also clear that there will be major consequences for the European Union. Early on, it was clear to members that it would be important to engage directly with those involved in the negotiations in Dublin, Brussels and in London. The committee met relevant senior officials and the Minister of State, Deputy Dara Murphy, in Dublin and was clear on the need to travel to Brussels before the negotiations began and meet key individuals who would be involved in the negotiations. Colleagues will have seen the committee's travel report and on behalf of the committee, I thank all the Members who have commented as part of this debate. It will only help us all to do our job better.

In order that Members have a sense of the work the delegation did, we had a total 12 meetings over the two days in Brussels. All of them were important and all gave us an opportunity to ensure that key individuals understood that there was a strong shared consensus across political opinion of the importance of the issue to Ireland. We were clear that we all shared concerns on the potential impact on the peace process, on the potential impact of an imposed land border, on the economic impact across a variety of sectors and the potential impact on the future of the European Union. For many of those we met, it was the first time they had met representatives from the Houses of the Oireachtas since the summer and it was the beginning of a longer-term engagement.

The committee met the key representatives for us from the three institutions: Mr. Michel Barnier, the European Commission's chief negotiator, and some of his team; Mr. Guy Verhofstadt, the European Parliament's representative on Brexit; and the ambassadors, Mr. Kelleher and Mr. Hackett, as well as some of their teams - the key Irish representatives in the Council. In addition, we met MEPs from Ireland, Northern Ireland, Scotland, Cyprus and Malta, the European Commissioner, Mr. Phil Hogan, the European Ombudsman, Ms Emily O'Reilly, and representatives of the key Irish stakeholders based in Brussels.

In all of our meetings, the committee highlighted Ireland's commitment to the European project and was clear that Ireland's future is firmly within the European Union. In all of all our meetings, we were able to engage substantively on the concerns we have of the impact of Brexit on the peace process, the Border, our economy, the EU, ease of travel for Irish citizens relying on the common travel area and the challenges that we see to many other areas.

We found that most of the key stakeholders already had a general understanding of the unique Irish issues but they were interested in the detail on how it would impact on our constituencies. We found that they were well prepared for the task ahead and understood how challenging it would be. We found they were willing to engage, were interested in what we had to say and would be interested in continuing to engage with Irish parliamentarians. We ourselves improved our understanding of the concerns of others.

We came home with a few key learnings that might be of interest to the House. First, while many of our partners have a clear understanding of the issues facing Ireland and are working at solutions, those solutions to the challenges do not yet exist. There is a need for us to play our role in finding creative solutions. All parties we spoke to would be interested in hearing about solutions from those closest on the ground. These need to be European solutions that solve one challenge without having unintended consequences elsewhere. This will require real work.

Second, there is a need for us, as the Houses of the Oireachtas, to continue to engage directly with those involved in the negotiations. The Government is doing a good job at making sure that our partners understand our issues but we, as representatives of constituencies, can bring an important additional dimension to discussions. For example, the meeting we had with Mr. Barnier was frank - it was sincere on all sides and we dealt with substantive, complex issues - but it was only the start of a discussion. At that meeting, Mr. Barnier committed to coming to the Houses of the Oireachtas on a future trip to Ireland. This would be really useful for us, but also for him and his team. He is our lead negotiator and he will only do his job better if he fully understands our issues.

From meeting the Irish MEPs, it is clear that they all are working extremely diligently on our behalf and they are all involved in the European Parliament's work on Brexit. It is important for us to work with them; the joint committee hopes to do that at a dedicated meeting in late May. The European Parliament will play a vital role in this and is a key partner with which we all need to engage across the European political groups from all members states. Mr. Guy Verhofstadt, who is leading this for them, is an experienced and dedicated politician who is working with other MEPs from other parties, of course, as well as our own.

It is also clear how important Ireland's role is in all this. We joined the EEC in 1973 with the UK. They will leave in two years and we will remain a strong EU member state. In this negotiation, we will be negotiating with the 26 other remaining member states. We will need to work with all of those other member states to find solutions to all of the challenges that this un-

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tangling will raise but at the same time, the United Kingdom will remain a close partner for all of the European Union, especially for us. We share a long history. We share a Border and have many interests in common, including a significant number of citizens of each of our countries in each other's country. We need to think about those connections and make sure that we work on ensuring the right negotiated result, as well as the right investment in our future relationship. In playing our own role, the joint committee is planning a delegation visit to London before the summer.

Since the committee delegation travelled to Brussels, the British Prime Minister has sent the official letter to the European Union of the UK's intent to withdraw and the European Union is now considering draft guidelines. More than ten months since the referendum, the preparatory work is nearly finished on both sides and the negotiations are about to begin. We need to remain serious in our work and continue to engage with all partners.

I also thank the Minister of State, Deputy Dara Murphy, for his advice and guidance and the sincere way that he is negotiating with the committee. I came up with a small statistic the other day. Before chairing a meeting, I looked at the members of the committee. We had 226 years of experience on the committee. Eighty-six years of that is held by two of the esteemed members. I did not name them on the day and I will not name them now. My point is we are not that big a committee but in having that many years of experience, I believe we are well placed to do the job of work in conjunction with all of the other parties here to ensure that we make the most out of what is a damn fine awkward situation. At the same time, we have to look to the solutions.

I again thank the Sinn Féin Members for getting me out of a really tight corner this evening. I will not forget it.

**Deputy Louise O'Reilly:** I visited Sligo and Donegal for meetings recently and while I was there, I spoke to parents and families who are dependent on health services in the North. They are neighbours. It is very close. As we have said - I will not be the first or the last to say it - disease does not recognise a border. I do not either but certainly, disease definitely does not. These people are very dependent on the health services north of the Border. They cross it, on a daily or weekly basis, to get treatment that they cannot get in this State and they cannot get close to their own homes.

They were very concerned about the prospect of a hard Border. In fact, the day I was in Donegal was the day on which it was reported that a Department was sourcing portakabins or other likely facilities for the erection of a border. That is probably what put it onto our agenda, as it is never far from their minds. They were very concerned about the impact of a hard Border on their health and the health of their families. They had no sense that day that the Government understands the extent to which they depend on the services of their near neighbour.

Equally, I spoke to a woman in Swords in my constituency when I was canvassing two or three weeks ago. She had waited years for a medical procedure. She did not have it done in this State but went to England to have the procedure performed there under the cross-border health directive. She had a simple question for me, which was whether, if she ended up in a situation where she requires the procedure again after Brexit, she will be able to rely on the cross-border health directive. Experience has taught her that she clearly cannot rely on the State or the HSE to provide the procedure, as she was obliged to travel to England to avail of it there. As it happens, being a member of the Oireachtas Joint Committee on Health I knew I was due to meet senior officials from the Department of Health to discuss Brexit, so I told the lady with some

confidence that I would come back to her with an answer in a matter of weeks.

When the senior officials from the Department of Health attended the meeting I asked them some relatively easy questions about the extent to which we rely not only on health services in the North but also on the NHS in England, Scotland and Wales. The answer I was given by these high powered members of the Department who are dealing with Brexit on our behalf was somewhat shocking, but quite instructive as to the Department's attitude. When I asked if they had quantified the extent to which we are reliant on the NHS for the provision of health care that is not provided in this State their answer was: "The HSE runs a national contact and reimbursement service for the directive. We have requested more detailed analysis and that is awaited." I was advised that it would not take long. I asked them when they had sought this. Obviously, they have had months to seek this information. Incidentally, I omitted to mention that the opening statement alluded to the fact that Brexit was a massive priority for the Department, that the Department was on top of it and that it was very confident - the officials used the word "confident" several times - about its ability to deal with it. However, when I asked when they had sought this important information for anybody considering Brexit and the health service, I was advised that the more detailed breakdown was requested in recent weeks "when we knew we were coming before the committee". That makes it clear that nobody was seeking this information and nobody was on top of this issue to any great extent. It was only at the prompting of an invitation to appear before the Joint Committee on Health that serious questions were asked.

I returned to my constituent and told her what had happened. She was not impressed and neither am I. People outside the Chamber will not be too impressed that it was only on the prompting of a committee that this information was sought. I am concerned that issues such as the service level agreement with Altnagelvin Area Hospital have not been Brexit-proofed. Nobody in the Department has taken responsibility for this issue. We will sleepwalk into a situation where vital services will be cut off unless the Government grasps this issue and instructs its officials to take it seriously. I believe the officials are taking their lead from the Ministers. They are not concerned about it. The Ministers are not concerned about it so why should they be?

**Deputy Dara Murphy:** Will the Deputy forward that correspondence to me?

**Deputy Louise O'Reilly:** It is already on the public record of the proceedings of the committee, but I will send it to the Minister of State.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** Brexit has the potential to have serious adverse economic, transport and tourism impacts and as a result has been identified as the main strategic risk facing the Department of Transport, Tourism and Sport. As part of my Department's preparations for Brexit, it has engaged widely with sectoral stakeholders and has established stakeholder fora in the tourism, aviation, maritime and road haulage-freight areas to consider the implications of Brexit for those sectors.

One of the main engagements with stakeholders was on 23 January 2017, when I, along with the Minister of State, Deputy Patrick O'Donovan, hosted an all-island dialogue on the impact of Brexit on the transport and logistics sector and on the tourism and hospitality sectors. Both dialogues were very well attended with some 200 delegates from public and private organisations, North and South, across all transport and tourism sectors and from civic society. Our engagement with stakeholders will continue throughout this process. One example is the workshop on Tuesday, 4 April last, hosted by my Department on the impact of the UK exit of the EU on maritime transport regulation and on the sectors which this impacts, including mer-

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chant shipping, national shipping, fishing vessels, recreational craft, ports, equipment suppliers, service providers and training providers.

There was no immediate impact on tourism from Great Britain to Ireland immediately following the June referendum. According to Central Statistics Office, CSO, figures, overall trips to Ireland from Great Britain for the six months of July to December 2016 following the referendum were up 6.4% when compared to the same six month period in 2015, with associated revenue up 6.1% for the same period. However, the visit numbers for the most recent three month period of December 2016 to February 2017 showed a decrease of 5.9% in visits from Great Britain. It is worth noting however that the figures were still up 14% on the same period two years earlier. Tourism Ireland's most recent situation and outlook analysis report for March 2017 shows that some in the tourism industry reported a softening in the British market in the first two months of 2017, but website visits to *Ireland.com* have been strong for the first two months of this year.

Even prior to the UK referendum result, there was a commitment in the Government's tourism Policy statement, People, Place and Policy – Growing Tourism to 2025, to prioritising tourism marketing efforts towards those markets providing higher revenue returns. The programme for Government commits to implementing the policy objectives in the policy statement and achieving the targets for Irish tourism contained therein. The triggering of Article 50 does not change this. A key element of Tourism Ireland's strategy since 2014 has been market diversification. In 2017, Tourism Ireland will continue to implement its market diversification strategy and intends to maximise holiday revenue through investment in mainland Europe and North America. In addition, the depreciation of sterling against the euro since the UK referendum means that value for money will be a key message for Tourism Ireland in Britain this year. Restoring Ireland's share of voice in the overseas market is within our control and the tourism action plan for 2016 to 2018 commits to restoring overseas tourism marketing funds to pre-recession levels on a phased basis. There is no doubt that the negotiations ahead will be very challenging. That said, Britain is our nearest market and will continue to be important for tourism to Ireland for a long time to come.

Access to and from the island of Ireland for trade and tourism is totally dependent on the ease of our maritime and air networks. Within the island, the ease of movement of trade and people between North and South cannot be understated. Disruption to current access arrangements or to movements between North and South will have major implications for Irish businesses and for the overall economy. There is general consensus across all transport operators and users that any additional barriers, be they physical, regulatory or technical, to the current access arrangements between the UK and Ireland, including North and South, will be detrimental to transport operators and to the overall economy. This means retaining the common travel area and access to the Single European Market, common visa arrangements and the single aviation area in so far as possible.

With regard to sector-specific concerns, the aviation sector is critical to Ireland. As an island with an open economy, it is essential for our trading relationships, for all of our industries, especially tourism, manufacturing and retail, and for our participation in the global economy generally. Aviation contributes more than €4.1 billion to our GDP, comprising €1.9 billion directly from aviation, €1.3 billion through the supply chain and €0.9 billion from associated spending by people employed in aviation. Tourism, which depends heavily on aviation, accounts for a further €5.3 billion contribution to GDP. The current extent of air traffic between the UK and Ireland is enormous, at approximately 11 million passengers and more than 100,000

aircraft movements per year. Initial analysis of the aviation related impacts of Brexit on the wider Irish economy indicates an effect of between 0.1% and 2%, depending on the severity of the disruption to traffic.

Brexit, unless accompanied by some form of agreement replacing the impacted traffic rights and associated regulations, will affect the existing rights of Irish licensed airlines to fly between the UK and the EU, within the UK, and between the UK and a range of other third countries, including the US and Morocco. Specific political consent will be required for existing traffic rights to remain available, and the desired end result is for an EU-UK comprehensive agreement to be agreed. Uncertainty regarding traffic rights is exacerbated by ownership rules affecting Irish airlines. To retain an EU airline licence and access to the EU aviation Single Market, an airline must be majority owned and effectively controlled by EU nationals.

*7 o'clock*

In terms of the impact on airspace and the safety regulatory environment, virtually all regulations and procedures are currently developed either through the EU's Single Sky Committee, for airspace, or the European Aviation Safety Agency, for safety regulation. As regards aviation security, co-operation measures and regulatory developments are decided mainly at EU level through the AVSEC committee.

It is estimated that seaborne freight accounts for 84% of Ireland's trade in volume and 62% in value terms. The UK is Ireland's biggest trading partner and there has always been free movement of both goods and people between the two countries. Any negative impact on bilateral trade flows will impact on ports and shipping. Trade through the ports has been strong since the UK referendum due to the overall strength of the economy. Dublin Port handles 46% of all seaborne trade in volume on an all-island basis, playing a key role in facilitating trade in and out of Ireland. Approximately 60% of trade in and out of Dublin Port is going to and from the UK.

The UK has signalled it does not expect to be part of the EU customs union. Any additional levies or tariffs that may be introduced may divert goods to EU markets away from the UK and may depress Ireland's overall exports. The reintroduction of border controls for freight, together with additional administrative requirements, would have a significant negative impact on the efficiency of the transit of goods through the ports which in addition to having additional cost implications would also have a significant impact on the capacity of ports as a result of the likely negative impact on land utilisation and other port infrastructure. International Maritime Organization, IMO, and International Labour Organization, ILO, standards will continue to apply, but there is also considerable EU harmonisation legislation in the maritime area, including in issues such as EU recognition of various certificates. That raises concerns as to how these issues will be dealt with post Brexit.

The haulage and logistics industry is highly competitive and characterised by low margins. A significant proportion of Irish exports, particularly perishable goods, to mainland Europe use the UK as a landbridge, as it is deemed the most timely and efficient route compared with the alternative of direct sea routes. Brexit could impact on the efficiency of the landbridge routes particularly where there are increased border and customs procedures and delays or where the UK may subsequently apply differing standards, road charging or regulatory regimes. Current alternatives to the UK landbridge are regarded as slower and lacking capacity. That is a significant area of uncertainty for Ireland and one that could have a major impact on the capacity and efficiency of future trade routes to the Continent.

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There is also considerable cross-Border traffic with hauliers operating on both sides of the Border. Such hauliers currently may make multiple Border crossings in a single day. Border controls could significantly disrupt these operations or render them unfeasible. In a similar vein, international haulage from Ireland to the Continent could have to cross the borders multiple times. For example, a journey from Donegal to France would involve four border crossings in each direction if using the UK landbridge. Employment issues and cabotage will also emerge as issues within road haulage. UK drivers will be considered to be non-EU so work permits may be required, leading to potential driver shortages.

Both the domestic and international road transport sectors are regulated by EU law. Irish bus and coach operators travelling to the UK, or transiting through the UK to access continental Europe, could be faced with restrictions, increases in costs and restrictions on carrying out public transport cabotage operations in the UK, for example, picking up and setting down passengers as part of a cross-border trip, which is especially an issue for services to and from Northern Ireland. As with road haulage, the issue arises as to whether the UK would agree to implement all EU transport rules.

The Road Safety Authority has advised that it and the respective road safety authorities in the UK, including Northern Ireland, have a close working relationship and, while it is too early to assess the possible impact that Brexit may have on that relationship, for the short term the RSA is continuing as normal with its co-ordinated enforcement controls, knowledge sharing, etc.

**Deputy Seán Haughey:** Article 50 has finally been triggered and we have since had Prime Minister, Theresa May's letter to President Tusk. The draft Brexit negotiating guidelines have been published by the European Council President and the European Parliament has published its response on the issue. The Taoiseach informed the House today that the Government will publish a consolidated policy paper for the negotiations, and it is important that the Dáil would debate that paper.

In general, the documents are not as encouraging as they first appeared as they only address one element of a much larger challenge for this country. It is disappointing that the special circumstances of Northern Ireland have not been properly acknowledged. Fianna Fáil calls on the Government to go back to President Tusk to seek the inclusion of a specific reference in the negotiating mandate to the fact the EU is conscious of the continued citizenship rights of Northern Ireland residents and will seek to underpin them in any exit treaties. Fianna Fáil also believes that a form of special status for Northern Ireland and the Border region remains possible. The deep interlinking of social, economic and cultural ties is unique across any border in Europe and it would be absurd and damaging if basic supply routes across short distances were to be undermined.

The draft proposals will be finalised at the EU summit to be held on 29 April. From Ireland's point of view, we should press for the separation negotiations and the future relationship negotiations to take place in parallel, as far as is practicable, to avoid damaging uncertainty for Irish businesses and Irish citizens generally. Preliminary discussions on the future relationship, including trade, must start as soon as possible once the separation talks are making progress. That is the view of the UK Government as well.

I wish to raise the position of Gibraltar. The guidelines indicate that Spain has obtained a commitment to an effective veto regarding negotiations on Gibraltar. Why has the Irish Gov-

ernment failed to secure a similar veto for Ireland on any deal for Northern Ireland? Northern Ireland has a much stronger case in the scale of things. Was such a veto sought by Ireland? Any future deals with the UK will be decided by qualified majority voting and that must be of concern to us. We need clarification from the Minister on that particular issue.

Dublin City Council has prepared a report on the potential challenges and opportunities facing Dublin city following Brexit. That follows the Dublin city Brexit summit. It has been suggested that the capital is not prepared for Brexit and that we will not be able to capitalise on the opportunities that may arise. Concerns have been expressed about pre-existing capacity and infrastructure deficits. In particular, we must examine if our transport infrastructure, office accommodation, education facilities and social amenities can cope with new employees arriving here to take up employment in financial services, for example, not to mention our lack of housing supply and overpriced accommodation. Increased investment is required in housing, transport and hotel and office space, and that must be provided by both central and local government.

The Oireachtas Joint Committee on European Union Affairs visited Brussels in February where we met the Minister of State, Deputy Dara Murphy. Deputy Michael Healy-Rae has given a very comprehensive report of the visit, which I found to be very useful and informative. While there, we met Michel Barnier, the chief negotiator for the European Commission, Guy Verhofstadt, MEP, the European Parliament's representative on Brexit, Commissioner Phil Hogan, Declan Kelleher, Ireland's permanent representative to the EU, who is doing an excellent job over there. We also met many other MEPs from various countries. There is a clear understanding in Europe of the challenges faced by Ireland arising from Brexit and sympathy for the position in which we now find ourselves. However, the clear view expressed by everyone we met was that we have a crucial role to play in bringing forward creative solutions to the problems we will experience as a result of Brexit. So far, no practical solutions have been put on the table by anyone, which is a real worry.

The other matter of note is that there is huge interest in the ramifications for the Northern Ireland peace process. There are real concerns that Brexit will be bad for that process. The EU is proud of the role it has played in promoting the Northern Ireland peace process and it does not want to do anything which might damage that.

Every effort should be made to attract the European Medicines Agency to Ireland. I understand it employs up to 800 people. When members of the Joint Committee on European Union Affairs visited Brussels in February we were told that 20 countries were interested, but that only 15 of those bids were serious. At the end of the day, only six to eight of the bids will be credible. How stand our efforts to attract this agency to Ireland at this stage? What is our position regarding the European Banking Authority? Is there a possibility that this body could relocate here and what is being done in that regard?

It is important for Ireland to be clear about the consequences of Brexit for each sector of our economy. I was pleased to hear the Minister for Transport, Tourism and Sport outlining earlier what is being done in his Department in this regard. Other sectors affected include food and drink, fisheries, seafood, exports in the Border region, financial services, health, tourism, aviation, transport and haulage, as well as crime and policing issues. By now each Government Department and State agency must be fully apprised of the issues of concern for these sectors, and are bringing forward policy solutions which can also feed into the negotiating process.

Fianna Fáil strongly believes that we need a Minister with responsibility for Brexit. There

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is political uncertainty at present and there is speculation about changes in Government personnel. There is also speculation about a Cabinet reshuffle in the coming weeks, although time will tell. I am not sure, however, that the Taoiseach is in the best position to co-ordinate Ireland's response to Brexit. He obviously has an important role to play but, for example, he was in Washington for several days during the St. Patrick's Day festivities. In view of the speculation over political uncertainty in the coming weeks, one wonders whether it would not be better to have a full Cabinet Minister for Brexit based in Government Buildings co-ordinating efforts on this matter. I know the Government does not agree with this and that Fianna Fáil keeps harping on about it, but I am obliged to do so. I am of the view that we need a designated Minister for Brexit.

When members of the Joint Committee on European Union Affairs visited Brussels, we stressed that Ireland remains a fully committed member of the EU. We appreciate that the EU faces many problems at this time apart from Brexit. We are fully prepared to play our role in tackling the problems facing the EU as a whole, including the democratic deficit and the need to resell the European project to a new generation of Europeans. It must be pointed out that the EU is responsible for an unprecedented period of peace, prosperity and progress in Europe. Ireland will play its full role in that regard.

There is a lot of work to be done and the next issue is the forthcoming European Council summit. I wonder if there will be changes to the guidelines if member states are pressing for them. Perhaps the Minister could deal with that point in his response. Ireland should certainly be pressing for some more changes before the draft guidelines are finalised.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I thank the Leas-Cheann Comhairle for this opportunity to address the House on what I think we all agree is the biggest challenge facing the agrifood sector in many years. The scale of the Brexit challenge is evident from our trade figures which illustrate our dependence on the UK market. According to the CSO, in 2016 we exported €4.8 billion worth of agricultural products to the UK, representing about 39% of our total agrifood exports. Our imports came to €3.7 billion which represented 47% of our total agrifood imports.

It is not just about the numbers, however, but also about the extensive and highly-integrated nature of the trading relationship between the UK and Ireland, and the need to protect this relationship to the maximum extent possible. Our priorities are clear - we want to ensure that we have continued unfettered access to the UK market, without tariffs, and with minimal additional customs and administrative procedures. In addition, we are asking that the UK market be kept viable for Irish producers by minimising the risk from UK trade agreements with third countries after Brexit.

In the short-term, our most immediate concerns have centred on the significant drop in the value of sterling against the euro. I have attempted to address these challenges primarily through the measures announced in budget 2017. These include further additional funding for Bord Bia, which now stands at €3.6 million since the decision of the UK to leave the EU, a new €150 million low-cost loan scheme, additional agri-taxation measures, and increased funding under the rural development programme and seafood development programme.

The more medium to long-term impacts of Brexit include the potential disruption that will arise from new trading arrangements and possible tariffs, changes to regulations and standards, Border controls and certification, and the related areas of veterinary and health certification.

My Department and its agencies were giving careful consideration to these potential impacts, even before the referendum took place last June. In order to ensure that the process works well, I have put in place a number of practical steps, including: the establishment of a Brexit response committee and a dedicated Brexit unit in my Department; the creation of a stakeholder consultative committee, complemented by frequent contact with representative organisations and companies on an ongoing basis; close consultation with Bord Bia, Bord Iascaigh Mhara and Enterprise Ireland; and the addition of Brexit as a standing item on the agenda of the Food Wise 2025 high-level implementation committee.

In addition to regular contacts at fora such as the Council of Ministers, I have also embarked on an extensive process of engagement with counterparts in Northern Ireland and the UK, and with other member states and EU institutions. I had meetings with my German, Dutch and Danish counterparts during the St. Patrick's weekend, as well as with my colleagues from Estonia, Poland, Luxembourg and Austria. Most recently, I met the French Minister for Agriculture, Stéphane Le Foll. I intend to meet shortly with my Italian, Spanish and Belgian counterparts in this regard. I have also met the UK Secretary of State, Andrea Leadsom, on a number of occasions and have had a bilateral discussion with the Minister of State, George Eustice, in Luxembourg recently. I have also been in regular contact with Commissioner Hogan, and my officials have taken part in meetings with the Commission and the Barnier task force, most recently in March.

One of the biggest challenges ahead for us will be to reduce our dependence on the UK market. We have been putting considerable effort in recent years into opening new markets and building on existing potential. This work becomes all the more pressing in the light of Brexit. The Minister of State, Deputy Doyle, and I led successful trade missions to China, Singapore, Vietnam and South Korea in September, and to North Africa in November. I also led a successful mission to Saudi Arabia and the United Arab Emirates a few weeks ago. I am currently considering further potential destinations for later in 2017. Notwithstanding all of the work done to date, and noting the important step taken recently in the form of the UK's article 50 notification, we are still at an early stage in the Brexit process. There are likely to be many twists and turns ahead but I will continue to work to achieve the best possible outcome for Ireland's agrifood and fisheries sectors.

One of the particular challenges, which was alluded to by previous speakers, relates to the trading relationship between the Republic and Northern Ireland. Nowhere else is the all-island nature of the agricultural economy more clearly manifested. Take the following statistics for example. Some 30% of the milk pool from Northern Ireland is processed in the Republic, particularly in dairy processing plants along the Border such as Lakelands and LacPatrick. Strathroy Dairy in County Tyrone in Northern Ireland collects a significant milk pool in the Republic, processes it in Strathroy and redistributes it in the liquid milk market all over the Republic. In 2015, 55,000 cattle were exported from the Republic to Northern Ireland. Approximately 400,000 sheep come South for slaughter annually. Pigs cross the Border in both directions on their way to slaughter plants.

There is clearly a highly-integrated all-island agrifood economy. I have had very significant engagement with various parties in Northern Ireland in that context. Indeed, in the sectoral dialogues which my Department organised, there was significant participation from the agrifood economy in Northern Ireland. Many of those participants would have been of the view that the United Kingdom should have remained within the European Union, but are now very anxious to deal with the reality with which they are confronted and to engage with our Government in

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an effort to ensure that the highly-integrated nature of that agrifood economy is reflected in the negotiations.

It is particularly disappointing that there is currently no Executive in Northern Ireland with which to engage. I had very useful engagement on up to a dozen occasions with Michelle McIlveen, the DUP Minister for Agriculture, Environment and Rural Affairs, in which we addressed, in considerable detail, some of the issues to which I have already alluded. There is ongoing engagement at a technical level between officials in my Department and their counterparts in Northern Ireland, but ever since the collapse of the Executive in Northern Ireland there has been a vacuum in that area and the best interests of the entire island are done a disservice as long as that continues.

My colleague, the Minister for Foreign Affairs and Trade, Deputy Flanagan, is in Belfast and I know there are efforts under way to establish an Executive. I sincerely hope that all parties recognise, particularly in the context of Brexit, the bigger picture of the serious disservice being done, not just to the citizens of Northern Ireland but to the entire island and the Brexit endeavour by not having an Executive. Not having an Executive means, from a Dublin perspective, not having that critical voice with which to engage. It also means not having that critical voice whispering in the ear of the UK Government and bringing the concerns of the people of Northern Ireland to its attention, as the Executive's Welsh and Scottish counterparts do in specifically dedicated fora for the regional assemblies.

In concluding my remarks I urge all of those participants, representatives of the political parties and those of no political persuasion, to redouble their efforts as we approach Good Friday. It would be a fitting occasion on which to re-establish an Executive in Northern Ireland. It is a significant voice, which is presently absent from the stage, that is crucial to ensuring that the voice of Northern Ireland is heard loud and clear, particularly with regard to Border areas where there is a highly-integrated agrifood economy. It must be heard in Dublin, and we have had considerable and productive engagement with the Executive up to the point of its collapse, but it must also be heard in London because we need as many friends in court as possible in the UK.

I have had engagement with the food and drinks industry in the UK and with farming organisations in the United Kingdom and Northern Ireland and we share common ground in respect of Brexit. Although the UK is on the other side of the negotiating table as we are one of the 27 remaining member states, where we have common ground with UK interests it is important that we engage with all those friends in court, so that areas of common ground are clearly expressed in the corridors of power, not just in Dublin, but in Belfast, London and Brussels. Unfortunately, the lack of an Executive in Northern Ireland is a very significant impediment to progressing the all-island case in terms of the agrifood economy. I hope that all parties in the Assembly in Northern Ireland will redouble their efforts in that regard in the coming days.

**Deputy John McGuinness:** The Minister for Agriculture, Food and the Marine's description of having friends in court and his comments on the importance of the UK market and what its approach might be are in stark contrast to some of the language being used by other European member states in respect of Britain. The Government should be encouraged to take the line that the Minister has outlined because Britain, as our largest trading partner, needs to be on our side in the context of the negotiations and in understanding Northern Ireland and the Irish position. It would be wrong of us to join with Europe in its condemnation of Britain or in the strong language that was used in the earlier part of the discussion regarding Brexit and the process.

If one goes back to the Brexit vote, the course of that campaign and the analysis afterwards clearly showed that people in Britain were fed up of Europe. They had a belief that there was too much interference from Europe, they wanted their own sovereignty to be front and centre and their own self-interest to be addressed. Essentially, that is what the UK is going to do. Britain is going to ignore most of the other countries and is going to look after its own self-interest. That is what this is about. It would seem that the political system in Ireland has not learned from that process.

I am in favour of Europe. I am in favour of most of what is done out there. I do not like, however, how it is being controlled from the centre. I do not like being told what we should and should not do. I believe that we are Irish people first - men and women. After that we are European. In order to be worthwhile in Europe, we should hold to the dynamic of defending the country, its heritage, traditions, trade and so on. At the same time, that does not mean that we are not good Europeans. I have to go back to being a good European to see what happened to us, because the late Brian Lenihan was a good European when he went out there to negotiate and was told that financial bombs would go off in Dublin if we were to burn the bondholders. This country had to take on a significant amount of debt because of the self-interest of the big players within Europe. French and German bondholders were interested in nothing else but their bonds and their financial input. Europe responded to that, and penalised a small country like ours by supporting their policy of not burning the bondholders and supporting the pillar banks. When we look back, we realise that we got very little - and very little support - for being good Europeans and swallowing that pill. I wonder how strong we will now be in the context of that conversation, or that analysis, with Europe in terms of either being good Europeans and defending our self-interest, or *vice versa*.

It is my strong belief that if we do not enter into these negotiations with a full understanding of the impact of Brexit on our economy and the need for Europe to support us, we will not get the best deal possible. I have heard Ministers in the past outline how Brexit is going to impact their particular area, be it agriculture as the Minister for Agriculture, Food and the Marine, Deputy Creed, outlined, tourism, transport or any other area. However, I am not convinced that work is being done. I understand groundwork has to be done first, foundations have to be laid and we build on that. Businesses want to know what the Government is doing about the worst case scenario for small businesses in this country. They have not heard a single word about that. Large and small businesses are going to be negatively impacted by Brexit. That negative impact will be far greater if we are not prepared.

The Government has said that we are prepared to canvass and take on the relocation of financial services from Britain to Ireland. That has not happened. The financial services are relocating to countries other than Ireland. We have so far failed the very first test in terms of benefiting from Brexit in the financial services sector.

**Deputy Dara Murphy:** That is not true.

**Deputy John McGuinness:** It is true. If the Minister for State looks at the headlines he will see the financial services companies are going to Frankfurt and elsewhere and we are not at the races in terms of the forceful argument and position we need to take to get something out of this for this country.

I am not convinced that we are as well-prepared as we should be in terms of agriculture. I admire the Minister for seeking out his friends and having people, as he said, in court who

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will support our position. However, when a person is in business, he or she needs a plan. That person needs to know where he or she is going. Markets react to that. Small businesses react to that and they plan on the basis, in this case, of Government policy and what we believe will come out of Brexit and the supports that will be there for small businesses. Indigenous businesses, exporters and even those on the High Street need a plan. Financial services need a plan. As we go through the process, they need some sort of indicative position as to what that plan might look like.

I am not convinced that we know how to deal with the transport systems. What will happen if there are tariffs on transporting goods across our Border, through England and into Europe? What will happen if there is a hard Border? How will exporters and transporters, who are on a very low margin, be supported during the process of this discussion? How will they be supported if the agreement goes wrong for us? We have to plan for the worst case scenario and we have to be prepared to step in and support small businesses, those that export and those that transport those exports. I do not see that plan in place. Similar to other Departments, the Department of Agriculture, Food and the Marine is describing the negative possibilities but we do not see them being addressed. There is an onus on this House to ensure there is an overall plan and to ensure that plan is supported financially by Government in terms of what we have to get from Europe. The decision that comes out of this will have a negative impact. We need to limit that negative impact as much as possible but the Government is not yet up to the game.

The Minister of State at the Department of Finance, Deputy Eoghan Murphy, brought forward the welcome report on the cost of motor insurance. However, the issue of truck insurance being made available right across Europe so that those in the business can get the cheaper option needs to be explored. Even doing that much would instil some confidence in the industry that we recognise what is going on here and we are going to address it.

In recent weeks in this House, we have kicked the can down the road on issues such as water charges, the Garda Commissioner and so on. I do not want to see the same happen in regard to the Brexit issue and the hard questions that have to be answered.

We need to be good Europeans with a strong, hard edge. We must not be afraid to argue our case and look after our own self-interest. That is what other European countries will do. That is certainly what France and Germany will do.

**Minister of State at the Department of Finance (Deputy Eoghan Murphy):** Brexit raises significant challenges for the Government, the country and the people of Ireland. We have been undertaking contingency planning for this challenge since long before the Brexit referendum was held. The contingency planning began in the Department of Finance in 2015.

There will be certain opportunities for Ireland and other EU countries, particularly in regard to financial services. Those are opportunities for all of Ireland. One third of financial services sector jobs in this country are located outside Dublin, in places like Cork, Limerick, Galway, Letterkenny, Kilkenny and elsewhere. As we seek to grow our international financial services sector and take advantage of opportunities coming from Brexit, I will be doing my best to ensure those opportunities are available to the entire country.

As Minister of State at the Department of Finance, I have responsibility for financial services. As such, I participate in the Cabinet Brexit committee and also lead our international financial services IFS 2020 strategy. This is our five-year strategy for growing our financial

services by 30%, which equates to creating roughly 10,000 more jobs in that sector. The strategy's vision is to make ourselves the global location of choice for specialisation and innovation in financial services. We look at the latest developments such as FinTech, RegTech, Insurtech, neo-banking and payments in those different sectors. We do that along with members of industry. I chair a quarterly committee where Government and industry can work together to ensure we are capitalising on the latest opportunities as they arise.

The strategy has been developed on a rolling one-year action plan basis. The plans are flexible and can be adapted depending on what is happening internationally. When the outcome of the referendum became clear in 2016, we adapted our plan and our communications so that we could be in the markets where this would be relevant and where the decision-makers were. We went there to talk about the opportunities of using Ireland as a gateway or bridge into the Single Market. We did so in China, North America and Europe.

The action plan was launched in January 2017. There are two parts to it. The first part deals with the context of Brexit and everything that is important in terms of our offering. This includes our contingency planning, communications plans, the Central Bank, the regulator and some other contextual pieces such as international baccalaureate education. The second part of the plan contains 40 action points across four key pillars that address exactly what we want to do with international financial services over the year ahead. It involves working with industry and looking at the key opportunities we have.

We launched the action plan at the European Financial Forum in Dublin Castle. In excess of 600 attendees from more than 300 companies came to talk about the future of financial services in Europe. It was very significant that they were doing so in Ireland. It gave us an opportunity to talk about our common law jurisdiction, our English-speaking population, our proximity and connectivity to the UK and the rest of Europe, our strengths and why we feel we are the natural location of choice for companies seeking to continue their access to the Single Market after the UK leave the EU. We also discussed the professionalism and expertise of our financial regulator.

One action point in the 40 point plan is to set up a public sector financial services subgroup to engage with the Cabinet committee on Brexit. That group has been formally established and last met on 1 March. It is led by the Department of Finance and is tasked with developing our strategic and prioritised approach to the implications of this referendum for Ireland and the EU. It does not look solely at the opportunities but also the potential risks in regard to consolidations and the future of our financial services in Europe. We need to be across that to make sure we continue to pursue issues like a capital markets union without any unnecessary delays, but we can also protect the strong offering we have on how we believe financial services should develop into the future. That has been an important part of what we are doing.

In 2016, there were opportunities for outreach under the banner brand and they have continued in 2017 into Asia, North America and Europe to promote those aspects of our financial services and the opportunity we now present post-Brexit. In FinTech and payments in particular, in 2016 we developed two strategy papers with industry, and in 2017 they have become specific action points for this year. One quarter of our action plan for 2017 is dedicated to FinTech and payments.

We also sought in 2016, and we are continuing that work this year, to position ourselves as a gateway for financial services, in particular for the Asian economies. In December last year,

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we were granted a RQFII quota for the trading of Renminbi, which was a very positive development. We have applied for membership of the Asian Investment Infrastructure Bank. We hope to hear positively on that in the course of the coming year.

I have had a series of round-table discussions in 2016 and 2017 with industry. We are holding another one in Dublin Castle tomorrow to give people an opportunity to feed their input into what they believe is happening and the opportunities and risks as we look ahead as a result of Brexit but also on other areas as well. It is not just about Government but Government and industry working together.

Companies are making decisions to come to Ireland as a result of Brexit, not just to Dublin but also to Cork and other cities. Some of them will announce it publicly later in the course of this year. Others will not announce it publicly for their own reasons, be it to do with shareholders, customers, client base or political sensitivities. As we look across to the United Kingdom, UK, we see how certain companies have already been used as a political football and we completely respect the right of those companies not to make public their decisions or declarations in a Brexit context if they choose not to. We also recognise that not every company that needs to relocate itself or part of its entity out of the UK will come here. We understand already from the engagement we have had that companies will be relocating here across financial services from banking to insurance to payments, FinTech, fund management and fund administration as well as asset management.

The issue of the European Banking Authority was raised earlier. We have had a positive engagement with the head of the European Banking Authority. We have raised that with the Commission as well. I will conclude to allow my colleague, Deputy Fitzpatrick, contribute.

**Deputy Peter Fitzpatrick:** I welcome the opportunity to speak on this very important subject. There is no doubt that the UK's decision to leave the European Union will have major consequences for us here in Ireland and also for the rest of the EU. Representing the Border county of Louth, I am aware, more than most people, of the immediate challenges facing us. In recent months I have spoken to many constituents and business people who are concerned about the fallout of the UK's withdrawal from the EU. In the Border region of Louth and Border towns like Dundalk, the immediate danger is the fall in the value of sterling. That will affect the retailers and business people all along the Border in the short term, but let us be very clear. This is not the first time we in Dundalk have faced the challenges of a weak sterling. We survived a weak sterling before and we will survive a weak sterling in the future.

There is too much scaremongering and people playing political games for their own gain as a result of the UK triggering Article 50. We should be very clear. The UK has made its decision to leave the EU as a result of an internal Tory feud. The then UK Prime Minister, David Cameron, took a reckless decision and paid the ultimate price. We must not allow ourselves to become in any way uncertain about our future in the EU. We are proud members of the EU and that is where our future lies. We are committed to the EU, the Single Market, the euro and our low corporation tax rate. We must not forget that the UK will look after its own interests first and foremost. For our part, we must protect and secure ongoing free movement of people, trade and capital between our two countries. We must also protect the 200,000 jobs that directly rely on our trade with the UK. We must protect the Northern Ireland peace process and all the good work that has been achieved over the past two decades.

I believe that if the UK exit from the EU is handled properly, it will offer many long-term

opportunities for Ireland. For example, the UK is currently the largest receiver of foreign direct investment in the EU. It currently receives more than £35 billion per year in foreign direct investment. To put that in context, Ireland receives just over €5 billion each year. We now have a fantastic opportunity to bring more foreign direct investment to Ireland. News reports are coming in already to the effect that many multinational companies are considering relocating their headquarters away from the UK. I urge IDA Ireland to continue the fine work it does in promoting Ireland abroad and to put in place immediately an action plan to contact every potential foreign direct investor and outline the advantages of investing in Ireland.

The weakening of sterling will pose many difficulties for us and our retailers and businesses. As I said, we overcame these challenges in the past and we will overcome them in the future. There will be new opportunities for us as a result of the new make-up of the EU. There will be new opportunities to entice international firms and businesses to relocate to Ireland and new opportunities to sell Ireland as a viable alternative to the UK. We must exploit these opportunities and ensure Ireland continues to prosper as a fully committed member of the EU.

Coming from a Border area like Dundalk, I know there is a lot of scaremongering going on, and people are panicking about what will happen in the coming months and years. I have full faith in our leader, the Taoiseach, Deputy Enda Kenny. I hope that in the negotiations that will take place in April, May and June we will put our best foot forward. People are starting to panic but it is important that they do not. The opportunities are there for us. Multinational companies are already relocating in Ireland. I note that from Donegal all the way to Louth, companies are leaving Northern Ireland and relocating in the Border areas. We are part of a 27-man team. The Minister, Deputy Charlie Flanagan, has contacted the other 27 EU countries and it is very important that we look after Ireland first and the UK second.

**Deputy Dara Calleary:** Here we are nine months later. The letter is written but we are still very much in the dark as to the potential consequences of Brexit. I fear that it has not dawned on people what those consequences will be either in the case of a soft Brexit, a hard Brexit or in the nightmare scenario where there is no agreement and tariffs start to be imposed.

It is only fair to acknowledge that the Government has done a lot of good work in getting the Border issue and the issue of Northern Ireland recognised. Instead of rhetoric, we must acknowledge that there have been achievements. That was obvious in the European Commission paper that followed the British letter of exit. However, it is beyond me - I am not particularly technological - how a country where the biggest issue in the Brexit campaign was immigration will come up with a scenario that will result in a soft Border. We all want it but we need to start seeing models of what that will look like and the location of the Border because there will have to be some element of a border. It might be time to re-examine our notions of a border in the context of this but we have just about two years to do it.

I was in Brussels as part of a party delegation some weeks ago. There is no understanding in Brussels of the impact on the Irish economy and of the fact that we are specifically in the downstream of Brexit in a manner that other countries are not. When we raise the economic issue, there is ignorance as to our dependence on the UK market. The example they kept throwing back at us was France and the Netherlands. They, too, are dependent on the UK market, although not to the same extent as Ireland.

Bord Bia's report on the impact on food and agriculture spoke about increased trade costs, which are applicable all over the EU, the decline in the value of the Irish food industry as a

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consequence of the currency exchanges, and the potential of 25,000 redundancies. That should have been a wake-up call for everybody in terms of the potential impact of Brexit, but it was not. We are sauntering along. Even this evening there are only four Deputies in the Chamber talking about this impending tsunami that will come at us. That may be a failure of politics or everybody. We are all involved in Brexit issues. We are all having meetings and conferences. It is the old méar fhada, except this méar fhada will run out of fada very shortly.

I heard the Minister of State, Deputy Murphy, speak about an event for business tomorrow. It will be interesting to get their feedback from the past three weeks since the letter was lodged and this became very real in terms of UK business and UK inquiries. We will now begin to see the effect of it in terms of falls in inquiries. We can see it in the tourism industry, and that worries me. It worries me in the context of remarks made by the Minister, Deputy Noonan, earlier today around the stability programme update where he downplayed the initial impact of Brexit. It has not particularly hit our economy yet but it has the potential to do so, and we cannot downplay it. What I would hold the Government to account for is the failure to ramp up investment significantly. I am not talking about one or two places. I am talking about significant investment in staff capability in Enterprise Ireland, IDA Ireland, Bord Bia and all our overseas promotional agencies. There is no sense in us talking up new markets if we are not putting the bodies into it. Putting two or three bodies into a market like India or China is irrelevant. We are lucky we have such an excellent spirit and cadre in the Department of Foreign Affairs and Trade that have built relationships but the Department cannot do it by itself. IDA Ireland and Enterprise Ireland need more resources to build the new markets and protect the ones we have so that we protect the jobs of people in this island who will be affected.

We must also become ambitious and serious about our capital investment programme. As a country we have failed to engage with the Juncker plan in a meaningful or ambitious manner. We have used it to build primary care centres. On the other hand, the Polish Government has used it to restock Poland's railway system, a proper investment with access around the country. We need to make a number of serious investments that Brexit-proof this economy. We need a north-west motorway, proper motorway connections and broadband that will enable various agencies to operate outside the capital. We need to become serious about this city. There is no sense in us trying to attract employers from the City of London when we cannot guarantee accommodation, transport and basic communications. This city must present itself as a Brexit location but it must make decisions about easing planning in the city if we are to be a venue of choice that is attractive to people who might leave the City of London. There is consultation around the national planning framework but that must also be Brexit-proofed. Where we make the investments through that and the capital review, which is also under way, we should do so in a manner that ensures the areas that will be hit hardest by Brexit, such as the Border, regional areas and areas furthest from this city, are given a basic level of infrastructure to allow them to fight and take this on.

Brexit is effectively a declaration of war against the Irish economy and we must fight back in the same way we would fight a declaration of war, and that is with might and a sense of purpose. This is not happening at the moment. A lot of good work is happening but there is no sense of the seriousness of this situation being put across. Deputy Fitzpatrick referred to people spreading panic. It is not panic. It is being real. When our biggest trading partner splits away from us for the first time in many decades, it is a real threat to every part of the island.

The EU needs to look in the mirror, so to speak. I have made criticisms, and since last June I have seen no sense that the EU establishment is looking at itself in the mirror and looking at

why a country that had been in two world wars and did not have a third world war because of the impact of the EU decided to leave that body. The EU has not looked at the reasons it has moved away from the citizens of Europe whom it aims to bring together. There is no sense of modesty or fault being expressed on the part of those European leaders. Instead, we get this sense of them wanting to teach Great Britain a lesson and not hearing the lessons they should have learned. Unless the EU hears those lessons and makes changes to the institution, there is the possibility of further exits. An excellent idea that has left a most amazing legacy of peace, political stability and economic advancement in some cases will be left because of the folly and ego of some European leaders who do not see their role in Brexit and undermining the EU. The EU is supposed to be about people. It needs to remember that. As a small country, we should be leading an alliance of smaller nations in terms of resetting Europe back to basic principles, representing people, defending their rights and a Union of equals rather than some superpower that has everybody else dancing to its tune, because that is what we have had for the past number of years.

My party has made a commitment in terms of appointing a party spokesperson on Brexit. I look at the Minister for Foreign Affairs and Trade. His focus is purely on Northern Ireland, where it should be, to try to bring about a resolution there. Other Ministers are running around doing their jobs but dealing with Brexit as an add-on. The Minister of State, Deputy Dara Murphy, is doing the job that every Minister of State with responsibility for European affairs has done since that portfolio was created. Deputies are right in that there are opportunities, but for us to maximise those opportunities we must invest. To address the threats, we must have some form of co-ordination rather than having 30 or possibly 40 Ministers being in charge of it. That is not going to work, particularly as 2019 approaches. In respect of the notion that the Taoiseach is the Minister for Brexit, I am afraid his attention is on exit, not on Brexit. Unless the Government wakes up, Brexit will be the worst possible outcome for Ireland.

**Deputy Michael D’Arcy:** We seem to be talking about nothing other than Brexit. Europe rather than Brexit is what we should be talking about. At some stage, we need to get sight of the fact that there are flaws in the European project. Europe is and has been very beneficial to the Continent, but it is unwieldy and certain things do not quite match up, for example, the German economy and structures compared with eastern European economies and structures. There are a few things we should remember. The UK is our closest friend and colleague. We speak the same language and have broadly the same mindset. Ireland will be somewhat isolated in Europe. We will become the only remaining English-speaking country in the EU. We must also understand what I describe as “Eurovision Song-ification” of Europe whereby as more European countries have entered the EU, power and the population base have transferred across.

There is a concern that some countries in the EU want to punish the UK. I do not believe the UK should be punished nor do I believe that it should be rewarded. Neither option should be chosen. We should be friends of the British people. I believe it was an error of judgment but this is what was voted for and we must get on with it. The EU has issues. It is too unwieldy. President Juncker is certainly a eurocrat but I was satisfied to hear Donald Tusk saying after the vote that perhaps the EU needs to take stock, have a look and see what direction Europe is going in. We must also remember that in the next number of weeks and months, about one third of the people of Europe will vote in elections. This will have a pretty significant impact on the direction Europe will take.

One crucial aspect of Brexit is money. Businesses all over Europe that trade with the UK or are likely to lose trade with the UK will require a funding stream to see them over the hump

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of potential loss of markets or the potential imposition of tariffs on goods entering the UK. For that to happen, we must ensure the European institutions have the funding streams and the ability to put in place a very low interest, long-term amount of money for which businesses can apply to allow them to get through a period of difficulty. A number of months ago, we saw the impact of a drop in the value of the pound on the mushroom industry, but businesses moved quickly. They are more capable of moving than any government. The Minister for Agriculture, Food and the Marine spoke previously about the €150 million fund for Irish agriculture. That needs to be multiplied by thousands. We need not billions but possibly up to a trillion or €2 trillion so that businesses in Europe have access at low rates over long periods and then business will be fine. We will then get over the hump and the potential difficulty that we could have if markets or goods tariffs are impacted.

**Acting Chairman (Deputy Eugene Murphy):** I apologise, but I ask the Deputy to conclude as we must adjourn the debate. The Deputy will have the balance of his time when we return to the debate tomorrow. Sin deireadh le ráitis maidir le Brexit don tráthnóna seo. B'fhéidir go mbeimid ar ais leis an díospóireacht seo amárach.

Debate adjourned.

### **Reform of An Garda Síochána: Motion [Private Members]**

**Deputy Jim O'Callaghan:** I move:

That Dáil Éireann:

notes that:

- members of An Garda Síochána play a hugely important role in Irish society and that public trust and confidence are crucial elements of effective policing;

- there is an immediate need to reassure the public that urgent action will be taken to implement real reform, cultural change and oversight of the management of An Garda Síochána;

- the final report of the Fennelly Commission of Investigation (Certain Matters Relative to An Garda Síochána and other persons) has been published and its findings are alarming;

- accountability structures within An Garda Síochána are inadequate and need to be strengthened and made more transparent so that there is real accountability for Garda wrongdoing and-or mistakes;

- section 11(1) of the Garda Síochána Act 2005 stipulates that a person who holds the office of Garda Commissioner can only be removed from office by the Government for stated reasons, including where the person's removal from office would in the Government's opinion be in the best interests of An Garda Síochána; and

- section 11(2) of the Garda Síochána Act 2005, as amended by the Garda Síochána Policing Authority Act 2015, provides an important and unique role for the Policing Au-

thority in respect of the person who holds the office of the Garda Commissioner;

condemns that:

- there were 146,865 District Court summonses for road traffic offences wrongly issued and that 14,700 convictions were wrongly imposed upon members of the public as a result of shameful errors by An Garda Síochána;

- there were 937,000 breath tests that never occurred but which were falsely, and probably dishonestly, recorded by members of An Garda Síochána on the Police Using Leading Systems Effectively, PULSE, system as a result of deplorable wrongdoing by An Garda Síochána;

- the members of the public who were wrongly convicted were not informed directly by An Garda Síochána or any other agency of the State about their wrongful convictions, notwithstanding the fact that An Garda Síochána and the State were aware from July 2016 that members of the public had been wrongly convicted of these offences;

- An Garda Síochána was notified of discrepancies in its breath test data by the Medical Bureau of Road Safety in 2014, by an audit in its southern region in 2015, and by a national audit that commenced in 2016, which revealed in 2016 that its data could not be reconciled, but did not inform the public or the Policing Authority of these discrepancies until its press conference on 23 March 2017; and

- there has been a lack of progress in implementing reforms recommended by several Garda Inspectorate reports;

acknowledges that:

- the Garda Commissioner has accepted that An Garda Síochána recorded numbers that were false and, that this was at worst deception and at best incompetence, but either way it was individually and organisationally shameful;

- the Garda Commissioner believes that this falsification may not be confined to traffic data and that there may be more revelations;

- such dishonest and unethical behaviour by An Garda Síochána is totally unacceptable;

- these revelations have raised very serious issues about the management of An Garda Síochána;

- there is increasing public concern and diminishing public confidence in the management of An Garda Síochána;

- there is increasing public concern and diminishing public confidence in the administration, direction and supervision of An Garda Síochána;

- there is an urgent need to strengthen the management of An Garda Síochána;

- there is an urgent need to strengthen the oversight of An Garda Síochána; and

- there is a radical need to provide for ongoing professional development to ensure

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that members of An Garda Síochána are trained for the challenges posed by policing in the 21st century;

calls for:

- the Government to take immediate steps to rectify this real and substantial crisis in confidence in An Garda Síochána;
- the Government to request the Policing Authority to assess the role and capacity of the Garda Commissioner to restore public confidence in An Garda Síochána;
- the Government to empower the Policing Authority so that:
  - it will supervise the functioning of the Garda Commissioner's office and supervise the discharge of these functions by the Commissioner;
  - it will oversee the performance by An Garda Síochána of its functions relating to policing services; and
  - it can establish and impose policies and reform measures for An Garda Síochána which shall be binding on all members of An Garda Síochána; and
- the implementation of the recommendations of the report of the Fennelly Commission; and

further calls for the Government to establish an independent commission of An Garda Síochána that would examine and report on:

- (a) the adequacy and appropriateness of the policies and procedures which underpin the operation and performance of An Garda Síochána;
- (b) the full implementation of the Garda Inspectorate reports of 2014 and 2015, within a tight timeframe;
- (c) improvements to basic Garda training;
- (d) the recruitment of civilians at senior managerial levels of An Garda Síochána;
- (e) the recruitment of persons directly at sergeant, inspector or superintendent level;
- (f) the introduction of practices to allow gardaí to be promoted internally, without being required to return to uniform duty;
- (g) the extent of the responsibilities that the Department of Justice and Equality has for An Garda Síochána and whether this should be reduced;
- (h) the separation of security matters from An Garda Síochána;
- (i) the strengthening of the role of the Garda Síochána Ombudsman Commission;
- (j) the ongoing training of members of An Garda Síochána on basic core skills of ethical policing;
- (k) improvements to professional development and progression within the force; and

(l) the introduction of a professional development structure that would allow better supervisory mechanisms and more accountable management structures to be put in place in order to improve Garda services to citizens, boost morale and build up public trust and confidence.

I wish to share my time with Deputies John Curran, John McGuinness and James Lawless.

On 23 March 2017, some 19 days ago, members of An Garda Síochána held a press conference in Dublin at which they informed the public of two extraordinary pieces of information. First, they informed the Irish people that between the years 2006 and 2016, some 14,700 wrongful convictions had been secured in the District Court as a result of errors made by An Garda Síochána. Those individuals had been convicted, and they should not have been convicted because they either never received a fixed-charge notice in the post or they received a fixed-charge notice and had paid it. Nonetheless, they were wrongful convictions and the only explanation that could be given by An Garda Síochána at the press conference was that this was caused through an error in the manner in which gardaí processed the cases.

The second piece of information was equally extraordinary. They announced that between November 2011 and November 2016 the Garda falsely recorded 937,000 breath tests on the Garda PULSE system. We know from that period that, in fact, only 1 million breath tests took place, but the Garda stated that there were 1.9 million tests recorded on the PULSE database. When asked at the press conference for the explanation for this, the Garda representatives said that there was no single reason that may account for the discrepancy.

That evening, Fianna Fáil issued a statement in which we said that the announcement by An Garda Síochána was scandalous and that we required answers as to why there were 937,000 breath tests falsely recorded and why there were 14,700 wrongful convictions. As a result of our intervention, the Garda Commissioner issued a statement on Saturday. After that, the Commissioner and other senior members of An Garda Síochána held a press conference on the following Monday. Thereafter, the Commissioner and her senior management attended a hearing of the Oireachtas Joint Committee on Justice and Equality on 30 March. I regret to say that throughout all of those public appearances the Garda representatives were not able to give a simple explanation to the people of Ireland as to how and why these extraordinary events took place.

Regarding the 14,700 wrongful convictions, we know that these convictions were made known to An Garda Síochána in July 2016. We know from answers the Tánaiste and Minister for Justice and Equality gave to the Dáil on 28 March 2017 that she and her Department became aware of the general fact that there were wrongful convictions - not the numbers of wrongful convictions - in June 2016. It is extraordinary that, to date, those 14,700 wrongful convictions remain on the criminal record books of the State. To date, it appears that nothing has been done to seek to overturn the convictions. I know that most attention has been devoted to the 937,000 false breath tests but I will say it again: it is a blemish on the criminal justice system that we allow these 14,700 wrongful convictions to remain on criminal justice records. As far as I can see, no steps have been taken by anyone, including An Garda Síochána, the Director of Public Prosecutions, the Government or any other entity of the State, to seek to quash these convictions. We have been told that they may be appealed by the prosecuting authorities but we know this is nonsense.

The breath test situation has an extraordinary history. We know that in April 2014 the then

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Minister for Transport, Tourism and Sport contacted the Garda Commissioner and told her there was a complaint about improper activity around the recording of breath tests. We know that in July 2014 the Medical Bureau of Road Safety, of its own accord, contacted An Garda Síochána to tell it that the figures for breath tests were wrong. The bureau pointed out that the Garda figures did not coincide with its figures. We know that between June and November 2015 An Garda Síochána commenced an audit of the southern region which revealed significant discrepancies in breath test figures and that seven months later, in June 2016, the Garda commenced a national audit in respect of the breath tests. By November 2016, the Garda had enough information to prove that it could not reconcile the figures in its paper data with the PULSE data. At that stage, it knew it had a very significant issue. In fact, it must have known about it much earlier. That problem appears to have been solved in November 2016 yet nothing was done to bring it to the attention of the Policing Authority, the Government or to any other entity. There appears to have been a flurry of activity in February 2017. For some reason, and we have looked for answers on this, contact was made by An Garda Síochána with the Medical Bureau of Road Safety some days before 24 February 2017. As a result, the Garda got data from the Medical Bureau of Road Safety. This data indicated to the Garda the full extent of its failings in respect of this issue.

Many answers have not been given and it is important that we find those answers as soon as possible. The motion before the House seeks to identify the seriousness of the issue and to put forward some solutions. It is important to put on the record of the House what has happened. Fianna Fáil's motion recognises that there were 14,700 wrongful convictions as a result of shameful errors by An Garda Síochána. The motion also recognises that there were 937,000 breath tests falsely, and I regret to say probably dishonestly, recorded by the Garda on the PULSE system. The motion further recognises that such dishonest and unethical behaviour by An Garda Síochána is totally unacceptable and that these revelations have raised very serious issues about the management, administration and direction of An Garda Síochána. It also recognises that there is an urgent need to strengthen the management of An Garda Síochána and an urgent need to strengthen the oversight of An Garda Síochána.

The entity in this House that is responsible for issues concerning An Garda Síochána is the Government and the Minister for Justice and Equality. Regrettably, we need further impetus in order to improve An Garda Síochána. The Government must take immediate steps to rectify the crisis of confidence in An Garda Síochána and we believe that the Policing Authority has a crucial role to play in that regard. Since January 2017, the Policing Authority has been given a collaborative role in assessing the capacity of the Garda Commissioner to carry out her functions and her role. Our motion calls on the Government to request the Policing Authority to run and adopt the collaborative approach it has under statute to ensure the capacity of the Garda Commissioner to restore public confidence in An Garda Síochána can be properly assessed. We believe that is the best way to deal with the issues facing An Garda Síochána.

We also recognise that in the past we have always looked at issues involving An Garda Síochána with a rear view mirror to see what happened, be it a scandal or other issues. We need to have a Patten-like commission - Fianna Fáil put forward a proposal for this a number of weeks ago - to try to identify a plan for An Garda Síochána in the 21st century. I am pleased to see that the Government has agreed with that and today has put forward terms of reference upon which Fianna Fail will engage and collaborate with the Government. It is, however, important to have a plan for how we are to improve policing in the State over the next 70 or 80 years. Our motion sets forward a number of requirements that we believe the independent commission

should adopt. It needs to look at, examine and report on the adequacy and appropriateness of the policies and procedures that underpin the operation and performance of An Garda Síochána; how we can improve basic Garda training; and the recruitment of civilians at senior, managerial levels of An Garda Síochána and the recruitment of persons directly into senior levels rather than them having to start off at the very bottom rung. We believe it should examine the role played by the Department of Justice and Equality to see whether some of the functions the Department maintains in respect of the Garda should be transferred to the Policing Authority. We know there are concerns in respect of doing so because of the very sensitive security roles that An Garda Síochána plays. That leads into another suggestion put forward in the motion, that perhaps there should be a separation of security matters from An Garda Síochána. That is an extremely sensitive and important issue and is not something we should rush into, but it is an issue we believe this independent commission should consider. We also believe that ongoing training is needed for members of An Garda Síochána in respect of their basic core skills of ethical policing.

Historically, the people of this country have had a very good relationship with An Garda Síochána. The State has been served well by members of the force. They have given their lives to protect the people of this country. We need to recognise, however, that we are doing a service to the people and to An Garda Síochána by highlighting this issue and seeking to improve it. If we simply ignore it, we will be doing a disservice to An Garda Síochána. It is important that we as public representatives seek to enhance the credibility of the Garda. We want to enhance the confidence of the public in An Garda Síochána. That is the function of the motion.

**Acting Chairman (Deputy Eugene Murphy):** Deputies John Curran, John McGuinness and James Lawless are sharing time equally.

**Deputy John Curran:** In addition to the recent issues raised by Deputy Jim O’Callaghan, the breath tests and fixed-charge notices, An Garda Síochána has been dogged by other issues in respect of the Garda whistleblowers and the Fennelly commission. Undoubtedly, that array of issues has undermined confidence in the Garda. Equally importantly, it has affected the morale of those working in the force. It would be remiss of me not to say there are thousands of gardaí who, day in, day out, work hard and diligently, and who are adversely affected by all of these issues. The Minister knows as well as I do from attending community and public events and meeting constituents that nobody speaks more highly of the Garda than members of the public when they are talking about their community gardaí and their interaction with them. The good work that is being done should not be overlooked tonight.

As Deputy Jim O’Callaghan indicated, there are significant governance, oversight and reform issues which need to be addressed. The Tánaiste and Minister for Justice and Equality and the Taoiseach have mentioned on a number of occasions that there is to be a root and branch review. That term has been used extensively. Whatever we call it, it cannot be a top-down approach only. It must be bottom up, starting with the men and women who are serving their communities. They have something important to say. The review must go outside the Phoenix Park. That is a crucial point. I do not have time to go over all the proposals contained in the motion, but they need to be dealt with and in a timely fashion.

I do not want this to sound personal in respect of the Minister, but I need to say it. I believe it was a mistake that she did not attend the Association of Garda Sergeants and Inspectors, AGSI, conference in Killarney recently. I do so because of the state of crisis and chaos around the Garda - the low morale and confidence issues. The Minister’s attendance would have been

an opportunity for her to share her vision and direction. After all, it is these men and women who will be charged with managing and operating the front-line services of the Garda in the future. Their annual conference should have been afforded that courtesy. I feel strongly about this matter.

In addition to the changes recommended by Deputy Jim O'Callaghan in his contribution and in our motion, we need to be mindful of the structures that are already there. There is an internal audit unit and a professional standards unit, which should be used to the full. I was slightly concerned when I asked a parliamentary question and got the reply that in 2012, the internal audit unit conducted 29 audits, in 2015 it conducted 13 audits and in 2016 it conducted 15 audits. At a time when we seem to have more issues with An Garda Síochána, risk assessment should be higher. When the Garda is embroiled in issue after issue, the internal mechanisms in terms of risk assessment and internal audits are not functioning properly. While the recommendations in our motion tonight are being implemented and the review takes place, those existing structures and mechanisms should be used to the full.

**Deputy John McGuinness:** I will follow on from what Deputy John Curran has said. There are internal audits and it is a wonder that those two groups of internal audit committees did not uncover at an earlier stage the 14,700 convictions that were wrong or the million breath tests that were simply not carried out. How much knowledge do members of the force have in this regard? One cannot carry out a million breath tests and fake them. One cannot process 14,700 cases and not know what is in them. It is not a systems failure but a failure of the police to do their job properly and a failure of management to do theirs correctly as well. There was no transparency or accountability. It appears that management overlooked what was going on within the force, without any attempt to correct it. The most senior manager in the force has served for 36 years. One would imagine that these senior managers would have known about the Garda college, that a million tests were falsified and that 14,700 convictions were questionable, yet nothing was done. We are now asking the same management team to participate in correcting all of the wrongs within the force. I do not think it works that way. If it was in any other business, they would be asked at least to stand aside and that is what is required here.

Regarding the Garda whistleblowers, they are being treated as badly today as they were when they first came forward. That is an awful reflection on the management, who talk about change and the need for transparency and accountability. That is a fact. Further audits were conducted, the results of which we have not yet seen. When we see them, they will add to the existing disarray within the force. There is a need for individuals to take responsibility and stand aside, and for the Government to take action immediately to restore confidence in An Garda Síochána. We must protect the many thousands of men and women who go out in an honest way to do their job on a daily basis on behalf of citizens.

**Deputy James Lawless:** I will continue on from my colleagues' comments and reflect briefly on the nature of effective policing administration. To properly perform, police require public trust and confidence. A little like ourselves, they are governed by the will of the people. Trust is integral to the effective functioning of that service. Policing is often divided into two models, namely, the constabulary model and the gendarmerie model. The constabulary model, which we have followed, largely has locally rooted officers living among their own communities and policing people with whom they are familiar as they are of the community themselves. It is an unarmed force. This model is integrally linked to confidence in the administration of justice - in justice not only being done but also being seen to be done.

The presumption of innocence is absolutely fundamental to our criminal justice system. The right of silence underpins this because the accused is not required to prove his case. However, 14,700 people have had this denied to them in recent times. In fact, that may only be the tip of the iceberg. We are aware of the 14,700 from the traffic convictions, yet we hear there may be more to emerge across other areas of the force. This lack of openness, transparency and accountability fundamentally undermines the force, the public's trust, and the very protection that the Garda sets out to enforce. It hinders and undermines the hardworking, honest and decent gardaí throughout the country who rely upon public trust and confidence to perform their duties.

The Garda has been vested with many new powers in the past two decades. The Criminal Justice Acts from 2006 to 2009, the Criminal Justice (Surveillance) Act, the Criminal Assets Bureau, CAB, the mini-CAB, and the Offences Against the State Act are continually renewed. These multiple pieces of legislation make powers available to regular policing, what they call ordinary activities, that were once the preserve of the "subversive" area. However, with all these increased powers comes responsibility. With great power comes great responsibility. We must match this with increased vigilance, monitoring and inspection. We must give GSOC powers akin to those conferred on Revenue, the Garda, the Defence Forces and others. That model, as set out in Deputy Jim O'Callaghan's motion, will increase those powers, increase monitoring and transparency, upgrade training services and place a mechanism of vigilance over the force. This has never been more essential than now in light of what we have heard. I call on the Minister to urgently take into account the motion and its recommendations.

**Tánaiste and Minister for Justice and Equality (Deputy Frances Fitzgerald):** I move amendment No. 2:

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

"recognises that:

- the recent controversies surrounding An Garda Síochána are of the utmost seriousness and go to the heart of policing in the State;

- it is essential that the Government, this House and all our citizens can trust members of An Garda Síochána to carry out their duties fairly, impartially and in accordance with the law;

- while members of An Garda Síochána continue to perform very good work and put their lives at risk on a daily basis keeping communities safe and protecting the security of the State in the face of major challenges, including the threats from organised crime, subversion and international terrorism, deep-seated organisational problems which have not been properly addressed over a number of decades, such as those exemplified in the recent report by Mr. Justice Fennelly, must be urgently and fully addressed;

- in particular, there is understandable public concern arising from recent very serious issues about the administration by An Garda Síochána of mandatory alcohol testing and fixed charge notices;

- the most effective way of addressing issues of concern which have arisen is to ensure that the issues in relation to road traffic matters are comprehensively and independently assessed, a major programme of reform is completed as quickly as possible and there is a fundamental review of the future of policing in Ireland;

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- the resolution of the serious issues facing An Garda Síochána cannot be achieved by measures which undermine the effectiveness of An Garda Síochána in protecting the community;

- robust and independent oversight of policing is essential to the delivery of policing service in the 21st century and that the Oireachtas enacted the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act in 2015 and that the independent Policing Authority was established on 1st January 2016;

- at the heart of the establishment of the Policing Authority was a desire, on the part of the Oireachtas, to remove politics from policing to the extent possible consistent with the Constitution of Ireland and that nothing said or done in this House should detract from the work of the Policing Authority, undermine its independence in doing that work or to politicise An Garda Síochána; and

- there is a legal framework of accountability in which public servants perform their duties and it would be a dangerous precedent for this House to target individual public servants, by way of resolution, in a departure from that framework;

notes that:

- the Policing Authority is chaired by the former Chairman of the Revenue Commissioners and that the other eight members of the Policing Authority were appointed by the Government on the recommendation of the Public Appointments Service which had invited applications for membership of the Policing Authority;

- the nine members of the Policing Authority are persons who independently bring a range of valuable experience and expertise to bear on the work of the Policing Authority and that even though the Policing Authority has only been in existence for 15 months, it has in that time established itself as a robust and independent oversight body;

- the House should support the Policing Authority fully in its very important work; and

- the Policing Authority has specific statutory responsibilities, including in relation to the appointments to the higher ranks of An Garda Síochána and continuation of persons in office, the exercise of which must not be interfered with or improperly influenced in any way;

supports:

- the request made by the Tánaiste and Minister for Justice and Equality to the Policing Authority under the Garda Síochána Act 2005 to report on recent road traffic issues and the fact that an investigation will be conducted by the Policing Authority with the assistance of external expertise which will examine all issues arising, addressing, to the greatest extent possible, the reasons why the issues have arisen, the incidence and scale of the issues and the solutions implemented to ensure there is no reoccurrence;

- the strengthening of Garda management capacity by the early appointment of three additional civilian leaders to the senior management team, executive director – strategy and transformation, executive director – legal and compliance and a chief information officer;

- the completion as soon as possible by the Garda Inspectorate of an examination, at the request of the Tánaiste and Minister for Justice and Equality, of entry routes to An Garda Síochána from other police services and the opening up of promotion opportunities within An Garda Síochána to non-Garda personnel, whether policing professional or otherwise;

- the completion, under the oversight of the Policing Authority, of the urgent implementation of extensive reforms to the administration of, and operation of, An Garda Síochána under the Garda Síochána modernisation and renewal programme, 2016 to 2021, incorporating recommendations of the Garda Inspectorate report, *Changing Policing in Ireland*;

- the specific monitoring and assessing by the Policing Authority of the implementation of recommendations of the Garda Inspectorate report, *Changing Policing in Ireland*, and the Policing Authority reporting to the Tánaiste and Minister for Justice and Equality quarterly on this matter, who will publish these reports;

- the cultural audit of An Garda Síochána which will commence shortly;

- the provision of any additional resources to the Policing Authority which may be necessary to ensure it is able to carry out its work effectively, including a review of the legislation governing its operation which is due to be undertaken this year under the terms of the Garda Síochána Act 2005; and

- the intention to implement in full the recommendations made by Mr. Justice Fennelly in his recent report;

agrees that, notwithstanding the significant programme of reform that is already under way and the central role of the Policing Authority in overseeing the implementation of that programme, the time is right to undertake a “root and branch” review of all aspects of policing in Ireland;

and further notes that:

- the Government agreed at its meeting on 11th April 2017 to establish a commission on the future of policing in Ireland and to circulate the draft terms of reference to other parties;

- the commission’s draft terms of reference, while subject to further consultation, are intended to be comprehensive and provide for a thorough review of all aspects of policing including appropriate accountability mechanisms, with a view to resolving policing issues outside the realm of political controversy;

- the draft terms of reference will address:

- structures, leadership and management arrangements required for the most effective delivery of policing, including all functions currently carried out by An Garda Síochána – community safety, security and immigration;

- appropriate composition, recruitment and training of personnel;

- culture and ethos of policing;

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- appropriate structures for oversight and accountability, including all oversight bodies, the Department of Justice and Equality and the Government;;

and

- the legislative framework for policing;

- the draft terms of reference will take account of:

- existing and emerging issues identified as key challenges for Ireland's model of policing;

- best practices in the policing models of other countries focused towards greater effectiveness and efficiency, and fostering public confidence in policing;

- previous reports concerning policing in Ireland; and

- any specific challenge to delivering consistent structural and cultural reform in policing;

- once this consultation process has been completed, the Tánaiste and Minister for Justice and Equality will revert to the Government with proposals for the establishment of the commission and draft terms of reference; and

- the establishment of the Commission on the Future of Policing in Ireland should not delay or detract from the implementation of the ambitious programme of reform under way which should continue unimpeded.”

We are at a crucial time in determining the future of policing. I would not for a moment seek to underestimate the seriousness of the issues that have arisen recently relating to fixed charge notices and mandatory alcohol tests. What emerged was as unacceptable as it was disturbing. I do not think much divides Deputy Jim O’Callaghan and I, or other Deputies, on our assessment.

Last week, we had the report by Mr. Justice Fennelly. This showed, if we needed to be shown once again, that over the decades organisational problems have accumulated in An Garda Síochána that have not been fully addressed. The great respect which we have – some Deputies have already commented on this - for the work that members of An Garda Síochána do, sometimes at great personal cost, cannot blind us to the need for profound and lasting change in the way An Garda Síochána does its work.

Trust in the police force has been shaken. The men and women who protect us every day from burglars, criminal gangs and the threat of terrorism have been undermined by the events of recent weeks. The roots of these events can be traced back many years.

With hindsight, I suspect that down through the years, as long as the Garda was relatively successful in keeping the community safe and protecting our security, all Governments were slow to recognise the problems that accumulated, as the nettle of necessary reform was not grasped.

Since my appointment as Minister for Justice and Equality I have initiated a programme of fundamental reform of An Garda Síochána. The programme is addressing many of the problems. However, I accept that the recent issues highlight the need for us to go further, while relentlessly driving the programme of change that is already in place. Many Deputies have

spoken to me about the necessity of doing that. There is an array of competing motions and amendments before the House. The amendment sets out a clear, coherent and comprehensive approach to the issues that must be addressed.

We need to fully and independently investigate all aspects of what happened in respect of fixed charge notices and mandatory alcohol tests. Deputy Jim O'Callaghan has adverted to this. At my request, the Policing Authority is doing precisely this. The authority will use outside professional expertise to help discharge this task, as I have provided for in the legislation underpinning the Policing Authority. The authority will also examine the measures that need to be taken to ensure this does not happen again.

The capacity of senior management within An Garda Síochána clearly needs to be strengthened. In the short term, three civilian senior managers are being recruited to the Garda leadership team. These include an executive director of strategy and transformation, an executive director of legal and compliance and a chief information officer.

The Garda Inspectorate will report to me later this year on how we can open up recruitment in An Garda Síochána to officers from other police services and to people with other relevant experience. We would be foolish in response to different controversies to constantly deviate from the path of reform already laid out. We need to ensure existing plans for change are carried through fully. One crucial aspect to these changes is the Garda Síochána modernisation and renewal programme 2016 to 2021. This reflects the recommendations in the Garda Inspectorate report on changing policing in Ireland. Many Deputies have referred to the report in recent days.

The Policing Authority clearly has a crucial role in overseeing all of these reforms. I have asked Josephine Feehily, the reputable chairperson of the authority, to report to me every quarter on the implementation of that seminal inspectorate report. I intend to publish those reports. I expect the second report shortly.

I attach particular significance to a cultural audit of An Garda Síochána to be overseen by the Policing Authority. Culture is a problem grappled with in policing worldwide. We know that laws of themselves do not change culture. Public trust is earned by professionalism, high standards, honesty and openness. Such a culture needs to take hold. These are the types of issues that need to be addressed as part of the cultural audit and in other work I am proposing.

All these changes, when carried through, will greatly improve the capacity of An Garda Síochána to be the police service its members and the community deserve. In the Government's view, this is not enough.

Without inhibiting in any way the changes I have outlined, the time has come for a root and branch review of policing in Ireland for the future. Today, the Government agreed draft terms of reference for a commission on the future of policing in Ireland which I have published. I thank Members who met me last week to discuss the proposed terms of reference. They provide for a thorough review of all aspects of policing in Ireland, including the structures, leadership, management, composition, recruitment and training of personnel, as well as the culture and ethos of policing. They also account for all aspects of oversight and accountability. Many have referred to the variety of bodies relating to accountability at present. I want this to be examined. The exercise will include the role of the Department of Justice and Equality and the Government. Clearly, in a constitutional sense there is a clear role for the Government in

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respect of policing and security and this needs to be examined.

People want An Garda Síochána to succeed. In fact, they need An Garda Síochána to succeed. A well functioning police service, trusted by the people, is a cornerstone of any democracy worthy of the name. As the democratically-elected representatives of the people, all Members must work to make An Garda Síochána succeed. Politicising the issues and jockeying for position will not help. Personalising the issues and acting as if deep-seated problems can be changed by constant changing of personnel will not help. Populism parading as reform will not help either.

In fairness to Deputy Jim O’Callaghan and some others here, I have no issue with much of what is in the Fianna Fáil motion. I very much recognise the concerns which he has expressed. However, I believe he is in danger of overlooking one fundamental point. The House established a Policing Authority to independently oversee An Garda Síochána and take politics out of policing. Political interference in our police force throughout the history of the State has damaged An Garda Síochána. The Deputy wants to increase the powers available to the authority. That is something I have no problem with in principle. However, it is difficult to square that with his apparent unwillingness to let a body, independent by law, get on with its job.

The position of the Government relating to confidence in the Garda Commissioner remains unchanged. It is worth bearing in mind that the Policing Authority already has the power to recommend to the Government the removal of certain Garda officers from their posts, including the Garda Commissioner, something that I built into the legislation I introduced previously. However inadvertently, I believe that the attempt in the motion to move the authority in that direction could interfere with its independence. Moreover, the legal advice available to me is that there is no statutory mechanism for the Government to make a request to the Policing Authority of the kind referred to in the motion. The making of such a request could prejudice any later formal recommendation by the authority. The Policing Authority should be allowed to carry out its work without interference or hindrance.

I imagine every Member would agree that it takes courage to be a member of An Garda Síochána. We might think of the courage required when a gun is produced or a knife is raised. However, courage is required in other areas as well. Such courage includes the courage to say “No” if the instruction is wrong. It includes the courage to cry “Halt” to a practice that may have been going on forever but that should stop immediately. It also includes the courage to embrace and contribute to reform at all levels. It would be good to see that courage to embrace and contribute to reforms being emphasised at all levels. That is part of the courage that is required to be a member of An Garda Síochána, on which I believe we can all agree. It is against that background that I commend the counter motion to the House.

**An Ceann Comhairle:** Deputy Jonathan O’Brien proposes to share time with Deputy Maurice Quinlivan.

**Deputy Jonathan O’Brien:** I need to reference the fact that we in Sinn Féin believe Fianna Fáil’s motion should have been ruled out of order. We wrote to the Ceann Comhairle about the matter. We fully respect the decision taken by him that, in his opinion, it was not contradictory to what we had scheduled for debate tomorrow night. Even though we made the complaint, we fully respect his ruling, even if we do not agree with it.

I will start by outlining some of the things on which we do agree. There are a number of

differences between all of the counter motions. I will formally move Sinn Féin's. We can agree that we need An Garda Síochána to succeed and that we also need a well functioning police service, as the Minister said, to be trusted by everyone. That is the cornerstone of our democracy. We also need An Garda Síochána to play a highly important role in Irish society that the public can trust. The confidence it holds among the public is a crucial element of effective policing. We can also all agree that there is an immediate need to reassure the public that urgent action is being taken to implement real reform and cultural change to ensure oversight, particularly within the management levels of An Garda Síochána.

We do not support Fianna Fáil's motion for one particular reason - it calls on "the Government to take immediate steps to rectify the real and substantial crisis in confidence in An Garda Síochána". It does not go on to state how that can happen. Yes, it talks about strengthening the powers of the Policing Authority. However, when we discussed the establishment of the authority, Fianna Fáil chose to vote against a number of amendments put before the House which would have done exactly what the motion is proposing to do and more. Even though it is late to the party, it is welcome that it is late to it in providing for real accountability and in giving real powers to the Policing Authority.

My second point is about how the motion calls on "the Government to request the Policing Authority to assess the role and capacity of the Garda Commissioner to restore public confidence in An Garda Síochána". It is wrong of Fianna Fáil to do this. I am sure Deputy Jim O'Callaghan and his party are quite capable of assessing Ms Nóirín O'Sullivan's role and capacity as Garda Commissioner to restore public confidence in An Garda Síochána. Trying to foist that responsibility on an independent body when there is no statutory provision for the Government to ask the Policing Authority to carry it out is, in all honesty, a very cynical move by Deputy Jim O'Callaghan. I said today that I thought this was a very cowardly motion by Fianna Fáil. Let us get to the point of what it is about. It is to try to get Fianna Fáil off the hook tomorrow night when there is a motion that actually is based in legislation that we will move to ask the Government to remove the Garda Commissioner from her position under section 11(1) (c) of the Garda Síochána Act 2005. It is well within the remit of this Chamber to express that view, regardless of whether we believe the Tánaiste should remove the Garda Commissioner.

Deputy Jim O'Callaghan talked about questions not being answered by senior members of An Garda Síochána when they came before the committee and how we had not received straight answers to straight questions. It is a bit rich of Fianna Fáil when it will not even answer a very simple question: does it believe the Cabinet should make a decision to remove Ms Nóirín O'Sullivan from her position - yes or no? I have heard nobody from Fianna Fáil answer that question to date. If they do believe it, they will have the opportunity to support the motion tomorrow night. If they do not believe it, they will vote against it, but it is wrong to try to foist the responsibility for making their own assessment of the Garda Commissioner and expect the Government to ask an independent statutory body to carry out that assessment. All of the mutterings from Deputy Jim O'Callaghan and his party suggest they do not believe Ms O'Sullivan has the capacity to carry out the programme of reform to restore public confidence. The Deputy and his party have said they cannot express confidence in the Garda Commissioner. He has also said that if Fianna Fáil were in government, in all likelihood, she would be removed as Garda Commissioner. I know that it is probably very safe to sit on the fence, but if they sit on it for too long, they will get splinters in their backsides. Perhaps it is time to get off the fence and make a decision on the motion tomorrow night. That is all I will say on the matter.

I want to speak to our amendment to Fianna Fáil's motion. It would go even further in

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strengthening the powers of the Policing Authority. We state the authority should be consulting local communities and joint policing committees, JPCs, which are provided for in legislation to obtain their views and experience of policing. It should be able to conduct its functions without needing the consent of the Minister. If we are serious about removing policing from political influence or the political process, we should give it full autonomy to make decisions on the formulation of policing plans and full authority to remove a Garda Commissioner, if it so decides, rather than just making a recommendation to the Government to carry out that function. We should give the authority the power to remove and appoint senior members of An Garda Síochána.

The amendment also seeks to give the Policing Authority the authority to deal with complaints and discipline senior members of An Garda Síochána, right up to deputy commissioner, assistant commissioner and the Garda Commissioner. We also believe the membership of the authority should be increased from its current number to 21. It should include members from a variety of backgrounds and with expertise, including legal, human rights, academic, civil society and law enforcement. We also need diversity within its membership. It should be a statutory requirement that the membership of the authority be representative of society in general. For these reasons, we will not be supporting Fianna Fáil's motion and will be putting forward our own counter motion.

With regard to the Government's programme of reform, I met the Minister last week and received a commitment that while the commission had been established, taking 12 to 18 months to report back was not a reason ongoing reform could not take place. It is crucial that ongoing reform take place in line with the deliberations of the commission. We could take very quick steps in this Chamber to try to restore public confidence. One, as I have previously said, would be the removal of the Garda Commissioner. Another would be implementing in a very speedy manner the necessary legislation to increase the powers of the Policing Authority, GSOC and the Garda Inspectorate. I find it unbelievable the Garda Inspectorate cannot make unannounced visits to Garda stations. It actually has to give three months notice before it can make a visit to a Garda station, which I find ironic. These are very simple steps that could be taken very quickly to try to improve the accountability and transparency of An Garda Síochána. That is how we try to improve public confidence.

It should also be noted we are not just talking about restoring public confidence in An Garda Síochána. We are also trying to restore some of the morale within the police service because there is no doubt that it is at an all-time low. When the Garda Commissioner comes before an Oireachtas committee and blames every single member of force for the ills it has gone through in the past number of weeks, I do not think that is helpful to morale. It should be recognised that there are many good men and women of An Garda Síochána who do a very difficult job daily, some of them for not a lot of money, let us be honest about it and I think it was wrong of the Commissioner to say that.

I reiterate to Fianna Fáil that it should get off the fence, decide whether it believes the Cabinet should remove Commissioner Nóirín O'Sullivan, and not try to foist that responsibility onto the independent Policing Authority. That is wrong and it does not do the independent Policing Authority any justice.

**Deputy Maurice Quinlivan:** I start by voicing my deep concern and disquiet at the way Fianna Fáil has acted to undermine the Sinn Féin motion which was scheduled for tomorrow. I believe its actions are purely political and not in the best interests of citizens or of resolving the

many issues surrounding this topic. People can see right through its games.

As Deputy Jonathan O'Brien said, this is a detailed motion that does very little. It does not address one of the key issues which needs fixing, namely, the removal of the Garda Commissioner from office. The public are fed up of controversy after controversy in the Garda and it is time for a change in management. In no other organisation or business would the chief executive remain in position after such outrageous revelations. At this stage, one has to ask how bad things have to become before something is done about it. The Garda Commissioner cannot sit back, take responsibility for totally unacceptable mismanagement and then continue as if her apology fixes everything. It does not.

The most recent revelations are in addition to the many that have come before and they are now harming the very fabric of the Garda Síochána, which is unacceptable. Public confidence in the Garda is on the floor and it is not fair on the public or the many thousands of hard-working gardaí to allow this fiasco to continue. It beggars belief that the Garda Commissioner has not resigned, and it is equally incomprehensible to me and to many other people as to why the Government does not ask or demand that she does so.

Following the publication of the Fennelly report this week, the revelations of the taping of telephone calls does not even shock people. That is what is most shocking - that it does not shock people at all as they have become accustomed to what seems like the weekly revelation of wrongdoing. There is the wiping of penalty points, the outrageous treatment of whistleblowers, phantom breath tests, wrongful convictions and financial irregularities in Templemore - the list goes on and on.

We now have the bizarre situation where Fianna Fáil, despite saying it cannot express confidence in the Commissioner, is still refusing to take the necessary action for fear it might trigger an election. Fianna Fáil has the opportunity to put this issue to bed, start the process of reforming the Garda from the top down and begin restoring confidence in policing in the State. Instead of acting on this, it chose to play political games but this is to its detriment and I think people will see right through it. We should not be standing here making statements on the matter. The public's anger is evident and the solution is clear, but Fianna Fáil and Fine Gael put their interests ahead of everything else.

The Minister concluded by saying it takes courage to be a member of An Garda Síochána, on which I agree with her. I have worked with the Garda on a number of community groups and the joint policing committees and I know it does valuable work. However, the Minister also needs to have courage when a whistleblower comes forward. Deputy after Deputy has stood up in the Dáil for as long as I have been elected and told her that whistleblowers who come forward are not being looked after properly and have huge concerns about coming forward, but that is not being addressed.

**Deputy Brendan Howlin:** I will speak to the amendment in my name and that of my Labour Party colleagues. In doing so, I want to concentrate on the many areas on which I believe we have broad agreement in this House. We were all disturbed at the news that 145,000 District Court summonses for road traffic fixed charges were wrongly issued, which is an astonishing number, and that 14,700 of those resulted in convictions and penalties being wrongfully imposed by the courts. These now have to be undone and we still do not have any word on how that will happen.

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Hand in hand came news that the Garda Síochána can no longer stand over its own data relating to roadside breath tests. It withdrew the figures because they are irreconcilable with data provided by the Medical Bureau of Road Safety from its breath test device database. This revelation completely undermines the national road safety strategy. Mandatory alcohol testing has been a key feature of the strategy going back 2007. Determining the incidence of drink driving using data collected at the point of enforcement has been a specific target of that strategy for a decade. As the RSA's chief executive, Moyagh Murdock, said, the absence of credible and reliable enforcement metrics, such as the numbers of drivers being breath tested, makes it almost impossible to evaluate and measure the effectiveness of road safety interventions. The scale of the discrepancy between PULSE records showing 1.995 million breath tests and Medical Bureau of Road Safety records showing 1.058 million tests, almost 1 million of a difference, beggars belief.

We are all in this House dissatisfied at the ongoing inability of the Garda administration to provide any explanation, although it has been seized of this for a very considerable period, as to how there could be such a catastrophic failure in the performance of its statutory duty. We all agree these revelations are merely the latest in a series of controversies which together have undermined public confidence in the ability and credibility of Garda management. In particular, Garda management has shown no ability to respond effectively to the modernisation agenda being championed by the Garda Inspectorate. The inspectorate has very aptly described the Garda as “an ineffective structure, struggling to cope with modern demands”. It has characterised the current Garda culture as inhibiting change and has expressed frustration, as we all have, that so many of the inspectorate's key recommendations have just not been acted upon.

All this has happened notwithstanding a major legislative overhaul back in 2005, including the setting up of both GSOC and the inspectorate. The more we dig, however, the more we discover that these were all just legislative platitudes and signalled no fundamental change at all. The net result of all of this is that most of the public, and most Members of this House, including the Deputies that sit behind the Minister and many of those who sit beside her, do not have confidence in the management of An Garda Síochána.

The problem is not just a “cultural” one, which is the term the Garda Commissioner has used so often. The problem is a structural one. I say that with hesitation because the statutory structure is a complex one. We have various satellite bodies orbiting around An Garda Síochána, each with its own board and officers, its own functions, mission statement, strategy statement, five-year plans and annual plans. We have GSOC to look at complaints, the Garda Inspectorate to look at best practice, the Policing Authority to oversee performance and the Minister to secure eventual accountability. However, amidst this plethora of bodies and functions, what is increasingly clear is the one thing we do not have. We do not have any body with the power, the duty and the capacity to bring senior Garda management into the modern age - an age in which effectiveness and efficiency, and openness, transparency and accountability, are not only expected but actually delivered; an age in which targets are publicly and clearly set and delivered upon; and an age in which those who fall short are identified and held to account. What we do not yet have, but what we urgently need, is a body that can direct the Garda Commissioner to adopt the inspectorate's reports and implement them, and that can issue written directives to the Commissioner to take specified steps, within specific timelines, to implement specific changes. Again, a majority of us agree that we need as a first and immediate step to change the law. We need to give the Policing Authority the clearly necessary power to take this matter in hand and sort it out now. In other words, we need to give the Policing Authority

actual authority. We need to vest it with the statutory power to publish a radical reform programme, based on the recommendations of the Garda Inspectorate, and the statutory power to make directions to Garda management in implementing this programme. We need more. There will be no once-off, quick-fix solution to this real and substantial crisis in public confidence. No two crises are ever identical and no two solutions should be identical either. We do not need Chris Patten and we do not need to borrow from his terms of reference and the work of his commission. We need a policing review, however, under an independent commission that is both radical and comprehensive. I had a chance, at a very basic level, to read the draft terms of reference circulated this afternoon. On first reading, they appear to be comprehensive. We will, of course, revert to the Tánaiste with more detailed consideration once we have examined the terms of reference in detail.

I agree that we now need fundamental change. The public expects this. We need more transparency, accountability and professionalism because the nature of crime is changing. The notion that we can do things now as we did in 1928 is fundamentally wrong.

I agree with the point made earlier that it is regrettable that the Tánaiste did not find the time to meet representatives of the Association of Garda Sergeants and Inspectors at its conference. I understand the demands on her time but her action will be seen as a mistake and as distancing herself from a workforce that is actually under incredible pressure. It was a misjudgment and one she should seek to amend. I am glad the association is in agreement with so many of us here in arguing that many of our problems might not have arisen had the really detailed recommendations of the Garda Inspectorate been implemented.

There is a final matter on which I believe we can all agree. This should be the last time we gather collectively to express dismay and disbelief over the latest revelations of mismanagement in An Garda Síochána. There must be no more piecemeal reactions on the hoof and no more seeking to minimise the damage or seek *ad hoc* solutions in a way described by Deputy Jim O’Callaghan as always looking in the rearview mirror. I am cautious in calling for something as hackneyed as “root and branch reform” as it is a phrase that jars with many, but I believe we need an examination of Garda structures and processes that is sufficiently thorough and far-reaching and a commitment to embrace the changes that follow, that we can say we have put an end to our fire-brigade-style response to successive Garda crises and that we have resolved once and for all to do the job we have been sent here to do and restore public confidence in the administration and carrying out of policing in the State.

**Deputy Mick Barry:** I am sharing my time with Deputy Richard Boyd Barrett.

It is clear from this debate this evening that if the Garda Commissioner remains in her post for the next period, it will be in large measure courtesy of the Fianna Fáil Party. It is true that those who have the power to remove the Commissioner are the members of the Cabinet but the reality is that if this House were to have voted to express no confidence in the Commissioner, she would have lost not only the confidence of the people of this country, whom I believe have no confidence in her, but also the confidence of the majority in the House. There would be unstoppable pressure on her to go which the Government would be unable to withstand. That would happen. It is courtesy of Fianna Fáil that she remains in place.

Scandal after scandal has occurred. How many does it take? There was the McCabe scandal and that of the other whistleblowers. There were nearly 1 million dodgy breathalyser tests. Nearly 15,000 people were falsely convicted. There is a new issue that needs to be focused on,

that is, the establishment by the Commissioner of a liaison group or unit within the Garda. The idea is that gardaí who wish to contact and speak before the Charleton tribunal would contact that liaison group first. It comprises two retired gardaí appointed by the Commissioner. The fact that a circular has been sent to every member of the force saying that if he or she wants to contact the Charleton inquiry, he or she should go through the liaison group and should contact it first. That has to have a chilling effect. If someone wanted to give evidence or information to a tribunal that might not be good news for the Commissioner, his or her having to go through the liaison group appointed by the Commissioner would be completely inappropriate. It underlines the argument made from these benches in recent debates that leaving the Commissioner in her position while the tribunal takes place undermines the workings of the tribunal itself. What does Fianna Fáil have to say about that?

Cabinet members have briefed the press to say there is a feeling in the Cabinet that public confidence has been shattered in An Garda Síochána. Questions are being asked about the broader justice system also. Imagine an attempt in a city of 1 million people to exclude hundreds of thousands from a jury. Imagine an attempt to exclude the entire population of one area, an area equivalent to the size of Galway, from serving on a jury. Imagine an attempt to exclude from a jury anyone who had expressed an opinion in social media on the biggest topic of debate in society in the past three years. That is precisely what the Office of the Director of Public Prosecutions is attempting to do in regard to the trial of seven defendants charged with false imprisonment, that is, kidnapping, of the former Tánaiste at Jobstown in Tallaght in 2014.

**An Ceann Comhairle:** I do not consider it appropriate to comment on the work being done by the Office of the Director of Public Prosecutions regarding a case that is live. It is highly irregular and not appropriate.

**Deputy Mick Barry:** In that case, I will conclude by saying that the idea that 70,000 people who live in Tallaght should not be able to sit on a jury, or that hundreds of thousands of people who have expressed their opinion on water charges in recent times should not be able to sit on a jury, is wrong. Not many people know about this now. There will be outrage over it when more find out.

**Deputy Richard Boyd Barrett:** A point I have made on a number of occasions, but which I will make again, is that the Minister is operating a double standard in the various agencies under her Department's remit. In response to a parliamentary question that I put to her on how many staff or employees under the Department had been suspended from their jobs pending an investigation, I was informed the number was 26. I put the same question to every single Department. The number in the Department of Justice and Equality, 26, was the highest mentioned in any of the responses. Furthermore, I asked the Minister whether she could state the affected bodies under her Department. I have still not got an answer several weeks after I put the question. I was told the information was not available.

Is there a double standard, where the norm under Department of Justice and Equality is that if there is an investigation one is suspended? I ask because in the case of Commissioner Nóirín O'Sullivan, the head of the Garda, against whom some of the most serious allegations one could possibly levy against a Garda Commissioner are made, ones that if there was a scintilla of truth in them would make her completely unsuitable for her job, we are told it is okay for her to stay in position while the investigation is ongoing. This House was informed wrongly that it was not normal practice to remove a person in these conditions but, in fact, that is what happens in

the Department of Justice and Equality for other employees. For the Commissioner, it is not so, and we get bogus arguments about due process. The fact of the matter is we cannot prejudge the outcome of the investigation but it is normal practice in the Department that if there are serious allegations, officials are suspended. That happens because there is a potential, if somebody remains in position, that it compromises the investigation. Where could that not be more true than in an investigation into the Garda Commissioner and in view of the seriousness of the allegations that are being levied against her. It is shocking.

Deputy Mick Barry referred the liaison committee and the reports we are getting about an internal disciplinary action taken against the whistleblower, Superintendent Dave Taylor, when he returns to work. We have allegations that the Commissioner is already using her position to frustrate whistleblowers and the proper investigation of the matters which Mr. Justice Charleton is looking into. It could not be more serious when one considers the credibility of the Garda is being called into question with a million fake breath tests, with 147,000 wrongful summons, with 14,000 drivers wrongly convicted, all this on top of the treatment of Sergeant Maurice McCabe and the whistleblowers. The reputation of the Garda is in shreds. There is the failure of Commissioner Nóirín O'Sullivan to give the information about all of this to the Policing Authority and the fact that she knew about it for three years and we only heard about it in March 2017. This is shocking and the Government and Fianna Fáil still think it is okay that she stays in position. That is not to say let us abandon natural justice. It is to say she should not remain in position pending the outcome of that investigation.

If the Government and Fianna Fáil are not willing to take that action and send out that signal in regard to matters as serious as this around Commissioner Nóirín O'Sullivan, how can all the other references in these motions about root-and-branch change be taken seriously? It has no credibility if the Government does not show a willingness to take action in regard to Commissioner Nóirín O'Sullivan.

**An Ceann Comhairle:** Deputy Maureen O'Sullivan is sharing with Deputies Clare Daly and Mick Wallace.

**Deputy Maureen O'Sullivan:** There is something inherently wrong in so many of our institutions, from the church, banking, various charities and bodies, and now the Garda. It is hard to believe that an organisation could make so many mistakes, and for so long.

In my constituency of Dublin Central, we have had very serious criminal situations. We have had levels of violence almost normalised on our streets and unprecedented levels of drug dealing, and the gardaí, from the three stations of Mountjoy, the Bridewell and Store Street, have been doing their work professionally in those very difficult situations. Every day the community gardaí face those drug dealers who are taunting them that, because of the lack of legislation, the Garda cannot do anything and the gardaí are constantly being reminded of how much more money these dealers are making over what the gardaí are making. Our unarmed gardaí have been badly served and that would have continued only for the courage of the whistleblowers, their tenacity, and also the support that they got, for example, from Deputies Clare Daly and Mick Wallace. Of course, it should have come to light much sooner. There should not have been a need for whistleblowers if there had been a commitment to fairness and accountability. The gardaí deserve so much better from those in positions of authority and they also need a fairer, more open and accountable way of promotion.

Much was expected of the first female Commissioner, especially one who had come up

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through the ranks, who had served with the undercover drugs agency - one of the first Mockies - coming through a chauvinistic old boys' network. The initial signs were promising that she would be a force for change but it is disappointing that when wrongdoing was discovered there was not an immediate acknowledgement of it at the time with a plan to deal with it and deal with those involved following due process.

We have some very good Garda practise in the north inner city, particularly the community policing forum where everybody, from the gardaí to the chief superintendent, will meet the community, either privately or at a public meeting, and answer the issues that the community bring to them. That is a model that could be replicated.

I listened to the deliberations of the Association of Garda Sergeants and Inspectors today. It referred to the political ping-pong in the Dáil and the numbers of investigations, examinations, tribunals, etc. The time for those is over and the time for action is now in the interest of fairness and justice.

**Deputy Clare Daly:** The danger of walking down the middle of the road is that one runs the risk of getting knocked down on both sides. Of course, it is also not a sustainable position because at some time one has to decide to go to one side or the other. That is the problem for Fianna Fáil tonight. Everything that party said acknowledges that it does not have confidence in the Commissioner and senior management but it is falling short of calling for something that would deal with this situation. It is not good enough.

It is astounding for the Minister for Justice and Equality to come in here and talk about these issues as populism masquerading as reform. The reason we are in this situation is precisely because the Government chose not to take the politics out of policing when it had the chance. Legislation was repeatedly tabled by Deputy Mick Wallace to have a genuinely independent policing authority and the Commissioner to be accountable to it and not to the Minister. However, the Government and its former allies in the Labour Party, who have now had a Damascus-like conversion, voted and argued against it, and sadly Fianna Fáil did as well. That is what we are paying the price for now. It is unfinished business.

It is ironic that we listen today to the Association of Garda Sergeants and Inspectors state it was upset about the discussions in the Dáil around policing issues. I did not hear it being quite so upset about its whistle-blowing members when they were being vilified and demonised. The problem is that all it takes for evil to survive is for good men to stay silent and do nothing. There are deep cultural problems but they have to be tackled from the top.

The Commissioner's intervention today around referring cases to GSOC was wholly inappropriate when that type of systemic abuse of the breath test could not possibly be down to individuals; it is a systems failure. It is about time we dealt with it.

**Deputy Mick Wallace:** The Garda Commissioner remains exclusively accountable to the Minister for Justice and Equality rather than to the Policing Authority. The Minister alone still has the power to issue directives to the Garda Commissioner. We cited ten reasons, in 2015 alone, as to why the Policing Authority was not fit for purpose but, sadly, Fine Gael, the Labour Party and Fianna Fáil said otherwise.

The sooner the Government accepts that the current Commissioner is not the person to reform An Garda Síochána, the better. The Commissioner told the Joint Committee on Justice and Equality two weeks ago that she is committed to reform and that there was a demonstrable

track record to prove this. However, her actions speak differently. If we look at her engagement with the Garda Inspectorate, it is clear she is not willing to follow through with the reforms that are needed.

Since 2006, the Garda Inspectorate has completed 11 reports, with hundreds of recommendations. Sadly, the weak legislation that established the Garda Inspectorate means it has no statutory responsibility for the monitoring of the implementation of these recommendations. However, since 2008, An Garda Síochána has given status implementation update reports twice a year on the Inspectorate's website. These reports are hugely important, as they give us an indication of whether An Garda Síochána is engaging in the reform recommended by the Inspectorate. For example, under the former Commissioner, Mr. Callinan, there were seven such implementation update reports published. There have been three reports published by the Inspectorate since the present Commissioner, Ms O'Sullivan, took office, but no implementation update reports have been published. This is shocking. We asked the Inspectorate for a comment on it today, and it stated that the last such regular update was published in November 2013 when the process was interrupted due to pressure of work.

It has gone unnoticed in recent times, but the Commissioner has sidelined the role of the Garda Inspectorate completely since she has taken office. Instead of implementing the Inspectorate's recommendations, in June 2016 she introduced her own infamous five-year modernisation and renewal programme 2016 to 2021. This is a complete exercise in spin. Today, we inquired of the Inspectorate how many of its recommendations were contained in this programme. It informed us that it should be noted that the inspectorate has no role in the monitoring of the implementation of the Commissioner's modernisation and renewal programme. It is farcical. Examination of the report shows that some of it is blatantly misleading. Chapter 6 deals with roads policing. It states: "In 2015, over 70,000 MAT checkpoints were conducted and it is proposed to increase MAT checkpoints by 10% each year over the next five years". However, when this programme of reform was published in June 2016, the Garda Commissioner was fully aware of the problems with mandatory alcohol testing checkpoints and breath testing. She knew about them in November 2015, and perhaps earlier. She knew in 2015 it was an area that needed reform, yet her five year programme for reform does not mention it. Instead, she tells us that the number of mandatory alcohol testing checkpoints will increase by 10% every year. One could not make it up. The Garda Commissioner tells us what she wants.

Another example is the audit of the Garda College which indicated a serious mismanagement of funds. That audit took place in June 2016; there had been issues surrounding it since 2008. However, as with the breath test issue, there is no mention of it in the Garda Commissioner's modernisation and renewal programme. The findings of the audit were leaked to the media in January 2017. Again, would we ever have found out about it otherwise?

An Garda Síochána is talking about bringing in three civilians at assistant commissioner level. Nóirín O'Sullivan will be in charge of them. John Barrett is a civilian at assistant commissioner level and he has been isolated. The reason is that he challenged the Garda Commissioner. He cannot do his job properly because everything he does must go through her. Bringing in civilians is a good idea, but the fact that she will rule the roost over them will not change matters dramatically. We must restructure how things are done and we must examine other matters but, for God's sake, get rid of the Garda Commissioner now. It does not make sense anymore to leave her in place. She is not management material. It is not personal, but she is not fit for the job.

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**Deputy Mattie McGrath:** I am delighted to have the opportunity to speak to the motion. The Minister for Justice and Equality said that she would not for one moment seek to underestimate the seriousness of the issues that have arisen recently relating to fixed charge notices and mandatory alcohol tests. She said that what has emerged is unacceptable and disturbing. She also referred to last week's Fennelly report and stated: "This showed - if we needed to be shown once again - that over the decades organisational problems have accumulated in An Garda Síochána that have not been fully addressed." I would go back further than that.

First, I express my support for the ordinary rank and file members of An Garda Síochána, as well as the inspectors and superintendents I deal with in Tipperary. However, it appears that matters have gone very much askew somewhere further along the line. I recall raising in the Chamber a number of years ago the encounter of the former Minister, former Deputy Alan Shatter, with his mandatory checkpoint. He did not treat the gardaí he met on the ground too well, unlike the Minister who always supports them. He showed disdain for them most of the time. That report was presented to me and it was given to a Garda station in Dublin, but it went missing and could not be found to corroborate what I had been told about what happened. He knows what happened and he admitted what happened later. He used his chest and asthma. It was the one and only time I ever saw him caught for words or stuck for breath or anything else. The arrogance and contempt he showed all of us in the House when we raised issues are what he showed for the force. It was despicable at the time. Now, he is rattling the cage again, including the cages of the Minister and the Taoiseach, because he is like a schoolboy who has been put out of the class. However, he made his bed so he can lie in it. The people showed what they thought of him in the election.

To return to An Garda Síochána today and the systemic problems that exist, we depend on the Garda. There is a thin blue line between the community and anarchy. The men and women of the Garda put on their uniforms and go to work every day. The vast majority of them are proud of that. They guard the community against all types of organised crime. Some of the crime now is very specialised. It is very different from the crime that occurred 30 or 40 years ago. However, I believe the systems in An Garda Síochána at command level have not changed or adapted with the times. Many incidents have been mentioned. I refer to two people from my county, Detective Sergeant John White, who is in Donegal, and Superintendent Dave Taylor. I know Detective Sergeant White and his family very well and I know the Taylor family also. What happened with Detective Sergeant White and what he was accused of have been forgotten in all of this. We must never forget the horrific Omagh bomb. I am involved with and support the Omagh bomb families in their search for justice and how they felt betrayed by what happened. I have met and listened to former Sergeant White and others regarding how that happened and why it should never have happened. There is also Dave Taylor.

What is going on? We must have a truly independent board for total oversight. A week or ten days ago I had decided that I wanted the Garda Commissioner to go, but now I believe there must be full reform before that. There is no point in just getting the head of a Garda Commissioner. We got one previously, and we are surprised again now. With the issues arising now perhaps he is somewhat vindicated in what he did. With all the pressure, reporting and the statements in this House An Garda Síochána is being put under enormous strain. I attended a retirement event for a wonderful detective, John O'Gorman, in Clonmel last Friday night. I met dozens of retired members of An Garda Síochána of all ranks, as well as dozens of serving members, at what should be a joyous occasion. They were downbeat and half depressed from the ongoing, relentless raising of different issues and mismanagement.

They are instructed to go out and do their work. There was extra pressure in recent years. All Members of the House knew that they had no tools of the trade. They did not have squad cars. I met a garda one night when I was canvassing. As he did not have a telephone, computer or squad car at the barracks, he went home to feed his dogs. He told me that himself. He was in uniform and was embarrassed when I knocked at his door. He said he should be at work but he could not do anything. He was left without the tools of the trade and without support. The austerity cuts and the lack of support were all hidden in the House by successive Governments. Gardaí did not have batteries for their flash lamps or ink for their pens. It was that bad, yet we expected them to continue to do their job.

They must be supported and respected. The respect of the public must be earned by An Garda Síochána. It is hard earned, and ongoing respect must be maintained by how the gardaí behave. No police force in the world can function without the support of the public. That is recognised all over the world. We must support the Garda but we must get all the dirty linen out and wash it. It was interesting to hear Labour Party Members speak tonight. One would think they had not been in Government for 20 years. Their backsides are barely out of the seat of Government. To hear them talk about the disdain, pressures and demands they have now is some change. It was the same today with regard to the greyhound industry, with the former Minister, Deputy Alan Kelly, calling for the board to be sacked. These are people appointed when he was in the Cabinet and had Cabinet responsibility. Who do they think they are coding? The party is down to seven Members. It will be down to one if they keep going in that way. The Member can come here on a Honda 50. The last time they arrived in a seven seater car. This hypocrisy is ridiculous.

I do not know how I will vote on these motions. One is trying to compete with the other and we all want publicity, as we saw today with regard to water. We must think seriously if we want a Garda force of which we can be proud of and that will support us, our families, children and grandchildren. We need to have full confidence in the Garda so there must be thorough root and branch support. We cannot have what is happening at present, as I found out from some of the people I met last week. Diktats are coming from assistant commissioners to chief superintendents, superintendents and inspectors to carry out numbers of checkpoints. They do not care how they do them, just that they do them. The gardaí cannot do them because they do not have the time, officers or resources. They are told, "Just get them". That is not healthy in any organisation, but that is still happening. That must be rooted out. They can only do what it is possible for them to do. There are only so many hours in a day for work. Their job is more complex now. Everything must be recorded, put on PULSE and so forth. They need time and space but the amount of mental pressure they are under is causing fatigue and illness. How can they work? How can they go out to earn the respect they want without the proper support measures in place and without being bullied to carry out so many checkpoints and other pieces of work - getting no recognition and getting scolded and fined? There is an internal system of fines if gardaí do not deliver on certain targets. Let them do the job honestly, openly and transparently. It should not be a case of them manicuring figures to make it look good for promotional prospects but that is the system which has grown up since the foundation of An Garda Síochána. We need to change it root and branch. I know the Minister intends to do that.

I thank the Minister for her briefing last week on the commission and look forward to working constructively with her in that regard. We must get to the bottom of the issue, for the sake of the pride, safety, well-being and respect we have for the members of An Garda Síochána on the front line, male and female, and to maintain the trust I can instil in my family, friends and

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constituents. It is a very delicate situation. We must work towards building on that trust, but we must have a root and branch investigation and hang out all the dirty washing, no matter whether we have to buy more lines in Tesco or wherever else. We must hang it all out or get rid of it. There is a constant drip, drip, drip. There is a constant onslaught of leaks. Reports are held up, they are not released when they are ready and reports are not made to the Policing Authority. We must get it all out and get back to normality and try to support the Garda who face organised crime and subversives in order to protect us every day.

**Deputy Róisín Shortall:** For a police force to have authority it must have the respect and confidence of the civilians it polices. While traditionally that has been the case in this country we are getting very close to reaching a tipping point in terms of public confidence in the Garda. The public will not accept too many more scandals before the rule of law and the authority of the Garda is completely disregarded.

It is clear there have been serious problems within the Garda for decades. The problem is that successive Governments, led by the major parties, have utterly failed to tackle the problems. It seems the major parties have been happy to use and abuse An Garda Síochána for their own purposes. Not too long ago we had the spectacle of what was going on in Donegal. We had the Morris tribunal, at a cost of some €70 million, which pointed to systemic problems within the Garda, major cultural problems and significant issues relating to lack of accountability and lack of professional performance. The Morris tribunal was very clear that it was not just a case of a few bad apples in Donegal, but the indications were that the problems went right through the force - deep cultural problems, organisational problems and a lack of accountability throughout the force.

While the problems within the Garda are very serious, the more serious problem we have had is a failure at political level to tackle the problems. Parties traditionally have been very happy to maintain a cosy relationship with the Garda - getting constituents into the Garda in the first place and ensuring colleagues, constituents and friends were put in line for promotions. The reality is that is the way An Garda Síochána has operated because of a very unhealthy relationship with political parties through the years. Rather than that being something of the past, unfortunately, that kind of unhealthy relationship between politics and the Garda has continued up to the present day, most notably in recent years in respect of the Taoiseach's attitude and behaviour towards people who had the courage to come forward and be whistleblowers and to tell the public about some of the malpractice and maladministration that was going on in the Garda. Rather than those people being treated with respect and listened to, unfortunately, we had the most senior politician in the country going out of his way to rubbish the allegations they were making.

Traditionally, An Garda Síochána has been male dominated, hierarchical and excessively authoritarian. That breeds a kind of culture which is very unhealthy. One either goes along with what is happening within the organisation or one gets out. Unfortunately, several very promising gardaí have felt there has been no choice for them but to get out. For those who remain, who wish to make a career within the Garda, it is very hard for them to function in such a way that they can have the confidence to do the right thing and call it out when things go wrong, and that their superiors will listen to them and take appropriate action. If the attitude from the most senior politician is to rubbish people who have the confidence to do that, how can we have the kind of climate within the Garda where people feel empowered and encouraged to stand up for what is right? It is very difficult for gardaí who are out on the beat, who are trying to police local communities and do their best by their fellow citizens when there is that kind of attitude

and culture coming down, not only from the top of the Garda but from the political system.

We had various inquiries on foot of whistleblowers and they would have run into the sand if Sergeant McCabe had not had the foresight to record the conversations he had in relation to evidence at the O'Higgins inquiry. We are still waiting for an explanation as to whether the Garda Commissioner instructed her counsel to attack the character of Sergeant McCabe. That issue has never been adequately addressed. On that basis alone, there are serious grounds for the Commissioner to step aside, but of course it goes much further than that. That issue was not addressed by the Commissioner, nor was it addressed by anybody at a political level, neither the Minister for Justice and Equality nor the Taoiseach. That is a serious failing of politics on their part.

Subsequent to that we saw all of the other serious scandals within the Garda. When the Charleton inquiry was established the Social Democrats said it was essential that the Garda Commissioner step aside pending the work of the inquiry. Unfortunately, that did not happen and that is a serious mistake. It is clear that if the Garda Commissioner is preparing to defend herself before a commission of investigation that she is not in a position to oversee and discipline her force. Examples have been given of how she is compromised in doing that and how she is severely restricting the work of the Charleton inquiry in terms of encouraging people to come forward and give evidence. That whole scandal has been compounded by the shocking detail that has come out in respect of traffic offences and the fake breath tests. The Minister knows that in any organisation where there is an unhealthy culture that in order to change it one must have accountability. One cannot have accountability unless there are consequences for people who do wrong. It was a test of the current Commissioner's mettle and authority when she was presented with all of the data for the fake traffic figures that she would take action against those senior officers who were responsible for overseeing such a shambolic system. Unfortunately, she failed that test and has rendered herself unfit to continue as Commissioner.

Fianna Fáil is dancing around on this issue and talking tough, but if one talks tough, one must accept the following logical conclusions on what steps to take. It means calling for action to address the issue. It is not just a matter of talking tough but also of doing what is right. There are political reasons Fianna Fáil will not call for the commissioner's resignation or sacking, of which we are all conscious. Yet again we see compromise at political level and an utter failure to address inherent problems within the Garda force, for which both major parties have to take responsibility.

**An Ceann Comhairle:** Deputy Jack Chambers is sharing time with Deputies Bobby Aylward and Lisa Chambers.

**Deputy Jack Chambers:** I thank my colleague, Deputy Jim O'Callaghan, for bringing forward the motion. It is clear from our interaction with the Garda Commissioner last week that we have yet to receive answers to the simple questions we posed. We received an excellent description from her of what the problem was. We also heard descriptive language about apologies, mistakes, wrongdoings, unacceptability and failure, but we received no reasoning as to why they had occurred. The issues concerning breath-testing and fixed charge notices arose on senior management's watch. It is important for the Dáil and the Policing Authority to get answers to these questions. Earlier today we saw the Commissioner at the AGSI conference trying to throw out hypotheticals to her members, which I do not think was appropriate in the context of the fact that an audit was ongoing. To deliver some level of confidence, she should provide answers. When the Joint Committee on Justice and Equality receives the responses

tomorrow, I hope we will be given answers to these important questions.

Unlike Deputy Róisín Shortall and Sinn Féin who put forward a populist, political motion which simply calls for a head without any solution to how we can reform policing, the motion before the House addresses a number of matters. It is about strengthening the existing regulatory powers in the context of the architecture of policing. That means empowering the Policing Authority and ensuring it has the capacity to intervene at the highest level to provide for a degree of oversight that we have not seen heretofore.

What goes to the core of the issue is that we are not sure, based on the evidence we have seen up to now, if we would have received the information but for a leaked report in *The Irish Times*. Senior management in An Garda Síochána had knowledge of this for two and a half years, yet little or nothing was done to inform the Minister or the Policing Authority that, as it knew full well, needed to receive the information. Our legislative role is the fundamental answer. That is why our motion tries to provide a framework to restore the morale and confidence of the members we saw today. They are angry and disappointed with the constant sense of crisis in policing. The motion provides a constructive legislative proposal that would work to address the matters before us, rather than simply trying to call for heads without providing solutions. What goes to the heart of this is Sinn Féin trying to remove the motion from the House. No party should monopolise the debate on any matter. We all have a right to table motions but not to monopolise or own a particular topic because it happens to be in the news. Our motion attempts to move forward by examining the future of policing.

**Deputy Bobby Aylward:** I commend my colleague, Deputy Jim O’Callaghan, for bringing forward the motion. In the wake of issues concerning the fixed charge penalty system and 1 million non-existent breath tests, the level of public concern has risen rapidly, while confidence has diminished to unprecedented levels. It is our responsibility as public representatives to do what we can to restore and rebuild public trust in An Garda Síochána. It is important to remember that we are discussing an institution which plays a vital role in Irish society. I strongly believe the vast majority of gardaí are honest and hard-working individuals who genuinely signed up to serve their country and improve the communities they protect. There are many gardaí, from those on the beat to those who are long retired, who served for decades with distinction and honour to the highest moral standards. However, there is clearly a collective failure at the heart of the way we are policing the country. The Garda Commissioner, Ms Nóirín O’Sullivan, stated the scandals were “at best, incompetence and, at worst, deception.” Unfortunately, 146,865 summonses for motor offences sent in error and nearly 1 million falsified breath tests do not point toward incompetence; rather, they point towards the systemic falsification of records and wide-scale deception. This poisonous culture needs to be identified and eradicated before the public’s confidence in An Garda Síochána can be properly restored.

Our motion is aimed at expanding and strengthening the powers available to the Policing Authority to hold the force to account and ensure we will achieve and maintain the highest possible standards. We have recently published legislation to empower the authority to supervise the functioning of the Garda Commissioner’s office and the discharge of these functions by the Commissioner. The legislation would allow the authority to oversee the performance by An Garda Síochána of its functions relating to policing services and to establish policies and procedures for An Garda Síochána which would be binding on all members of the force. A further provision would give the Garda Inspectorate the power to make unannounced inspections at any Garda station or premises. The new Bill would also require the Commissioner to inform the Policing Authority of any event which might require an internal audit. Such measures

would ensure the authorities we deem responsible for policing the police force would have the power to do their jobs effectively. I ask the Government to seriously consider our motion. I reiterate my support for the new commission to be established to review An Garda Síochána and its workings. We owe it to every member of the force, both past and present, who conducts his or her policing business to the highest ethical and moral standards in the community he or she serves to restore public confidence in An Garda Síochána.

**Deputy Lisa Chambers:** An Garda Síochána has moved from crisis to crisis in recent years. In a short space of time we have had to deal with the O'Higgins report, the Charleton tribunal and the most recent scandals involving falsified breath-tests and fixed charge notices, resulting in the wrongful conviction of 14,700 citizens. These citizens have been victims of a huge miscarriage of justice perpetrated by the State and An Garda Síochána. Has the Minister for Justice and Equality considered, or been briefed on, the implications of the fixed-charge notices, in particular? We have focused very much on the wrongful convictions which should be dealt with immediately and swiftly. They should be rectified to the satisfaction of the citizens involved, but what about cases going through the courts system? The Minister will be aware that there was a presumption in favour of An Garda Síochána offered by District Court judges. The presumption was that the fixed charge notice had been sent to, and received by, the individual in question. This presumption can no longer be relied upon. I know of a number of cases that have been dismissed in the courts owing to the inability of the judge to trust the fact that the fixed charge notice was, in fact, sent and received. While there are implications for those wrongfully convicted, there are also implications for cases going through the courts system. It is imperative that we do everything we can to ensure those who should be convicted, while those who should not are not.

The falsified breath tests have implications for policy. We put together a policy on road safety and gave the impression to citizens that there was strong enforcement of drink driving laws but that has all been undermined. These actions have serious consequences, but sometimes their seriousness has been left to one side. The purpose of our motion is to provide solutions and examine the long-term plan for An Garda Síochána. To hear Sinn Féin state our motion is populist and solely motivated by political purposes goes to the heart of from where it is coming. It is populist for it to turn around a motion within 48 hours. That is motivated by political purposes. We took the time to consider the consequences of the actions we were going to take. We thought about what powers and responsibilities we had as an Opposition party. We also thought about the consequences our actions would have for citizens, the State and An Garda Síochána. It takes a lot to reach a point where we, as a party, would say that we no longer have confidence in the Garda Commissioner. It takes very exceptional circumstances to warrant such a statement, but we have reached an exceptional point. The crises after crises over which the Garda Commissioner has presided have led us to this point and it is rank and file gardaí who have suffered. Listening today to members of An Garda Síochána talk about how morale is so low in the force, and how their day-to-day operations and duties have become so difficult, really speaks to the heart of the problem. We have to remember those rank and file gardaí that have to go out on the beat every day, engage with citizens and do their job. It is a job that still needs to be done and which has become increasingly difficult because of the failure of the Minister's Government to take action to rectify the systemic and cultural issues facing An Garda Síochána.

While others might condemn Fianna Fáil for the actions that we have taken, we have taken what I believe to be a very practical and responsible approach to this problem. We will always endeavour to do what is in the interests of the State, An Garda Síochána and citizens and to do

what is right for all of those.

**Minister for Education and Skills (Deputy Richard Bruton):** I appreciate the opportunity to contribute to this debate. This is a very serious debate for anyone who is in politics as long as I am. I entered politics with what was probably a very naive faith in the whole way in which An Garda Síochána was run. Over this long period many people's faith in that has been shaken. What we have decided today in government is really important, namely, that we need to look at the structures, culture, recruitment, management and so on, because they are not fit for purpose. That has been demonstrated time and again by the incidents which have occurred.

The truth is that we are on a very painful journey of reform in the Garda. All credit has to be given to the previous Government, this Government and the Tánaiste in particular for the programme of reform that has been instituted. We now have a Policing Authority which has independent oversight powers. We now have protection for whistleblowers. Far from what Deputy Róisín Shortall has said - that the Taoiseach has poured scorn on and rubbished whistleblowers - time and again we have seen the Government not only take whistleblowers seriously, but institute inquiries into the allegations made. These inquiries have resulted in information coming into the public domain and recommendations being made which advance the programme of reform. We have seen great improvements in GSOC, where there was, if we are to be honest, a dysfunctional relationship with An Garda Síochána. That relationship has been substantially repaired, although that is also a journey that has not reached its end. We have now put in place mechanisms, through the inspectorate and the Policing Authority, through which we can have a real programme of reform. That programme's implementation has begun and is being independently overseen by the Policing Authority, which is led by someone for whom I have the utmost respect, Josephine Feehily, the former chairperson of the Revenue Commissioners.

We have put in place much better oversight, but as a result of that oversight and the reform agenda we are seeing stones turned over and appalling things coming out from beneath. We in politics have to be mature enough not to run for demands for resignation at every revelation of wrongdoing. We have to have the patience and the good judgment to wait for the evidence to be sifted before we draw conclusions about where responsibility lies. Whether it is the drive of social media to have the freshest slice and to catch the next media wave or something else, it worries me that we in politics seem absolutely determined to respond to everything with a more outrageous demand for a head on a plate or whatever it is.

We need to respect gardaí. Gardaí are there to uphold the law, but they are also entitled to the fair procedure that the law affords to everyone else. A mere statement by a whistleblower does not constitute evidence. We have to realise that we gave protection to whistleblowers so that people could come forward without fear or favour and make things known to someone so they could be investigated. Once a whistleblower's claim comes into the public domain, however, we cannot immediately rush to the conclusion that the claim is proved.

I strongly support what we in government are doing today in establishing a commission. We need to bring in fresh blood into any organisation - and we have had other organisations - which recruits people at a very young age, and in which people spend 30 or 40 years of their lives, progressing up through it. These people do not have the mix of other skills. The organisation does not have recruitment at different levels. That is recognised in Deputy Jim O'Callaghan's motion. There is no way in which policing in the year of our Lord 2017 is the same as it was in 1977 or in 1947 but, by and large, the structures are the same. We need to recognise that there are huge areas of expertise in which there is a need to draw in the leaders of those fields, be they

Irish or international, to help lead this force. It cannot all be done by upskilling those already there. We must look at recruitment and at culture. It is a hard thing to identify, but it is about what people regard as important. What happens when people do things that are wrong? What gets accounted for? That is really important within the culture.

We have seen other organisations whose reaction to wrongdoing within their ranks has been, at all cost, to avoid scandal, to circle the wagons and prevent scandal being shown or allowed to undermine the structure of the force or the organisation. That is wholly the wrong way to react. We need to see, from the bottom of the force right to the top, that when wrongdoing occurs the right thing to do is to open oneself up to that, to expose it and to deal with it so that a culture is conveyed in which being accountable is the right thing to do. Institutions have to be supported in doing that. I think the work of the independent inspectorate, of GSOC and of the Policing Authority will gradually change that, but we have to make sure that the structure which they are overseeing also changes. We have reached the point where simply having stronger oversight bodies, without changing the culture, management, recruitment and way in which An Garda Síochána works, will not be enough. That is the important step that we are taking now. We are recognising that oversight is one thing but having a structure that works is another.

The fundamental objection I have to Deputy Jim O'Callaghan's motion is that he is trying to confound those two things. It is important that we have a Garda system that works to the highest standards and that has the courage to do the things that need to be done, but is held accountable. Deputy Jim O'Callaghan's motion, however, asks that the Policing Authority would oversee it in every respect. It would supervise it, dictate policies to it, tell it what to do and supervise the Commissioner's office. That is far beyond what oversight or accountability demands. The Policing Authority would become the effective operator of An Garda Síochána. We have to keep those two. We need a strong Garda force that has the self-confidence and the independence to do things but that is strongly accountable to GSOC, to the Policing Authority and to the inspectorate. We should not confound those things. Again, the motion confounds those by saying that the Dáil should be requesting the Policing Authority to consider the Commissioner's position. The independent Policing Authority is independent of us. It makes its decisions and recommends to Government. It is not for the politicians to be telling the independent oversight body what it should be considering or doing. That is the wrong approach to adopt.

While I agree with a lot of what I see in Deputy Jim O'Callaghan's motion, we are at a very important stage and we need to step back and allow the evidence to be sifted by the tribunal set up under Mr. Justice Charleton. We need to allow the structures, such as Josephine Feehily's Policing Authority, to drive forward the reform. The authority is only 12 months old. It is learning its craft. We need to allow the strength of GSOC to show, to respect whistleblowers as we are now legally obliged to do and to allow that process to work. We need to step back a little and that is what the commission gives us the opportunity to do. It will allow people who have immense experience in different walks of life to bring their judgment to bear on one of the most important institutions we have as a nation. It is something on which we need to rely. Members of the force who put their lives on the line every day for us need to be confident that they are working within a well-designed structure which recruits the best people to run those functions in the best possible way. They need to know that it respects truth and law, is properly accountable and is willing and has the self-confidence to expose itself to scrutiny. We need to step back. Instead of the political knee-jerk reaction of calling for heads, let us agree an approach to this commission. Let us make profound changes in order that, however long this Dáil lasts, we can reflect that we did a decent job in advancing the very painful journey of the force from one that

is enclosed and inward-looking to one that is more outward looking and confident. That is a journey well worth travelling.

I commend the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, on the work she has done. There is much wisdom in this House on this issue, far beyond my knowledge of the justice portfolio. We need to use that wisdom to amplify the terms of this commission in whatever way we believe is useful. When the commission comes back, we should push on and implement that change. Let this Dáil be the one that puts in place the final pieces of a Garda structure we can all be proud of.

**Deputy Jackie Cahill:** Unfortunately, public confidence in An Garda Síochána is in shreds. The Policing Authority has to be the cornerstone of rebuilding this confidence. This motion is part of that process. Increased powers are necessary to bring reform and cultural change to An Garda Síochána. Recent revelations concerning the fixed charge system and the breath testing figures released are staggering and have shaken public confidence to the core.

The appearance of the Garda Commissioner before the Joint Committee on Justice and Equality did nothing to restore the confidence of Fianna Fáil in her position. She was assistant commissioner before being appointed to her current position. If she did not know what was happening, she should have known. Either way, her ability to restore public confidence in An Garda Síochána is seriously in question.

Fianna Fáil recently published legislation to expand and strengthen the powers of the Policing Authority. We now have this motion to establish a commission to review An Garda Síochána and its workings.

Two weeks ago, revelations shook public confidence in the force to the core. Some 14,700 people were wrongly summonsed to court under the fixed charge notice system. The financial cost of this has yet to surface. These costs include the loss of job opportunity for individuals, increased insurance costs and so on. It beggars belief that 937,000 breath tests could be falsely reported. Are there more revelations to come? *The Irish Times* put the revelations in the public domain. Were the breath tests deliberately inflated to restore confidence in road safety measures and drink-driving statistics? Will road traffic offences be the only ones where false figures will surface?

The chair of the Policing Authority, Josephine Feehily, learned of this fiasco from the media. That is not good enough. The Policing Authority will be the catalyst to reform our police force and rebuild public confidence.

I fully support Deputy Jim O'Callaghan's first steps in restoring the confidence in our police force that is so necessary for society.

**Deputy Dara Calleary:** I commend Deputy Jim O'Callaghan for his constructive and practical motion.

I want to pick up on some comments by the Minister for Education and Skills, Deputy Richard Bruton, in regard to overdoing it and particularly in regard to oversight and accountability. The very reason the Department in charge of An Garda Síochána has been consistently behind the curve on Garda issues is that the Policing Authority apparently needs more power. A lack of adequate oversight and accountability is the reason that An Garda Síochána ignored the Policing Authority on its first test in regard to this issue and will continue to ignore it unless it is

given those extra powers.

It is the reason that those who think the solution to this is to call for heads are wrong. A few heads rolled in the lifetime of the previous Government, including the former Minister for Justice and Equality and the former Garda Commissioner. Any reading of the Fennelly report will show how hasty we were to seek the head of the previous Garda Commissioner. It did not change the culture. There was a chance to change the culture when appointing the replacement for that commissioner but the Government did not take it.

The role of the Department in its management and its functions in regard to An Garda Síochána has to be looked at. The Department of Justice and Equality is too big. There is too much going on there. There needs to be complete reorganisation and reform of the Department and its role in policing. If we are going to introduce real reform, there may be a need for a Minister for An Garda Síochána who would be directly responsible for guiding An Garda Síochána through the next number of years. The Minister for Justice and Equality, Deputy Frances Fitzgerald, is in here one night introducing legislation on property, the next night she is in dealing with An Garda Síochána and the night after that she is in dealing with legalising workers. It is ridiculous. She does not have enough Ministers of State to do that. The role of the Department needs to be reformed.

I fully support Deputy John Curran's point that the Minister should have attended the conference of the Association of Garda Sergeants and Inspectors, AGSI. This year in particular, the gardaí on the street needed endorsement and support from the Minister and the Government. Let us not forget they are having enormous success at the moment in terms of drugs, gangland crime and on-the-ground work. They do not feel that they are receiving support from the Government. The Minister had the opportunity to go and listen.

**Deputy Frances Fitzgerald:** I was here.

**Deputy Dara Calleary:** The Minister was not here yesterday and she was not here this morning. This is not a personal attack but she needs to talk to someone in her diary office.

The Minister spoke about the courage to cry halt and to embrace and contribute to reform. Her own Department needs to show some of that courage.

**Deputy Jim O'Callaghan:** I thank all Members of the House who contributed to the debate. I have listened closely to them. I will not address the areas where there is agreement but will refer to the two areas where I think there is disagreement with the motion.

The Government said that passing this motion would constitute interference with the independence of the Policing Authority. With all due respect to the Government, I disagree with that approach. Since last January, the Policing Authority has been given very specific powers in respect of the Garda Commissioner. It was given the power to recommend the Commissioner's removal and to be consulted if the Government is planning to remove the Garda Commissioner. As a result of that, there is a clear statutory basis for the Minister to consult with the Policing Authority. The Minister has stated she consults the Policing Authority on the implementation of the report of the Garda Inspectorate. It is completely artificial to think that the Minister cannot consult the Policing Authority on an issue of fundamental importance to the people of Ireland regarding the policing services provided by An Garda Síochána.

Members of the Opposition stated that Fianna Fáil is copping out by not tabling a motion of

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no confidence in the Garda Commissioner. Under law, only a Government can remove a Garda Commissioner. Section 11 of the An Garda Síochána Act provides that a Garda Commissioner can be removed if he or she is in dereliction of his or her duty, for stated misbehaviour or if it is in the best interests of An Garda Síochána. That a Garda Commissioner has lost the confidence of Dáil Éireann is not a ground for his or her removal. That the arithmetic in Dáil Éireann means that the Government should remove a Commissioner is not a ground for his or her removal. If that happened, we would be asking Mr. Justice Fennelly to come out of retirement for a second time to inquire into the removal of a Garda Commissioner by the Government. It is very important that, as responsible politicians, we put forward credible proposals in respect of which this House has power. One of the reason the House gets itself into difficulty is because we take on roles which we do not have the power to exercise. We do not have the power to declare that we have no confidence in important public officials. If we start doing it in respect of the Garda Commissioner, why do we not start doing it in respect of a Garda sergeant or a school principal? The next person to be listed for a motion of no confidence would be the Director of Public Prosecutions. We would start down a slippery slope if we got involved in that type of issue.

I note that Sinn Féin stated today that the Fianna Fáil motion was an attempt to gazump its motion. That is not the purpose of the Fianna Fáil motion. This is a very serious matter and it would have been deeply surprising had we not put forward a motion in respect of it. We considered it. We decided not to go for the populist approach but rather think of the important improvements that can be made to An Garda Síochána. It is for that reason that we tabled the motion and it was regrettable that Sinn Féin sought to stop this House from debating in broad terms the Garda issue, which is of huge importance to the people.

Sinn Féin described Fianna Fáil's motion as cowardly. It is inappropriate for Sinn Féin to criticise any group for being cowardly in its dealings with An Garda Síochána. If Sinn Féin Members want to have a discussion about cowardly treatment by groups of members of An Garda Síochána, I will have that discussion with them and will start by referring to a number of brave gardaí who gave their lives in defending the country.

Amendment No. 2 put

**Deputy Jim O'Callaghan:** Vótáil.

**An Ceann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 13 April 2017.

The Dáil adjourned at 10.05 p.m. until 12 noon on Wednesday, 12 April 2017.