



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 2 Bealtaine 2017*

*Tuesday, 2 May 2017*

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

***Paidir.***

***Prayer.***

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## **Leaders' Questions**

**Deputy Micheál Martin:** Last November at Government Buildings, the Taoiseach and the Minister for Health announced with great fanfare that the National Maternity Hospital was to be co-located with St. Vincent's Hospital. It was greeted positively at the time but the Government gave no indication of the detail involved. The co-location is welcome. Holles Street is no longer fit for purpose. There is a moral and public interest obligation on all concerned to facilitate the co-location of the National Maternity Hospital with St. Vincent's in the interest of the safety of the women of this country and those who avail of the services. When the details emerged, people were very taken aback that the ownership of the hospital was to reside in the St. Vincent's Hospital group and the Sisters of Charity and that the State's investment of hundreds of millions of euro would not be reflected in the ownership of the new hospital. Notwithstanding the Minister had embraced this last November and must have been aware of the details, given that he appointed Kieran Mulvey as mediator, he rushed out saying he was going to write to the HSE to seek clarification on the deal. When in doubt the Minister wrote to the HSE, as if he knew nothing about it - a rabbit caught in headlights. The furore that developed as a result of the revelations seemed to catch him by surprise. It is no surprise St. Vincent's Hospital group was taken aback by the Minister's position.

It is not just a church-State issue but a financial one and one of corporate interests. It is about who protects the taxpayer and the taxpayers' investment in a facility such as this and who is negotiating on behalf of the taxpayer. Clinical independence is critical but so also is taxpayers getting full recognition and reflection for their investment in any new facility such as this. We need far more transparency in this particular deal. The public-private mix, for example, is an important issue that should not go without some degree of scrutiny. Will the Taoiseach confirm that there will be complete clinical independence in the new national maternity hospital to be located at St. Vincent's University Hospital? Will he also confirm that the hospital group and the Sisters of Charity will not have a majority on the board? Above all, will he ensure the State, through the taxpayer, will own the hospital and have its investment reflected in it as the bottom line, given the level of investment involved?

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**The Taoiseach:** I can confirm that there will be complete clinical independence and that the Sisters of Charity will not have a majority on the board. Ownership is a matter that requires some consideration. As a former Minister for Health, Deputy Micheál Martin will appreciate that we cannot equivocate about having the very best facilities available to expectant mothers, including co-location with an appropriate hospital that can provide expert attention, if needed.

During the term of office of the last Government the decision was taken to move the National Maternity Hospital from Holles Street to the St. Vincent's University Hospital complex. I have listened to too many stories about the inadequate facilities available at Holles Street hospital in which 9,000 babies are born every year. While a planning application has not yet been lodged for the proposed new maternity hospital on the St. Vincent's University Hospital complex, the proposed structure guarantees that the very best facilities that one would expect to see in the early part of this century will be available for expectant mothers. Where these facilities are provided in Holles Street hospital they are completely unacceptable. I have listened very carefully to the words of the master of Holles Street hospital on many occasions about the difficulties there and the poor facilities available. Co-location with St. Vincent's University Hospital is obviously best practice, clinically, and will ensure that in the rare circumstances in which women need urgent care and attention, they will receive it immediately in St. Vincent's University Hospital, which is a very fine hospital. As the master of Holles Street hospital and the Minister for Health have stated, the new national maternity hospital will be completely independent, clinically and operationally. The move to St. Vincent's University Hospital was endorsed by the boards of the two hospitals last week.

It is clear that the focus now is on the issue of ownership. We can all agree on issues such as the importance of co-locating with a major hospital and the need for brand new facilities for expectant mothers and their babies. These are issues on which everybody can agree; the debate is about ownership. The Minister for Health has worked closely with both hospitals to get a deal on the new national maternity hospital. Members will recall that when the former Minister for Health, Senator James Reilly, made this decision and during the term of his successor, Deputy Leo Varadkar, there were two mediation efforts in an attempt to settle the question between the two boards. Subsequently, Mr. Kieran Mulvey negotiated a deal between the board of the St. Vincent's Trust and Holles Street hospital. The Minister for Health, Deputy Simon Harris, has asked for and been given one month by the Government to allow space for all parties to discuss further the question of ownership of the hospital. This is an issue that deserves real debate in the context of ownership of statutory and voluntary hospitals. The agreement reached between the two hospitals was that there would be a lien on the new facility in accordance with whatever funding arrangements would be put in place by the State. Different options have been used in the past in doing this and the Minister for Health believes there is potential to devise a solution that will provide absolute reassurance on the ownership of the facilities which will be paid for by the State. The Minister for Health has my support in that regard.

Across Ireland there are different hospital owners, including the HSE, voluntary charters, congregations and private companies. The Minister for Health is examining how best to put in place a process to facilitate the broader conversation that needs to be held. I can confirm the first two points raised by the Deputy in his concluding questions. On the third point, we are in the process of devising a solution to the ownership concerns. Nothing is being held up. A planning application has not yet been lodged.

**Deputy Micheál Martin:** The Minister for Health must have known about the ownership issue last November. The Taoiseach must have known about it, but he chose not to tell anyone

about it. He hoped people would not notice. It was only when it became public in the last two weeks that the Minister pretended that he never knew about it and suggested he would try to rectify it in the next month. I put it to the Taoiseach that there is a moral obligation on everybody, including the St. Vincent's hospital group, to provide and facilitate the provision of the hospital. It has been suggested there have been three mediations. On what are they mediating? It needs to be registered and said the St. Vincent's health care campus would not be in place without the current and capital expenditure input of the State. The women of Ireland need the new maternity hospital. The idea that some people are reluctant partners in facilitating its provision is out of order. There is an obligation to do so. People should have been far more transparent. Why do the Sisters of Charity want to own the hospital? Does anybody know the answer to that question? Do they want to own it for financial or corporate reasons? Is there something else we are not being told? Is the complicated financial set-up on the campus preventing the St. Vincent's hospital group from giving the property over to the State? I think we need answers to that question. Fundamentally, I put it to the Taoiseach that the State should own the hospital and that the State's investment should be reflected in the ownership model. He has not really given me an answer to these assertions. I do not think anybody could have any doubt about these basic principles or any reason to disagree with them, particularly in the modern era when religious orders are in decline. We have heard about lay trusts eventually coming on stream. That is not the right route into the future given the way things are going.

**The Taoiseach:** That is all part of the very argument, discussion and conversation in which the Minister for Health is engaging. Is it a fact that every time facilities are provided by the State the State has to own the building and the land? As the Deputy is aware, having allowed it to drift when he served as Minister for Health and Children-----

**Deputy Micheál Martin:** No, I did not.

**The Taoiseach:** -----there is agreement that the National Maternity Hospital in Holles Street is not up to standard.

**Deputy Micheál Martin:** That is why the HSE was set up.

**The Taoiseach:** The Deputy knows that to be the case.

**Deputy Micheál Martin:** It was set up to deal with that issue.

**The Taoiseach:** The master of the National Maternity Hospital and her predecessors have said it. The decision to move the hospital to the St. Vincent's University Hospital complex was taken by the previous Government. The land is owned by the trust mentioned. Deputy Micheál Martin has said the new hospital should be in public ownership. There are very strong opinions that that should be so, but the land is not owned by the State. Is the Deputy suggesting it should be acquired by means of a compulsory purchase order?

**Deputy Micheál Martin:** No, I am not.

**The Taoiseach:** Okay. That is off. Is the Deputy suggesting the sisters should hand it over to the State?

**Deputy Micheál Martin:** Okay.

**The Taoiseach:** That is an option. Is the Deputy suggesting there should be long-term leases? That is an option.

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**Deputy Micheál Martin:** Of course it is.

**The Taoiseach:** We can all agree that expectant mothers should have world-class facilities, that expert attention should be provided when there are complications with births and that the plans I have seen, which I announced with the Minister and the HSE, are absolutely world-class and first-class. The plans include private rooms and all the facilities expectant mothers should have in this day and age. I suggest we should focus on the issues. There will be complete and utter clinical independence. They will have no majority on the board. In the coming weeks we should discuss how best we can bring about a solution to the concerns about ownership that have been validly expressed. The Minister is focusing on this issue as a priority and he has the full backing of the Government in that regard.

**Deputy Gerry Adams:** Last week I received a letter from the Taoiseach dated 26 April 2017. It followed an RTE “Prime Time” investigation into the fatal shooting of Garda Tony Golden, the serious wounding of Siobhán Phillips and the death by suicide of Crevan Mackin. I have raised many of the allegations contained in the “Prime Time” investigation with the Taoiseach and the Tánaiste since October 2015, shortly after the tragic events in Omeath. I wrote to the Taoiseach four times and spoke to him directly on a number of occasions. I wrote to the Minister eight times and also spoke to her on a number of occasions. I gave information to the senior garda investigating the case and wrote to the Garda Síochána Ombudsman Commission, GSOC. It is unacceptable that the Taoiseach’s letter of last week is the only substantive reply I have received in a year and a half. Owing to the sensitivities involved, especially for the family of Garda Tony Golden, a brave Garda officer who was doing his duty and protecting a vulnerable woman, as well as the trauma inflicted on other families, I have not raised any of these matters in this Chamber until now.

Crevan Mackin had serious criminal convictions. He also had serious mental health issues. He was arrested in January 2015 for the possession of explosives. The search warrant revealed he had made inquiries with undercover FBI agents to import explosive devices. The FBI tipped off An Garda Síochána which believed Mr. Mackin had taken possession of six handguns and assorted ammunition. He had admitted to this in Garda custody. According to his family and solicitor, he told them that during interrogation he had been taken from Dundalk Garda station to a spot where two handguns were recovered. His family said he had told them that he had done a deal with the Garda interrogators.

I do not have time to go into all of the details. However, the Taoiseach has had these details since October 2015, as has the Minister for Justice and Equality and the Garda Commissioner. It is also clear that some in An Garda Síochána knew that Crevan Mackin continued to have access to at least four weapons when he was released on bail. Mr. Mackin subjected Siobhán Phillips to brutal violence. It was after such an assault that Siobhán, accompanied by her father and stepmother, sought to make a complaint at Dundalk Garda station. This was denied to them. Two days later they met Garda Golden who accompanied Siobhán to her home where the shooting happened.

There are many questions arising from this tragic series of events. In his letter the Taoiseach noted that GSOC had initiated a public interest investigation into these matters. While that is welcome, it only came after GSOC had received notice of the “Prime Time” programme. I made a complaint in September 2016 to GSOC which was not acted on. The GSOC investigation will not go far enough. Neither should it prevent a full criminal investigation from taking place. The response to my correspondence from both the Taoiseach and the Tánaiste and Min-

ister for Justice and Equality over 18 months has not been satisfactory. Siobhán Phillips' family has called for a public inquiry. Will the Taoiseach act for the sake of all the families involved and authorise the holding of such an inquiry?

**The Taoiseach:** I thank the Deputy for raising this matter. Garda Tony Golden was shot dead on the evening of Sunday, 11 October 2015 in Omeath, County Louth. He was 36 years old and married with three young children. He was stationed in Omeath and lived in Blackrock outside Dundalk. He was the 88th member of the Garda force to die in the service of his country. As the Deputy said, he was responding to a domestic incident in Omeath at the home of Mr. Adrian Crevan Mackin and his partner Siobhán Phillips. Obviously, Ms Phillips had gone to the Garda in Omeath on the Sunday with her father and expressed her fear that Mr. Mackin was going to kill her and himself. Garda Golden escorted her and her father to the property to collect her personal items. When she and Garda Golden entered the house, Mr. Mackin shot her, Garda Golden and then himself with an illegally held handgun. Ms Phillips' father who had remained outside then telephoned the emergency services. Garda Golden and Mr. Mackin were dead at the scene, while Ms Phillips, as the Deputy is aware, suffered serious gunshot wounds to the head and was hospitalised. I am glad to say she is recovering.

The Garda is carrying out a full investigation. The Garda Commissioner has made it clear that it will take into account the full range of circumstances surrounding the shootings. Mr. Mackin who was from Newry was well known to the Garda. He had several previous convictions in Northern Ireland, including for firearms offences for which he had been sentenced and released on licence. In January 2015 he had been charged before the Special Criminal Court with membership of an illegal organisation, following his arrest in an intelligence-led Garda operation. He had been released on bail pending trial.

The truth of the allegations made here has not been established. There are ongoing processes to do that which are set out clearly in law. I urge against the making of hasty judgments. All of the concerns raised with me and the Tánaiste by Deputy Adams were quickly brought to the attention of and pursued by the Garda authorities in the context of their ongoing investigation and review process into the shootings and related matters. The Tánaiste expects to receive a final report from the Garda authorities addressing these matters when the investigation and review are completed.

The Tánaiste was also made aware in February last year by a firm of solicitors acting for Mr. Mackin's family that related matters had been brought to the attention of the Garda Síochána Ombudsman Commission, GSOC. It announced its decision recently to initiate a public interest investigation into certain matters and it indicates this public interest investigation will take place alongside the ongoing investigation of complaints made previously. I welcome this action by GSOC and its investigations must be allowed to take their course so the truth or otherwise of certain allegations made can be established quite independently. Without seeking to prejudge the issues involved, it would be of huge importance to learn anything that can be learned from the tragic events in Omeath. The GSOC investigation will be of considerable assistance in this regard.

I will make a final point. It is important to make the point that decisions in respect of the prosecution of offences are a matter for the Director of Public Prosecutions, DPP, who is fully independent in accordance with the law in discharging these functions. The office of the DPP is far better placed than anybody in the House to decide on the bringing of criminal charges in any given case and is uniquely well placed, with the relevant experience to make a determination as

to what convictions are likely to be secured on the basis of the assessment before it.

**Deputy Gerry Adams:** The Taoiseach ignored what I asked, which is if he will authorise a public inquiry. I ask him that again. He welcomed the establishment of the GSOC investigation and I do so also as some level of progress. The Taoiseach knows the section 95 investigation allows only for disciplinary action to be taken against gardaí and not criminal action. I go back to what I said previously. The Government, including the Tánaiste and Minister for Justice and Equality, has had all this information for the past 18 months. I believe the Taoiseach when he said this was passed immediately to the Garda Commissioner. The Taoiseach went on to say these matters were pursued with the Garda Commissioner but will he explain what that means? How were these matters pursued with the Garda Commissioner? The weight of the allegations in this case surely warrants a criminal investigation. What is wrong in this State - this is prevalent - is that nobody is held to account. The family have asked for a public inquiry and I ask the Taoiseach to respond positively to that.

**The Taoiseach:** There are two ongoing investigations. There is the investigation by the Garda into all the circumstances surrounding the unfortunate and tragic death of Garda Tony Golden and the shooting of himself by Mr. Mackin. Separately, arising from information made available by a firm of solicitors in February last year, there is a GSOC investigation ongoing. It is only appropriate because this is a sensitive and tragic case for the Golden family that these investigations are now proceeding in parallel, and they should be allowed to proceed in parallel and be brought to a conclusion. The Tánaiste expects to get a report from the Garda Síochána in respect of that at the earliest possible opportunity.

I would appreciate having the opportunity to assess the information that will come from these investigations. They are formal investigations and, in the case of GSOC, they are completely independent in the way the position is assessed. The DPP follows through with prosecutions. The Deputy says all the information has been in the hands of the authorities. As he is aware, there is information and allegations about issues, and that is what the investigation is about. Mr. Tony Golden has been taken from us, shot dead in the line of duty and in service to his country. Mr. Mackin then turned the gun on himself, having grievously wounded Ms Phillips. The Garda investigation is ongoing and parallel to that is the GSOC investigation. The Minister for Justice and Equality will receive that report as soon as possible. Let us wait and see what comes from that and what we can learn from the determination of information that stands up, as against allegations which might not.

**Deputy Brendan Howlin:** Last Friday, the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, when speaking on “Morning Ireland”, indicated that he intends to seek to negotiate a further extension to the Lansdowne Road agreement. While noting that these negotiations would be challenging, he made it clear that he would not comment on possible negotiating positions until after the report of the Public Service Pay Commission. He said that doing so would make the existence of the commission pointless. The Taoiseach will recall that I argued that these discussions should have begun sooner. I believe some of the industrial unrest we have witnessed in recent months could have been prevented had that been the case. However, at least there appeared to be some logic to the position put forward last Friday by the Minister, Deputy Donohoe.

Today we see a mockery of that approach when we read in the *Irish Independent* about the Government’s plan to attack the so-called gold plated pensions in the public service. Clearly, that newspaper has been briefed on the Government’s negotiating strategy, and that strategy has

been established without waiting for the Public Service Pay Commission to report. We must now question whether that body is pointless, to use the Minister's word. We have legislated for career average pensions for all new entrants to the public sector. That measure will lead to a significant saving, estimated at 35%, in the future cost of pensions. It is also a reasonable measure, not least because those who are affected are aware of it and can plan for it from the moment they begin their careers. The strategy leaked today is a very different type of approach. The introduction of a career average pension for existing public servants would particularly hit those who are now approaching retirement. People approaching retirement will have considered what pension they will receive, will have planned for it for 40 years and will have planned their retirement on that basis. A dramatic cut to their pensions just before they retire would leave those plans in tatters.

I understand the desire in Fine Gael to be as tough as possible on the public sector - in many ways it is a dog whistle to the right wing voters they are seeking to court - but that is wrong with regard to public sector pensions. The average public sector pension is approximately €20,000. There is not much gold plating involved in that. The Taoiseach will also be aware of the clear legal advice of successive attorneys general that pensions are preserved property rights under the Constitution. What is the Government's exact position on the pension rights of public servants? Why was a position that cannot be constitutionally achieved briefed to the *Irish Independent*?

**The Taoiseach:** The Deputy asked about the Government's position on this matter. First, the Fine Gael Party has always valued the public service and the work that public servants do. I have highlighted that in the recent past in respect of negotiations with our European colleagues and previously during the EU Presidency, when we highlighted at all times the value, effort and unstinting commitment and dedication of public servants. The Government's position on this matter is that we should first wait to receive the report of the Public Service Pay Commission. The Minister has not received that and he has not made any comment, good, bad or indifferent, about it. Reports of what it contains are writings that I and no member of the Government have seen.

**Deputy Sean Sherlock:** It is not fiction.

**The Taoiseach:** When the report is presented to the Minister he will bring it to the Cabinet, as is his responsibility. It will be published, discussed and debated. The only comment I wish to make in respect of the public service pensions issue the Deputy mentioned is that in December last year the Minister for Public Expenditure and Reform stated: "The value of public service pensions has clearly increased in recent years and this is why the work of the Public Service Pay Commission is going to be so important". That is the position. We have not received the report. It is due to be received shortly. When it is received, the Minister will bring it to Cabinet, the Government will consider it, it will be published and it will be debated in the House.

**Deputy Brendan Howlin:** Somebody briefed the *Irish Independent* with specifics. Numbers were adduced in the article that the average public servant would lose €100,000 over the duration of his or her pension, and that was Government policy. Would the Taoiseach affirm or reject whether that is the case? Many public servants, in particular those who are approaching retirement in the coming years, are desperately anxious.

The Taoiseach will recall that when reductions to pay were made there was a fear that people would advance their retirement. We wondered what would happen with nurses, gardaí and oth-

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ers. In order to give confidence to people that the pensions into which they have paid for 25, 30, 35, 40 years or more will be preserved and paid as contracted by the State, will the Taoiseach confirm the accuracy of the newspaper article or disown it?

**The Taoiseach:** I can confirm to the Deputy that the Minister has not received the report.

**Deputy Brendan Howlin:** That is-----

**The Taoiseach:** I can confirm that the Government has not been presented with any initial draft assumptions on the report. I can confirm to the Deputy that when the report is received-----

**Deputy Brendan Howlin:** That is nothing to do with the report.

**The Taoiseach:** -----by the Minister, he will bring it to Cabinet, as the Deputy did with various other reports. It will be discussed by the Cabinet, decisions will be made and the report will be published and debated.

I repeat that the Deputy's allegation of a dog whistle in respect of public service and public servants is false. This party, as a political party, and the Government, as a Government, values the work of public servants and their commitment and dedication to serving our country in many areas.

**Deputy Brendan Howlin:** Is the article true or untrue?

**The Taoiseach:** The article is an article in a newspaper. The Government and Minister have neither seen nor received the report. The Minister will receive it in due course and bring it to Cabinet where it will be debated and a decision will be made. It will be published and debated in the House. I do not deal in conjecture, as the Deputy knows.

**Deputy Danny Healy-Rae:** I wish to raise a matter of unfairness and the non-delivery of vital services in Kerry. I refer to cataracts. It is neither fair nor right that people of all ages have to wait for two or three years for a procedure. I will outline a couple of examples to the House. An 85-year old man, who is perfect in every way and is caring for his wife, needs a car to go to a shop and bring himself and his wife to mass but can no longer drive because he has been waiting over 18 months for an operation. He feels it would not be safe for him to drive and his car has been parked in a field. A 70-year old man who has had a disability for over 40 years had to sell the only thing he had in the world, his vintage car, for €4,500. He had been waiting for a year and a half for an operation and could not bear the fact that he could not see the television and watch the nine o'clock news and some other programmes. He is living alone and had to sell his vintage car to have an operation privately in order to restore his sight back to a reasonable level. A 62-year old man had to give up work because he was waiting for over two years to get one eye operated on. He now believes he has lost his sight in the second eye and is very depressed. That is what is happening with regard to cataracts in Kerry.

Teenagers have to wait four or five years for orthodontic treatment. Girls, in particular, are too embarrassed to socialise and are only barely able to go to school or college. In many cases they have lost their confidence. When treatment is carried out at the age of 17 or 18 years of age their gums are tough and the procedure is not as successful as it would be if carried out sooner.

We do not have nearly enough funding for home help. Few people, if any, get home help at weekends. This weekend was a long weekend due to the public holiday on Monday and, therefore, people went for three days without home help. The people I am talking about do not get

better at the weekend. They do not rise like Lazarus and go to a function or a ball because they are still in the same fix on Saturday and Sunday as they were on the other five days of the week. They need proper funding to be seen at weekends also. Many of these people are living alone and do not have any family. The Government has five ministerial office holders in the Department of Health and gave €950 million more to the HSE this year, or so it says, but things have not improved in these three areas. I ask the Government to do something about these situations which are not fair to vulnerable people.

**The Taoiseach:** Deputy Healy-Rae raises three valid questions on cataracts, orthodontics and home help hours. He knows some of the people involved and that is why he is raising them. This is not confined to County Kerry and these challenges face the health service generally throughout the country. In respect of cataracts and orthodontic treatment, decisions are made by people who are qualified to make decisions as to when operations should be carried out. It is not good to have people living on their own or otherwise who do not have the opportunity to look at television or read the local newspaper or whatever. However, there have been improvements in the cataract situation.

**Deputy Michael Healy-Rae:** There have not.

**The Taoiseach:** The Minister has pointed out on a number of occasions in the House in reply to questions from Deputies Danny Healy-Rae and Michael Healy-Rae the improvements that have been made and the areas where cataract operations are being carried out in other hospitals also. We will get the figures for County Kerry for the information of Deputy Healy-Rae to see what the improvement there has been.

**Deputy Michael Healy-Rae:** We have the figures.

**The Taoiseach:** The situation in respect of orthodontic treatment is nothing new. Issues of delay, in particular for young people who can be very sensitive about orthodontic requirements, arises every couple of years. All the orthodontic decisions are made by qualified orthodontists. The extensive waiting lists of the past have been reduced and there is a difference where it is a matter of carrying out a non-orthodontic but urgent dental procedure. The HSE has made inroads into the general orthodontic situation that applies nationally and we will get the figures for County Kerry for Deputy Healy-Rae.

Extra money has been allocated for home help and extra hours are being worked. It is a matter for the director of services in the Kerry area to define for the Deputy what extra help, if any, is being given in respect of home help. The overall allocation has increased and the number of hours has increased. Deputy Danny Healy-Rae is right to say that it is not good that somebody is left over a long weekend without attention but in general home help hours form part of a process of looking after people who are on their own and also need to be looked after by their broader families. In many cases, a roster is worked out of which home help is an essential part. Again, the information will be provided to Deputy Danny Healy-Rae as to the general situation for home help hours in County Kerry.

**Deputy Danny Healy-Rae:** I do not want any more figures. I know what is happening on the ground. The people of Kerry are just as entitled to their sight as those from any other part of the country. We told the Taoiseach about the Sligo model where someone who presents with a need for regular treatment will be seen in six weeks. If it is more serious, they will be seen after that in 12 weeks and if it is more serious again, they will be seen after six weeks. Why can

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we not have that model in Cork and Kerry? Deputy Michael Healy-Rae has raised this several times and it must be more of a problem in Kerry because I do not hear Deputies from any other part of the country bringing it up.

Home help hours are not being provided on Saturday and Sunday and I do not want any more figures from the Taoiseach on that. They did not get hours on the bank holiday Monday just gone and they have not got them on any other bank holiday Monday, which is not fair. The Taoiseach states it is up to the local manager, but local managers tell us they do not have the funding. There is a Minister and four Ministers of State with responsibility for health. Get them to check it out and see what is happening. Money has been given to the HSE but we are not seeing results. The Government and Ministers with responsibility for health should ensure these services are given to the people fairly and that they are looked after properly.

**The Taoiseach:** The Deputy mentioned three people, namely, an 85 year old man, a 70 year old and a 62 year old. They are all people whom the Deputy knows, which is why he is raising the cases. The figures are very important. It is true to say the moneys given to the health Vote this year are higher than ever before, and responsibility for this has been transferred back into the Department for Health so transparency and accountability can follow. I do not know whether the Deputy has met the director of services for home help in Kerry and asked whether the service is aware of the situation whereby people have been left at weekends without home help. I also do not know whether the Deputy has met the medical personnel dealing with the waiting list for cataract operations in Kerry and pointed out the Sligo model. These are all qualified medical people who make decisions on these matters. Yes, there has been a waiting list, and there should not be, and it is not right that people cannot watch their favourite television programme or read their local paper, but the situation has improved and I will send the Deputy the figures. We will bring to the attention of the medically qualified people in Kerry who deal with orthodontics the success of the Sligo model, but they know this already.

### **Order of Business**

**An Ceann Comhairle:** I call Deputy Clare Daly to announce the Order of Business for the week ahead.

**Deputy Clare Daly:** Tuesday's business shall be No. 5, motion re change to Standing Order 21, without debate; No. 6, motion re PQ rota change between the Department of Children and Youth Affairs and the Department of Jobs, Enterprise and Innovation, without debate; No. 13, Post-European Council statements, to conclude within one hour and 45 minutes, if not previously concluded; and No. 7, motion re change to Standing Order 27. Private Members' business shall be No. 28, Mental Health (Amendment) (No. 2) Bill 2017 selected by Fianna Fáil.

Wednesday's business shall be No. 14, Inland Fisheries (Amendment) Bill 2017 - Second Stage, resumed; No. 15, Courts (No. 2) Bill 2016 - Order for Report, Report and Final Stages; and No. 16, Protection of Cultural Property in the Event of Armed Conflict (Hague Convention) Bill 2016 [*Seanad*] Second Stage, resumed. Private Members' business shall be No. 108, motion re. maternity services, selected by Sinn Féin.

Thursday's business shall be No. 14, Inland Fisheries (Amendment) Bill 2017 - Second Stage, resumed, if not previously concluded; No. 15, Courts (No. 2) Bill 2016 - Report and Final Stages, resumed; No. 16, Protection of Cultural Property in the Event of Armed Conflict

(Hague Convention) Bill 2016 [*Seanad*] Second Stage, resumed; and No. 4, Diplomatic Relations (Miscellaneous Provisions) Bill 2017 - Order for Second Stage and Second Stage. There shall be two Private Members' Bills taken. At 10 a.m., Second Stage of No. 29, Prohibition of Micro-Plastics Bill 2016 will be debated, and, in the evening slot, Second Stage of No. 30, Rural Equality Bill 2017 will be debated.

With regard to the proposed arrangements for this week's business, I refer Members to the second revised report of the Business Committee dated 27 April 2017. In relation to Tuesday's business, it is proposed that:

(1) the Dáil shall sit later than 10 p.m. and adjourn on the conclusion of the motion re. change to Standing Order 27;

(2) motion re. change to Standing Order 21 and motion re. PQ rota change shall be taken without debate and any division demanded thereon shall be taken immediately;

(3) post-European Council statements shall commence immediately after Taoiseach's Questions, and will be followed by Questions to the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, and shall be brought to a conclusion after one hour and 45 minutes, if not previously concluded. Statements of ten minutes each shall be confined to a single round from a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead. A Minister or Minister of State shall take questions for a period not exceeding 20 minutes, followed by a five minute response from the Minister or Minister of State. All Members may share time;

(4) Second Stage of the Mental Health (Amendment) (No. 2) Bill 2017 shall take place on the conclusion of Topical Issues but not earlier than 8 p.m. and shall conclude within two hours;

(5) motion re. change to Standing Order 27 shall be brought to a conclusion after 40 minutes, if not previously concluded. Speeches shall be confined to a single round from a Minister or Minister of State and the main spokespersons for parties or groups, or a Member nominated in their stead, of five minutes each, and all Members may share time.

It is proposed that the Dáil shall sit at 2 p.m. on Wednesday, at which time Leaders' Questions shall be taken. There shall be no suspension of the sitting under Standing Order 25(1). Private Members' business shall be taken at the conclusion of Topical Issues.

It is proposed that the Dáil shall sit at 10 a.m. on Thursday to take Second Stage of the Prohibition of Micro-Plastics Bill 2016, in accordance with Standing Order 140A. If the proceedings on Second Stage conclude before 12 p.m., the sitting shall be suspended until 12 p.m., at which time Leaders' Questions shall commence. The sitting shall be suspended for 30 minutes after the voting block and questions to the Minister for Agriculture, Food and the Marine shall take place at 4 p.m. The Dáil shall sit later than 7.48 p.m. and adjourn at the conclusion of proceedings on Second Stage of the Rural Equality Bill 2017.

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

**Deputies:** Agreed.

**Deputy Ruth Coppinger:** Not agreed. I am very surprised at the time of the debate on the

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motion re Standing Order 27 on the Dáil prayer. The proposal is a little bit of an insult. There has been an ongoing discussion and debate at the Dáil reform committee on the issue, in which there is also public interest. Scheduling five minutes per group, given that there are amendments tabled, is also a bit of an insult.

**An Ceann Comhairle:** It was agreed to by the Business Committee. I stand to be corrected, but I think the particular proposal was agreed to unanimously. Presumably, when we sit-----

**Deputy Ruth Coppinger:** Can I finish the point?

**An Ceann Comhairle:** Yes.

**Deputy Ruth Coppinger:** I know that it was raised that it was going to go through without debate. We challenged this before Easter. If a debate is to be scheduled, there should at least be time for a serious debate. For example, Fine Gael is to have five minutes. I am sure there are many views on the issue in Fine Gael; similarly in our group or Fianna Fáil. Having five minutes each is a bit of an insult. Church-State issues have dominated debate in the country for the last two weeks. We should also have a debate on the National Maternity Hospital today, rather than Deputies only having an opportunity to raise it during Leaders' Questions. The Minister for Health should be here to report on what he is going to do about the issue and also about the recommendations of the Citizens' Assembly.

**An Ceann Comhairle:** The Deputy has made her point.

**Deputy Ruth Coppinger:** The prayer is seen in this light. There has to be change. Could we not afford more time for the debate?

**Deputy Michael Healy-Rae:** We did not ask for it.

**Deputy Eamon Ryan:** I support Deputy Ruth Coppinger who makes a valid point. I know that I was involved in the Committee on Procedure. I was not involved in the Business Committee but I think the Deputy's point is fair.

**Deputy Michael Healy-Rae:** I do not see why things are agreed to at a committee and Members then try to change them here. If it has been agreed to have the debate tonight, that is the amount of time that has been allotted. We could spend all day talking about the matter here, but if it has been agreed, it has been agreed.

**An Ceann Comhairle:** It was agreed to. It is now a matter for the House to agree.

**Deputy Ruth Coppinger:** By a minority. Put it to the entire House after hearing our-----

**Deputy Mattie McGrath:** It was agreed to. We postponed the debate and the vote until we came back today. The time was agreed to by everybody in the group.

**An Ceann Comhairle:** I thank the Deputy. Is the proposal for dealing with Today's business agreed to?

**Deputy Ruth Coppinger:** I propose that the time be extended or that we be facilitated in some way-----

**Deputy Mattie McGrath:** Nil.

**Deputy Micheál Martin:** No, the Deputy should say “Tá”.

**Deputy Mattie McGrath:** I thank the Deputy.

Question, “That the proposal for dealing with today’s business be agreed to,” put and declared carried.

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

**Deputy Micheál Martin:** Page 64 of the programme for Government contains specific proposals about new medicines and treatments and looking at opportunities to leverage purchasing power, either through national or European initiatives. In that context, there are now 61 patients with the very serious and rare lung and respiratory diagnosis, alpha-1, and they will be unable to access Respreeza. Some 21 of these patients have been in receipt of this drug since 2010, and more want to avail of it. The company that manufactures this drug has said it will stop giving it to patients as and from 31 May. The system of licensing and recovering the costs of new drugs is in deep trouble. There are other examples coming down the track. It is time for the Government to devise a proper, hypothecated fund outside of the current budget to deal with these issues, in particular Respreeza and alpha-1. Excellent research into this has been carried out in this country, by Gerry McElvaney and others in Beaumont, over a long period of time. It is extraordinary that people are now going to be deprived of this medicine.

**Deputy Michael Healy-Rae:** I support the views expressed by Deputy Martin. I personally know people whose lives are on hold, waiting month by month to have this drug approved for them. They are in a shocking situation. I appeal on behalf of those people. It is not a huge number but are their lives not as important as the lives of everyone else? If it was thousands of people or only 20 or 30, are they not as important as everyone else?

**The Taoiseach:** This arises every year because of the approval of a new drug for a specific or rare challenge that patients may experience throughout the country. Everybody is well aware now of the long and complicated process to deal with Kalydeco and Orkambi for cystic fibrosis patients throughout the country, which has been extraordinarily expensive. However, we cannot put a price on quality of life. Deputy Healy-Rae said that every life has to be treated the same.

The process that the Minister for Health undertook partly concerns the issue that Deputy Martin raised. What do we do about very expensive drugs that appear on the approved list in the time ahead? We do not know the scale of it at this stage. The Minister had to meet with the drugs companies and work out some sense of stability and permanence over a ten year period for a portfolio of drugs that they may produce. In the final decision on the cystic fibrosis treatments there was a significant reduction, and therefore saving for the taxpayer, arising from the conclusion reached. That kind of operation allows further funding for new drugs that come on. Decisions have to be made here about these drugs.

The day after the cystic fibrosis decision it was reported that there are 35 or 40 new drugs on the way which will treat very specialist, rare diseases and which will probably be extraordinarily expensive. We have to work out how best that might be dealt with in the context of the overall allocation available to the Minister.

**Deputy Gerry Adams:** A section in the programme for Government, Creating a Healthy

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Ireland, commits the Government to implementing a national maternity strategy. This has not happened. Currently the maternity hospitals are starved of resources. They are understaffed and overcrowded. Some are not fit for purpose. The Government has a responsibility to ensure that there is a safe environment for children and babies. When does the Taoiseach expect that the national maternity strategy will be implemented?

Given the current ongoing debacle around the siting of the new national maternity hospital at St. Vincent's Hospital, could the Taoiseach tell us if the agreement brokered by Mr. Kieran Mulvey was brought to the Cabinet, was it discussed by Cabinet and if he agreed to the terms of the agreement?

When will the national maternity standards for a safer, better maternity service be implemented?

**Deputy Louise O'Reilly:** Is it the Taoiseach's intention to bring legislation to the floor of the House to deal with the governance issues that have been raised? I submitted a Topical Issue, but it was rejected for discussion today. We are fooling nobody, even if we are fooling ourselves, if we do not regard the issue as topical. The governance arrangements have been the subject of much discussion, but the Government has dropped the ball and let women down again. If there ever was an issue that was topical on which we could all agree, this is it. Will the Taoiseach make it clear that the governance arrangements will be settled before contracts are signed? The legislative programme mentions the establishment of the national children's hospital, but the legislation has not even been brought before us yet, while the contracts are about to be signed. The women of Ireland want the governance issues to be resolved. We do not want religious involvement in maternity services. Will the Taoiseach give an assurance that if legislation is required, it will be drafted quickly and before contracts are signed?

**An Ceann Comhairle:** On the subject of Topical Issues, tomorrow there will be questions to the Minister for Health and the Deputy's party will have a matter dealt with in Private Members' time. If the Deputy's Topical Issue was not chosen for discussion today, I suspect they were among the reasons.

**The Taoiseach:** The Minister for Health, Deputy Simon Harris, expects to come back to the Government in the next three to four weeks, with the issue of the national maternity hospital being the central focus. I want Deputy Louise O'Reilly to understand everybody here supports the women of Ireland, including expectant mothers and their babies, in having proper facilities. That is why we are proposing to build a new hospital. As planning permission has not yet been applied for, there is no question of contracts being signed. The key is having utter clinical independence from religious influence, of which I have already given confirmation. We are now concerned with how we arrive at that situation and deal with the ownership issue which we want to demonstrate beyond yea or nay in order that everybody will be quite clear that the hospital will operate in the interests of mothers and their babies.

**Deputy Mary Lou McDonald:** Has the Mulvey report being brought to the Cabinet?

**The Taoiseach:** If there are complications, people need to know that there will be a very good hospital adjacent to the maternity hospital to deal with them. Deputy Louise O'Reilly also asked if legislation would be brought to the floor of the House, but where else would one bring it?

**Deputy Louise O'Reilly:** I asked the Taoiseach if he would do so speedily.

**The Taoiseach:** If legislation is proposed by the Minister for Health, the Cabinet will approve the drafting of the heads and the Bill will go for pre-legislative scrutiny in the normal way, a change the Government brought about to facilitate Deputies such as Deputy Louise O'Reilly. Legislation will be brought to the House, which is where legislation is debated, approved and passed.

**Deputy Louise O'Reilly:** It is not included in the legislative programme.

**Deputy Brendan Howlin:** It is proposed in the programme for Government to sell part of the State's shareholding in Allied Irish Banks. Since March I have been questioning the wisdom of that approach, unless we can use the proceeds of the sale for the purposes of capital investment. I noted in a report over the weekend that Fianna Fáil also believed the proceeds had to be invested in infrastructure. The same report suggested many in the Taoiseach's party also believed that to be the best use of the money. It is welcome that this debate is happening in public, but as this House has not had a chance to debate the matter, I ask the Taoiseach if he will seek the support of the House before shares in Allied Irish Banks are brought to the market and if he will allow the view of the House to be ascertained?

**The Taoiseach:** This matter has been raised on a number of occasions in the period since the Minister for Finance indicated that it was the intention of the Government to test the market in respect of the sale of a portion of Allied Irish Banks, the vast majority of the shares of which are owned by the State.

The windows for that are very evident and the Minister intends to proceed to deal with that. He has commented on that through replies to questions in the Dáil in the past, as I have also. This is, if one likes, a paper transfer of assets and will be used for writing down debt.

The review of the capital programme, which as the Deputy is aware is quite extensive, is already commencing. In addition, the opening of the European Investment Bank office in Dublin allows specifically for extra investment for infrastructure and also for investment in small and medium-sized enterprises.

**Deputy Brendan Howlin:** Will the Government seek the permission of the House-----

**The Taoiseach:** In respect of major pieces of infrastructure where a stream in income will be applicable-----

**Deputy Brendan Howlin:** ----- on the shareholding?

**The Taoiseach:** -----to pay for the loans, it will remove that element of capital from the Exchequer requirement which will allow for further works to be carried out. In addition to that, as the Deputy knows, the Government is planning for Ireland in 2030 and 2040-----

**Deputy Brendan Howlin:** The AIB shares.

**The Taoiseach:** ----- with 1 million extra people and 500,000 extra houses. Where will they live and how will we transport them? What are the requirements for educational and medical facilities, and so on?

**Deputy Brendan Howlin:** Will the Taoiseach bring the proposal on the AIB shares here?

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**The Taoiseach:** The Minister will keep the House updated on that.

**Deputy Gino Kenny:** I wish to read out a statement from the recent IMO annual conference.

**An Ceann Comhairle:** This is questions on the Order of Business and not reading out statements.

**Deputy Gino Kenny:** This has relevance to a Bill I introduced six months ago, the Cannabis for Medicinal Use Regulation Bill. It is very relevant.

The motion stated:

The IMO urges the Government not to limit the availability of medicinal cannabis products in any future legislation by restricting their prescription to consultants or the indications for which they can be prescribed, with such indications being informed by the evidence base.

Ten days ago I accompanied Vera Twomey on a trip to Barcelona to obtain medicinal cannabis for her daughter. On arrival at Dublin Airport, that medicine was taken from her even though she had a prescription. I would say that medicine was taken from her illegally and she wants it back for the health of her daughter. I appeal to the Taoiseach as a person and not as a politician. It is imperative that my Bill is given a date by the Oireachtas Joint Committee on Health. Every week I get phone calls from people in pain who are not criminals, but are being treated like criminals. I ask the Taoiseach to give a date and give some hope to these people. They should not be treated like criminals but like citizens of this country trying to obtain medicinal cannabis. If the Taoiseach could give a date, it would be a really good legacy on his part.

**The Taoiseach:** It is a valid question. Obviously, on a number of occasions in the House the Minister has dealt with the issuing of prescriptions and treatment for particular ailments. Even if he were so willing he cannot under compassionate grounds issue an instruction for particular medicine to be distributed because it requires a prescription from an authorised clinical person. I read the account of Deputy Gino Kenny's involvement in this. In this Dáil, because of the number of Independents and smaller groupings, there were legitimate claims that backbenchers have not had enough time or opportunity to put forward their views about Private Members' Bills. Some 140 Private Members' Bills are now backed up and Government has not objected to those. However, it is a matter for the parties and groupings to decide which of those 140 Bills they actually want to prioritise.

The Deputy asked me to give him a date for the taking of the next Stage of his Bill. I ask him to deal with this through the process of doing business here. The Deputy's Bill is now one of 140 Bills listed for decision. It is not my function to determine the date of this, but it is a function of everybody. On a scale that never arose in any previous Dáil, Members have the opportunity to put forward Private Members' Bills, with time to debate and discuss them, for very valid reasons, as Deputy Gino Kenny, the author of a Bill, has done. It is not a case of the Government determining the date for taking a Bill here. The Deputy should raise that through the process that applies for Bills coming through every week, with 140 backed up.

**Deputy Gino Kenny:** The Bill would make it through committee.

**Deputy Mattie McGrath:** In the programme for Government, fitting mention was given, and has been given again today, to the improvement of health facilities. In South Tipperary

General Hospital in Clonmel, the situation is chronic. We now find that two operations, St. Patrick's in Cashel, a step-down facility, and the Sacred Heart unit in Dungarvan Community Hospital, which takes patients for step-down care, are losing beds - 20 in Dungarvan and up to 15 in Cashel in Tipperary. There is also the chronic daily situation of the 45 beds in Clonmel. University Hospital Waterford is backed up as well. What is going on in the HSE? While trying to deal with that crisis, it was announced that the hospitals would get extra extensions, but that is ongoing for the last three or four years. We are now closing step-down facilities where people can go to recuperate after having hip operations, knee operations or any other medical procedures. The step-down locations of St. Patrick's and the one in Dungarvan provide wonderful facilities. It is folly and absolute madness to close these places because it will put ten times the pressure on the acute hospitals. What is going on? Will the Taoiseach have someone look into it? As Deputy Healy Rae said, will one of the five Ministers in the Department of Health have a bit of common sense and do something?

**An Ceann Comhairle:** I will take brief comments from Deputies Mary Butler, David Cullinane and Jackie Cahill on the same matter.

**Deputy Mary Butler:** Today in the Sacred Heart unit in Dungarvan Community Hospital, 16 beds are closing. Eleven of these beds are for rehab, three are for long-stay and two are for respite. In the programme for Government, the Taoiseach put community care at the heart of the process going forward. Today, we will see 16 beds closed. This is a vital step-down facility in Dungarvan and in west Waterford to help our acute hospitals. This is not going to improve the situation. The reason cited is the lack of nurses, which is at crisis point in this country. I read today that 85% of all nurses training in Ireland this year intend to leave. What is the Taoiseach's Government going to do to change terms and conditions for nurses in this country so that we will not have to close 16 beds in a vital step-down facility in 2017?

**Deputy David Cullinane:** The programme for Government committed to the establishment of a public sector pay commission. It also committed to increasing front-line staff, especially nurses, in our public hospitals. This is not happening. The Taoiseach has heard from a number of Deputies that the Sacred Heart unit in Dungarvan Community Hospital is closing. I spoke to the director of community services in the HSE today. He says that the only reason that the ward and the beds, which include rehab beds for stroke victims, are closing is because the hospital simply cannot recruit nurses. Hospitals cannot recruit nurses because up to this day the Taoiseach's party and the Minister for Public Expenditure and Reform have still not committed to the principle of equal work for equal pay. We have commissions for pay restoration but we do not have any fairness. We have said to the Taoiseach over and over again that if he does not deal with these issues, there will be consequences. We are now seeing the consequences by which a ward has been closed in a community hospital in Dungarvan. That is unacceptable. I want to know what the Taoiseach is going to do to make sure that we can recruit nurses into our public system.

**Deputy Jackie Cahill:** It was hard to comprehend this morning when we were told that a ward was closing in the community hospital in Cashel. Our county is suffering blow after blow on the health front. The Minister was in our constituency on the last Friday in October. He saw a facility a couple of hundred yards up the road in Cashel hospital, where there are two floors completely refurbished with over €20 million spent on them. They are lying idle. We have list after list of people looking for step-down beds, yet here we are closing more beds in our county. We have a county with no psychiatric beds in it. We are getting hit with service after service being taken from our health service. To close another ward in a hospital with a completely re-

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furbished hospital lying idle just up the road is impossible to comprehend.

**The Taoiseach:** The Minister for Health has gone to exceptional lengths to improve the position. Young trained nurses coming out of Irish hospitals are given full-time contracts.

**Deputy Mattie McGrath:** Too many managers.

**The Taoiseach:** The Minister has also made available incentives for nurses to return home to work in Ireland. I do not accept the figure Deputy Butler mentioned that 85% of trained nurses coming out of the Irish system are emigrating. Some people will want to go abroad to work for experience, as all young people do. However, the situation is much better than it was-----

**Deputy Mattie McGrath:** It is not.

**The Taoiseach:** -----in respect of the opportunity and incentive for young nurses coming out of the system, who are very highly trained and are in demand to work in the Irish hospital system. The decision to which Deputy Cahill referred about the psychiatric bed situation in County Tipperary was made quite a number of years ago. It is a situation that can be worked out. If there is a new facility up the road and another one is closing down, is it not a case of asking what the best option is to provide facilities for people?

**Deputy Mattie McGrath:** Ask the Minister why. He saw it.

**The Taoiseach:** A new unit was not built to remain empty and unused.

**Deputy Mattie McGrath:** For managers only.

**The Taoiseach:** It was built for a purpose. That purpose should be followed through on. Some of these matters are relevant to the Topical Issue debate. I do not have the details of them here. I will respond to the Deputies who raised questions about Dungarvan, Clonmel and Cashel and have the Deputies supplied with that information.

**Deputy John Lahart:** My question concerns the commitment in the programme for Government to a full review of public transport policy. We know from a reply to my colleague, Deputy John Curran, that the Department of Transport, Tourism and Sport has already made its submission to the mid-term capital review. However, from a further response to Deputy Curran we also know that the review of public transport is promised only for later this year. Given that traffic congestion in Dublin is costing, according to the Minister, €350 million annually and that it will rise to close to €2 billion in the mid-2020s, does the Taoiseach agree the review of public transport the Government committed to is now overdue and has already missed the mid-term capital review deadline? Will the Taoiseach tell the House when it will take place? How can the Government make proper plans for public transport in Dublin in the absence of this review? Will the Taoiseach make a statement on the matter?

**The Taoiseach:** I will have the Minister respond to this. The capital review takes into account major infrastructure such as roads, dual carriageways and motorways. We cannot plan ahead for the country unless we look 15 or 20 years out. That is what the Government has started now with consultations in every part of the country. We will have an extra 1 million people and will require half a million houses on top of the already serious demands that are there. In one way this is a real challenge of success where the line of investment in is exceptionally strong. That is proved by announcements every week by firms wishing to site here and by the expansion of existing firms. It is a timely observation. Transport is not missing the

capital review. It is always the case in terms of public transport. We see the ongoing works with the Luas in Dublin. The requirements for future investment of that scale in different parts of the country can be funded in part by the European Investment Bank provided agreement can be reached on structures and income streams to pay for those loans. I will have the Minister, Deputy Ross, made aware of Deputy Lahart's question and reply directly to him with regard to the schedule for dealing with this.

**An Ceann Comhairle:** That concludes questions on promised legislation. My apologies to the six Deputies whose questions were not reached.

### **Standing Orders: Motion**

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

That the Standing Orders of Dáil Éireann relative to Public Business be amended by the adoption of the following Standing Order in substitution for Standing Order 21:

‘Quorum.

21. (1) The quorum necessary to constitute a meeting of the Dáil shall be twenty members, save where the sitting commences earlier than 12 noon, when it shall be ten members.

(2) The applicable quorum for the purposes of Standing Order 22 shall be:

(a) where the sitting commences earlier than 12 noon, ten members until 12 noon; and

(b) twenty members at 12 noon and thereafter until the adjournment of the Dáil.

(3) Further to the provisions of Standing Order 22, where a sitting commences earlier than 12 noon, if a quorum is not present at 12 noon, or as soon as possible thereafter, the provisions of Standing Order 22 shall apply in relation to the ringing of the division bells and the suspension of the sitting or adjournment of the Dáil.’”

Question put and agreed to.

### **Ministerial Rota for Parliamentary Questions: Motion**

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

That, notwithstanding anything in the Order of the Dáil of 6th May, 2016, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Transport, Tourism and Sport, shall be set down to Ministers in the following temporary sequence:

Minister for Children and Youth Affairs

Minister for Jobs, Enterprise and Innovation

whereupon the sequence established by the Order of 6th May, 2016, shall continue with

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Questions to the Minister for Defence.”

Question put and agreed to.

## **Ceisteanna - Questions**

### **EU Meetings**

1. **Deputy Joan Burton** asked the Taoiseach if he will report on his meeting with Chancellor Merkel on 6 April 2017. [17713/17]

2. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with the Chancellor of Germany, Ms Angela Merkel, on 6 April 2017. [17838/17]

3. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his recent meeting with Chancellor Merkel. [17914/17]

4. **Deputy Micheál Martin** asked the Taoiseach if he will report on his meeting with Chancellor Merkel on 6 April 2017; the issues that were discussed; if other bilateral meetings were held; and the other meetings he attended while in Germany. [18281/17]

5. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his engagements on his trade visit to Germany and his meeting with Chancellor Merkel. [18287/17]

6. **Deputy Seán Haughey** asked the Taoiseach if he has spoken to or met Chancellor Merkel recently. [20411/17]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together.

My visit to Germany from 5 to 7 April included a bilateral meeting with Chancellor Angela Merkel as well as extensive engagement with key trade, tourism and investment partners. The visit began in Frankfurt on the morning of Thursday, 6 April where I had a series of meetings with Irish State agency client companies based in Germany. I officially opened the offices of the Irish company, Collen Construction, before giving a keynote speech at an event attended by more than 150 guests. In my remarks, I emphasised the links between Ireland and Germany and our support for further strengthening investment, trade and tourism between our two countries. That afternoon, I travelled to Berlin where I had a very positive and constructive bilateral meeting with Chancellor Merkel in the Federal Chancellery. Our discussions included Brexit, the future direction of Europe and EU-US relations. On Brexit, we discussed the draft EU negotiating guidelines which were circulated on 31 March following Prime Minister May's official notification on 29 March of the UK's intention to leave the European Union. These guidelines were agreed by the European Council on Saturday and I will speak about them in more detail during my statement to the House later this afternoon. In my discussions with Chancellor Merkel about the Brexit negotiations, I said nothing should undermine peace and stability in Northern Ireland and that it is therefore crucial to avoid a return to a hard Border. This is a political challenge and we will need to be creative and imaginative in finding solutions, while respecting our EU obligations.

Chancellor Merkel acknowledged Ireland's unique concerns and offered her strong support

in ensuring that these were reflected in the guidelines. The language in the guidelines and, indeed, in the notification letter from Prime Minister May is a positive outcome of the Government's approach and intensive programme of strategic engagement with EU partners and the EU institutions over recent months. Germany, like Ireland, has significant and complex trading links with the UK. We both agreed these should be maintained with minimum disruption and that we should work together to protect jobs, growth and investment. In exchanging views on the negotiations ahead, we agreed these should be approached in a calm and constructive manner with the aim of achieving a close and positive future relationship between the EU and the UK. More generally, on the future direction of Europe, I highlighted the importance we attach to maintaining EU 27 unity, based on our core values and the need for a balanced response to current challenges with a focus on better delivery for our citizens, particularly in jobs, growth and competitiveness. The following day, I participated in a round table event organised by the Association of German Chambers of Commerce, which facilitated a useful exchange about the impact of Brexit from the Irish and German business perspective. I also met with a group of German think tanks active on European, foreign and economic policy issues which enabled me to explain and discuss Ireland's perspectives on Brexit and the future direction of Europe. Later that day, I launched the Bord Bia Irish beef food truck and met with a major premium wholesaler which supplies Irish-sourced products. In all my meetings, I highlighted and explained Ireland's particular concerns arising from Brexit for our trade and economy; Northern Ireland and the peace process; the common travel area; Border and citizenship issues; and the future direction of the European Union. I placed particular emphasis on our strong ongoing commitment to EU membership and our intention to work constructively and calmly as part of the EU 27 team towards a close and positive future relationship with the United Kingdom.

**Deputy Gerry Adams:** Gabhaim mo bhuíochas leis an Taoiseach. It is interesting to hear the Taoiseach talk of the conversation with Chancellor Merkel and their discussions about the draft EU negotiations guidelines. The Taoiseach may recall when these were first drafted I warned that the interests of the people of the island, the stability of our political processes, the future of the Good Friday Agreement and the option of Irish unity were not sufficiently reflected in them. At the time, I urged the Taoiseach to ensure the final guidelines were amended to close the gap. That has not happened. Much has been made of the statement in the minutes of the summit that in the event of Irish unity, "in accordance with international law, the entire territory of such a united Ireland would thus be part of the European Union." It is welcome but it is not the coup that has been claimed in some media. It is a very common sense position. It reflects the position of the Good Friday Agreement and what happened with the reunification of Germany and a similar agreement in respect of Cyprus. The Government failed to secure designated special status for the North within the EU. Did the Taoiseach raise the issue? Has he ever asked for the North to be given special designated status within the European Union and that the vote of the people in that part of our island would be upheld? Will the Taoiseach give us a very direct answer to that question? Has he ever asked for special designated status for the North?

**An Ceann Comhairle:** We need to stick to the time allocated because there are quite a number of questioners here.

**The Taoiseach:** Chancellor Merkel raised a number of questions specifically about the Border situation, given that we do not yet know the trading relationships that will apply between the UK and the EU and between ourselves and the UK. In so far as clarity was possible, we were very clear that the political principle here is not to return to the Border of the past.

The priorities for Ireland were mentioned specifically in the letter from the British Prime

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Minister triggering Article 50. They were also mentioned specifically in the document produced by the European Parliament and in the draft guidelines circulated by the European Council. I do not know of anybody who has claimed that this was some kind of coup. I would make the point that very dedicated public officials at COREPER and official levels have worked very assiduously and hard in Belfast, London, Brussels and here to bring about a realisation of the particular and special circumstances and the unique case of this country. Deputy Adams is well aware that the situation in so far as Northern Ireland is concerned is that this Republic voted in a referendum to remove Articles 2 and 3 from the Irish Constitution and in support of the Good Friday Agreement, which makes clear that the Six Counties are part of the United Kingdom until or unless the people of Northern Ireland decide to do something about that. In that respect, we have always discussed the question of the special status, the particular circumstances and the unique situation that applies in Northern Ireland. What is now written into the European Council's bedrock for negotiations is that if at some time in the future the people of Northern Ireland decide to do that, they will not have to apply to re-join the European Union.

**Deputy Eamon Ryan:** I was glad that there was a unified, 27-country position on the Brexit talks at the weekend. However, I am somewhat concerned about what happened on the previous Wednesday when Commission President Jean-Claude Juncker met with the British Prime Minister, Theresa May. It seems to have been a disastrous meeting, according to leaks. Such leaks can only be seen to have been designed to humiliate the British Prime Minister. It is reported that the German Chancellor received a call from Mr. Juncker directly after the dinner. To a certain extent we see the messaging being managed in a German way through German newspapers. I am concerned that this is not unified. Did we get a call from Mr. Juncker straight after the dinner? Is that the way the talks are going to be conducted, with selective leaks through certain leaders? I do not think that will work.

I do not stand with the British position. I believe the Brexit process should be cancelled and the UK should continue to be a member of the EU. However, I am slightly concerned about the current position. What is the rationale behind arguing that we cannot have a two track approach? Why can we not start discussing with Britain some of the complex issues around regulations, trade, standards and so forth? Why are we insisting that we can only do that once the original Brexit bill negotiations have taken their course for a certain period of time? I think that may be a mistake and am concerned that it seems that the German Government is leading on this rather than a unified 27. What is our position on that twin track issue? Why did the Taoiseach not get a call from Mr. Juncker in the same way that the German Chancellor did?

**The Taoiseach:** I am not going to comment on leaks in newspapers or on what has been written about this. The situation in so far as the 27 members of the European Council is concerned is that there is a very clear position of not in any way wishing to punish the United Kingdom for a democratic decision that was made by its people and on which the British Government wishes to follow through. There is a realisation that it has now got to be dealt with in a respectful, understanding, constructive and positive way. I have always made that case, both to the Prime Minister and to the European Council.

Clearly the step by step approach that has been set out is critical from a European Union point of view. The Prime Minister has called an election in Great Britain. It is expected - although one can never pre-judge the outcome of an election - that she will receive an increased mandate. That allows her to do a few things, if she wishes, including making new appointments to Cabinet. It will also, from her point of view, give her a clearer hand in negotiating on Brexit. However, that does not change the issues that need to be dealt with in the negotiations. The

first part is what is required under Article 50, namely to deal with the exit process and there are three particular items in that context. The first is the liability that arises from membership of the European Union, for past membership and requirements into the future by the United Kingdom. There was no discussion in Brussels on Saturday about the scale of that liability; nor were any figures mentioned. The discussion was about principles and methodologies to arrive at that.

The second issue is the rights of EU citizens who live in Great Britain and the rights of British citizens who live in other EU member states, including here in Ireland. Obviously, in our case it is understood and accepted that we have had a common travel area since 1922, with acquired rights not just to travel but to residency, work and opportunities in respect of social welfare. That is a matter of bilateral discussion between our two countries. Since other countries joined the EU, many of their citizens now live in Britain. What are their rights and what issues need to be dealt with in that context? Reciprocal to that is the question of the rights of citizens of Great Britain living in France, Spain or elsewhere in the EU.

The third issue, which interests us directly, is the question of borders. What do we do if we agree that there should not be a return to the hard Border which brought about sectarianism, violence, terrorism and all of that? These are three matters that the EU wishes to have dealt with very early on in the negotiations. We do not want a situation where, for instance, others might claim that Ireland has become a sort of bargaining chip because of an agreement in respect of the special circumstances that apply here because of the Border.

**Deputy Micheál Martin:** At the various meetings concerning the Article 50 negotiations, it has been very clear that other member states appreciate that Ireland is in a unique position and has unique concerns. The other two countries that have border related issues with the United Kingdom, Spain and Cyprus, also have their concerns addressed in the negotiating guidelines. We all welcome this fact as well as the separate support which Chancellor Merkel expressed for Ireland following the Taoiseach's bilateral meeting with her. What does all of this mean in practice? Over the next 18 months we need to set out and have agreed specific proposals on exactly what a soft Border means. May I say, in passing, that I welcome Ms Arlene Foster's comments on a soft Border which reveal that if the Executive had not collapsed we had a mechanism by which we could have achieved consensus in Northern Ireland and to some degree, a coherent voice on Brexit related matters. So far, no specifics have been set out and sources in the Commission have said that Ireland needs to come up with answers and not just point out problems.

The guidelines say that whatever is agreed relating to Ireland must respect the broad European Union legal order and conform with EU law. Does this imply that the Taoiseach will not be seeking any treaty or legal changes relating to Ireland? What if protecting the common travel area or dealing with cross-Border trade does not conform with EU law? Is the Taoiseach saying that we accept these two constraints? In a previous session of Taoiseach's questions, the Taoiseach appeared to commit to publishing a detailed Irish negotiating document but so far all we have seen is a broad statement of principles. We have not seen any specific proposals. Where is the promised detailed set of proposals to which the Taoiseach committed?

**The Taoiseach:** I have made it clear that Ireland always wishes to comply with EU law. That has been our position for quite a long time.

**Deputy Micheál Martin:** If the common travel area does not comply with it, what do we do then?

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**The Taoiseach:** On the common travel area, we are very clear that the acquired rights of Irish and British people in Ireland and the UK have applied since 1922 and are very much-----

**Deputy Micheál Martin:** I am talking about the post-Brexit situation.

**The Taoiseach:** We expect to be able to preserve the common travel area. I have made that point very clearly, as has the British Prime Minister.

**Deputy Micheál Martin:** Will that necessitate a change to EU law?

**The Taoiseach:** The common travel area was in place long before the formation of the European Economic Community, EEC and the EU and long before Brexit. We intend to be able to hold on to the common travel area between Ireland and Britain. On what it means in practice, I welcome the helpful statement from the former First Minister, Arlene Foster. We would like to be able to preserve the tariff-free arrangement that now applies. Clearly, the negotiations in this area could become quite complex, depending on the issues involved, but it is too early to say what its exact nature will be. A wealth of information will need to be teased out when we open the box dealing with trade issues and tariffs. We agree with the Prime Minister when she says she wants Great Britain to have as close as possible a working relationship with the European Union. If that implies tariff-free arrangements, so much the better. We agree with that sentiment and would like to see it continued in practice. The Deputy is right when he says I said we would publish a more detailed document. I considered doing so last week, but I thought it better to wait for the outcome of the European Council in order that its decision could be incorporated into the document. I will brief Opposition leaders later this evening. We will publish the much more detailed statement today and it will be available to Deputy Micheál Martin.

**Deputy Micheál Martin:** Today.

**The Taoiseach:** Yes, today.

**Deputy Micheál Martin:** We are having the debate first.

**Deputy Brendan Howlin:** It is a little odd that we will not be briefed until after we have had the discussion and the statements.

**Deputy Micheál Martin:** That is right.

**Deputy Brendan Howlin:** It seems to be putting the cart before the horse. It would have been nice to be briefed on the Irish Government's position in order that we could give our views from a more informed position. I am sure we will have other opportunities.

Whatever about the appropriateness of President Juncker's telephone call to the German Chancellor, it was very instructive. Those of us who have been engaged with British officials and Ministers believe there is a complete unreality about their approach. I think President Juncker has described it as a different constellation or galaxy. Perhaps that is a little extreme, but there is an expectation that somehow there will be bilateral formal arrangements between Britain and other individual member states. I think the United Kingdom was somewhat taken aback by the collective unity displayed in the decisions made over the weekend.

I would like to ask the Taoiseach about his discussions with Chancellor Merkel. Is there complete agreement that there will be no sectoral agreements between the United Kingdom and individual EU member states, on cars or anything else, outside the common negotiating

position of the European Union? Is it perfectly understood by Britain that this is the position?

On the related but separate matter of the fiscal rules, Brexit demands that we address the requirement to invest in our infrastructure, including ports such as Rosslare, to ensure we will have improved direct bilateral links and that we will not need to depend on the UK landbridge for exports into the future. Is there an understanding that it would be acceptable to relax the fiscal rules to allow for additional infrastructural investment to Brexit-proof Ireland?

**The Taoiseach:** That is a good question. I did not want to call all of the Deputies together on a bank holiday Monday to give them a briefing on what had happened on Saturday or Sunday.

**Deputy Brendan Howlin:** The Taoiseach was going to do it last week.

**The Taoiseach:** We did not know the outcome of the European Council meeting until Saturday.

**Deputy Micheál Martin:** The meeting lasted just two minutes.

**The Taoiseach:** I could have published a much broader document about where we were headed and briefed the Deputies on such a document. If I had done so, the Deputies would have argued that its contents could change, depending on the decision to be taken on Saturday by the European Council.

**Deputy Brendan Howlin:** When was the last time the Taoiseach went to a Council meeting without a decision being made in advance?

**Deputy Micheál Martin:** We could have postponed this afternoon's debate until later in the week.

**The Taoiseach:** Now we have the same document, added to by the decision of the European Council. The Ceann Comhairle is familiar with what politicians do here. Deputy Gerry Adams was talking about coups and all the rest of it. Perhaps he knows something about that, but as far as I am concerned, this is work that was undertaken for the past 18 months.

**Deputy Micheál Martin:** Opinion had to be managed.

**Deputy Eamon Ryan:** It is the Minister, Deputy Leo Varadkar, who needs to be converted in that regard.

**The Taoiseach:** I am glad that 26 members of the European Council agreed with Ireland on Northern Ireland becoming part of the European Union without having to reapply.

**Deputy Micheál Martin:** I think Mr. Juncker should ring the Taoiseach for some insight into management spin.

**The Taoiseach:** It should be noted here that Brexit is not the end of the line. The European Union has its own agenda which involves the Single Market, the digital single market, the capital markets and EMU. It wants a future of continued prosperity, peace and career and other opportunities for millions of people in a world that is changing rapidly as a result of digitisation which has been referred to as the fourth industrial revolution.

**Deputy Brendan Howlin:** The Taoiseach should also mention the social Europe agenda.

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**The Taoiseach:** We have to go beyond and through Brexit. The accident that has happened here has implications nationally, internationally and globally and we must deal with it. The agenda for the European Union is for the future beyond Brexit. While I respect the democratic decision of the United Kingdom, I genuinely regret that so much of the time of the leaders of 500 million people is being taken up in dealing with this situation.

I will respond to Deputy Brendan Howlin's question about sectoral issues by saying it has been made perfectly clear to the UK authorities that there will be no cherry-picking.

**Deputy Brendan Howlin:** Do they understand that?

**The Taoiseach:** The EU 27 will negotiate as a bloc with the United Kingdom. Many theories are being put forward by academics and those who have worked in various sectors, but it is clear that the closest possible relationship we can have is the relationship we now have. How will we be able to get back to it if the United Kingdom leaves the Single Market and has a different position where trading, the customs union and the WTO rules are concerned? Deputy Brendan Howlin has made a valid point about ports. One of the opportunities the European Investment Bank will present relates to the capacity to invest in serious infrastructure here once there is a line of investment to actually repay those loans and have conditions set by which that would apply.

**Deputy Brendan Howlin:** It is a question of having the fiscal space to do it.

**The Taoiseach:** Exactly. It is about having the opportunity to do so. As this argument continues, every country in Europe is quite well aware that Ireland, the Netherlands and Denmark would be most adversely affected by what is termed a "hard Brexit". When I discussed this issue in The Hague with Prime Minister Rutte and Prime Minister Rasmussen, we made it very clear that we understood the impact something like this would have on our small countries. The ground rules have now been set. They encompass all of Ireland's particular priorities. It is a case of moving on to economics and trade. That is the next step. I hope to come back to the Government within a month with propositions in that regard.

**Deputy Seán Haughey:** I thank the Taoiseach for briefing us on his meeting with Chancellor Merkel. He has mentioned that the Government's negotiating document will be published later today. I hope we can have a debate on it in the Dáil. That would be very important. It is certainly in the national interest for all of us to be involved in the discussion. I note that the summit attended by Chancellor Merkel lasted just four minutes. Can we read any significance into that? What is the Taoiseach's view? I would be interested to hear his perspective on why the summit lasted just four minutes.

The negotiating guidelines have been agreed. I understand negotiating directives now need to be put in place. Perhaps the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, might be very involved in that process. Are we seeking special arrangements on the negotiating directives? Perhaps the Taoiseach might comment on that issue. Are we looking for anything in particular in that regard? Are the negotiating directives a logical consequence of the negotiating guidelines?

While the statement that Northern Ireland will have full automatic reintegration into the European Union in the event that there is Irish unity is to be welcomed as a gesture of goodwill by the EU 27, I wonder about the status of that assurance. I do not doubt that the Taoiseach discussed with Chancellor Merkel the precedent set when East Germany was united with West

Germany.

Obviously, there is a very difficult road ahead. The agreement of the negotiation guidelines is just the beginning of the process. The talks that lie ahead are going to be difficult, tough and confrontational. Is the Taoiseach confident of a satisfactory outcome for Ireland? He has mentioned that at the end of the day a political agreement will have to be reached. A political solution needs to be agreed to by the EU 27 in relation to Ireland. Is the Taoiseach confident that we can achieve our objectives in that regard?

**The Taoiseach:** The priorities have been agreed to by the EU 27 and in the letter sent from Prime Minister May to the President of the Council. Yes, we can have a debate here, as we will have on numerous occasions about elements of Brexit.

On Saturday, the 27 were anxious not to have a long and acrimonious internal discussion which would send out a signal that Europe itself did not have the capacity to agree on a structure and guidelines with which to negotiate. Those guidelines in the discussion were intense, extensive and went on for a long period.

On behalf of Ireland, I thank the Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs who attend the General Affairs Council meetings, as well as our public servants, ambassadors and diplomats who have worked not just within Europe but beyond to get out Ireland's message. There was not anything further to discuss about the guidelines *per se* because they already have been discussed extensively and agreed. Accordingly, it was a matter of the Council President saying that these guidelines, which have already been discussed extensively, are agreed and we go on to have a discussion about them. This is what happened. It was the adoption of those guidelines early on which sent out its own message that there had been extensive discussion and agreement that these guidelines were a suitable basis for negotiation.

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

**The Taoiseach:** There were some further elements under discussion which I raised myself in respect of Northern Ireland and its re-entry without having to re-apply in the event that, by consent and democratic means, a referendum is passed in Northern Ireland wishing to join the Republic as a united Ireland.

The Deputy's point about East Germany is true. However, Ireland is in a slightly different position in that Northern Ireland is currently a member of the European Union and is the subject of an international legally binding agreement which was not the case with East Germany. There is a clear case which I am glad was accepted by the other 26 member states.

I have to be optimistic that, despite the fact we did not want this and we did not cause this, it has happened and we must deal with it. Through these Brexit negotiations, complex and difficult that they may be, we have to move on with the agenda for the European Union of the Single Market, the digital Single Market and its potential in a changing world, along with the future for prosperity, investment and job opportunities.

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

**The Taoiseach:** I remain focused and positive about the fact we can get the best outcome for our people, for our country, for our economy and jobs, as well as the issues I have identified

as priorities.

**An Ceann Comhairle:** We have gone badly over time on this group and we have only 16 minutes remaining for two other groups of questions. We will allow six minutes for the next group.

### **Departmental Administrative Arrangements**

7. **Deputy Micheál Martin** asked the Taoiseach the role of the economic policy unit in his Department. [17832/17]

8. **Deputy Gerry Adams** asked the Taoiseach the role of the economic policy section in his Department. [20718/17]

**The Taoiseach:** I propose to take Questions Nos. 7 and 8 together.

The economic division of my Department supports the Taoiseach and the Government in developing and implementing economic policy aimed at sustainable economic growth and development.

It has a particular focus on jobs, competitiveness, trade and investment, tourism and the economic impacts of Brexit, as well as other international developments. It is also responsible for housing matters and for economic infrastructure.

It supports the work of four Cabinet committees and related senior officials groups, seeking to maximise the effectiveness of their work. These are the Cabinet committees on economy, trade and jobs; housing; infrastructure, the environment and climate action; and regional and rural affairs.

It supports implementation of the Government's Action Plans for Jobs, Housing and Homelessness, and Rural Development, and co-ordinates Ireland's participation in the European semester process. Preparation of the national reform programme and the national risk assessment are also undertaken.

The division acts as my Department's liaison point with the Central Statistics Office, CSO, on certain administrative functions, and provides support, as required, to the Minister of State, Deputy Regina Doherty, who has been delegated responsibility for the CSO.

The division plays a role in supporting the Government in its approach to long-term challenges as set out in the programme for Government and in the delivery of key infrastructure including housing, broadband, transport, energy and water. The division works with relevant Departments to oversee Ireland's transition to a low-carbon economy.

**Deputy Micheál Martin:** The CSO is under the Department of the Taoiseach and the economic policy unit has traditionally been responsible for overseeing its work. The Taoiseach will have noticed two members of his Government have recently been caught out promoting misleading and potentially fake statistics. The Minister for Social Protection recently launched a national media campaign on a claim concerning welfare fraud which overstated savings by over 1,000%. The Minister for Housing, Planning, Community and Local Government has been promoting his record on the basis of a claim on new builds which inflates the true figure

by 100%.

Clearly those Ministers are actively trying to promote their images and enhance their profiles. It is also fair to say, however, this type of behaviour is also seen elsewhere in government. In the hours before the budget was announced, €300 million suddenly appeared in spite of the insistence of Ministers that they had been fully transparent with the figures. Taken all together, one can only conclude that Ministers are deliberately using misleading and untrue statistics or they are failing to check their figures before issuing their various press releases.

Has the Taoiseach taken any action to stop this growing habit of making misleading false claims about official statistics?

**Deputy Gerry Adams:** Does, or will, the economic policy section play any role in influencing the Government's policy on pensions? There are reports in the media that public servants will take a huge hit from pension reforms which will be part of the pay negotiations this summer. The Taoiseach knows the majority of public sector pensioners receive less than €19,721 a year. In other words, their pensions are less than the national minimum wage. The problem lies at the top scale where there are 500 public sector workers receiving collectively €5 million. Any time Sinn Féin calls for a curb on this, the Government is the first to rubbish what we are saying.

Given that we are going into budget 2018, having already spent €500 million of the fiscal space, and with this particular chicken coming home to roost, will the Government confirm whether it is planning to change the way public sector pensions are calculated? Will the Taoiseach give a commitment to protect the pensions of low to middle-income workers and curb the excess of the pensions of high earners? Will the Government remove all FEMPI, financial emergency measures in the public interest, cuts to low and middle-income pensioners? When does the Taoiseach expect the first report of the public service pay commission to be published?

**The Taoiseach:** In respect of the comment made by Deputy Micheál Martin about the CSO, the Department of Social Protection estimated savings from control and fraud, not just fraud. It was based on a model developed with the CSO and also used in Australia, as well as other OECD countries. The Department of Social Protection stands over this.

With regard to the CSO figures on house builds-----

**Deputy Micheál Martin:** It stated fraud.

**Deputy Leo Varadkar:** It was control and fraud.

**Deputy Micheál Martin:** Come off it, Minister. You were caught out.

**An Ceann Comhairle:** Deputies, please we are running out of time.

**The Taoiseach:** Even in the time of a former Government-----

**Deputy Micheál Martin:** The Minister said €500 million was saved on fraud. That was far ahead of any of the real figures. Then there were 8,000 new houses over five years.

**The Taoiseach:** -----of which Deputy Micheál Martin was a member, house builds were always determined on ESB house connections.

**Deputy Micheál Martin:** It was wrong, however. What is policy based on?

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**The Taoiseach:** There is a different model with the CSO. The economic unit of the Department deals with certain administrative functions and supports the Minister of State, Deputy Regina Doherty.

It deals with regular parliamentary questions. The CSO is an independent national institute dealing with statistics. The Statistics Act 1993 underpins that. The Act provides the director general will have the sole responsibility for and be independent in the exercise of the functions of deciding the statistical methodology and professional statistical standards used by the office; the content of statistical releases and publications issued by the office; and the timing and methods of dissemination of statistics compiled by the office. The Minister of State, Deputy Regina Doherty and I have no role or function in that.

In that regard, it pointed out from its model that the issue, in so far as house builds are concerned, was that for years Governments have used electricity connections to determine the number. The Minister will take note of the Central Statistics Office, CSO, figures. The action plan for housing, with the five designated pillars, has an unprecedented extent both of incentive, innovative opportunity and money available to it. We are trying to catch up from a position where the construction sector collapsed completely from building 90,000 houses per year to 9,000 houses per year.

### Northern Ireland

9. **Deputy Micheál Martin** asked the Taoiseach the role of the British-Irish and Northern Ireland affairs section in his Department. [17833/17]

10. **Deputy Brendan Howlin** asked the Taoiseach if the officials in his Department with a senior role in Brexit negotiations will engage in public communications on their work over the course of the two-year process. [18288/17]

11. **Deputy Joan Burton** asked the Taoiseach when the Cabinet committee on Brexit last met. [19865/17]

12. **Deputy Gerry Adams** asked the Taoiseach the role of the British-Irish and Northern Ireland affairs section in his Department. [20719/17]

**The Taoiseach:** I propose to take Questions Nos. 9 to 12 inclusive. The British-Irish and Northern Ireland affairs section of the amalgamated international, European Union and Northern Ireland division supports the work of the Taoiseach and Government in helping maintain peace and manage relationships on the island of Ireland and between Britain and Ireland, particularly in the context of Brexit. The division deals with all aspects of British-Irish relations, including Northern Ireland affairs and North-South co-operation. It also deals with key policy issues in this context and is responsible for supporting the Taoiseach in co-ordinating a whole-of-government approach to Brexit.

My Department, as with the rest of Government, has operated a highly consultative approach on Brexit to date, during which we have engaged very extensively with stakeholders across all sectors of Irish society. This has included the all-island civic dialogue process that has, to date, held two major plenary sessions in Dublin Castle and 14 sectoral events examining specific policy areas in greater detail. In addition, nearly 300 separate meetings with industry

and civic society have been held to deepen our analysis and research. At the civic dialogue events and a range of other events, senior civil servants in this Department have worked to communicate publicly the Government's work on Brexit in terms of the extensive planning undertaken, as well as to map the next stages to the Brexit process. It is envisaged this work will continue both in individual meetings when requested or speaking at events when appropriate.

As I have pointed out, the next stage after concluding last Saturday's meeting is to move to trade and economics, including the issues that will help to underpin the sustainability and stability of Irish firms in a vulnerable position. The public communications work is also supported by the larger Brexit communications work that the Government is undertaking, which is available for people to read at [www.merrionstreet.ie/brexit](http://www.merrionstreet.ie/brexit). The Cabinet sub-committee on Brexit last met on 26 April.

**Deputy Micheál Martin:** The recent discussions about establishing an Executive and allowing the Assembly to do its job showed very little, if any, progress. When announcing his urgent priorities, the Taoiseach stated that ensuring the Northern Ireland institutions were up and running would be one of those two priorities. When he made the statement, the expectation was that he was about to launch into a major series of meetings in order to knock heads together and find a way forward. Will the Taoiseach explain why this has not happened?

To outside observers, the Taoiseach has maintained the policy of recent years in taking a hands-off approach. Neither the Taoiseach nor British Prime Minister May have thought it necessary to attend or host any negotiations. Neither have they tabled any proposals for overcoming the blockages. Will the Taoiseach explain how something can be both a priority and a hands-off policy at the same time? Will he outline what structures are in place for discussing the hard detail of post-Brexit North-South arrangements?

I referenced the recent speech and contribution of former First Minister Arlene Foster in this regard and there was some need for reflection in this respect. She supported the Brexit campaign in the North but, coming from a Border area, she said she was fully conversant with the comings and goings of goods and services across the Border and the need for some common sense and realistic outcomes. It was a helpful contribution, perhaps illustrating the need for the Executive and Assembly to be re-established, with the North-South Ministerial Council to be used as a conduit and mechanism to articulate a coherent and consensus approach from within the North. It was an awful pity and wrong that the Executive was collapsed. There was no need to collapse the Executive, and as a result we have lost a mechanism whereby that common sense approach spoken about by Ms Foster and others in terms of Brexit, whether people voted leave or remain in the North, could have existed. At least there was a mechanism to try to get some route through this on the Brexit issue.

What mechanisms are in place for proposing and agreeing specific approaches to avoiding a hard Border? Will the Taoiseach provide those specifics?

**Deputy Brendan Howlin:** There are different questions in the group. My question relates to officials in the Taoiseach's Department with a senior role in Brexit and whether they will engage in public communications on their work over the next two years. The Taoiseach would be aware it is common practice for EU Commission officials to take a very public role in these matters. The Secretary General of his Department, other senior officials, diplomats in Brussels and, to use the European term, the "Sherpa", Mr. John Callinan, from the Taoiseach's Department, will all play pivotal roles. Will they be allowed to address public meetings, explain what

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they are doing as the work evolves and the position they are taking in negotiations, as well as how those negotiations are going? Will they have the freedom to do that so we can have real insight into what is happening over the next two years? Has the Taoiseach thought about how to ensure we are fully appraised of what is happening?

**Deputy Gerry Adams:** If I can, I will respond briefly to the Fianna Fáil leader's assertion there was no need to collapse the Executive. This was from the Fianna Fáil leader who recently called for the Assembly to be suspended. If he is not sure why the Assembly was collapsed, I will send him a copy of the letter written by the late Mr. Martin McGuinness. I commend the all-island civic dialogue, an idea that was also rubbished by Fianna Fáil when we first put it.

**Deputy Micheál Martin:** I beg the Deputy's pardon. Do not tell untruths in the House. I initiated that when we agreed with the Taoiseach on it at the time.

**Deputy Gerry Adams:** Good man. Gabh mo leithscéal. The Deputy had his spake.

**The Taoiseach:** Come on lads.

**Deputy Gerry Adams:** Bí ciúin, a Theachta. It was very successful in terms of participation-----

**Deputy Micheál Martin:** The lack of truth characterises the Deputy's political articulation.

**An Ceann Comhairle:** Please, Deputies.

**Deputy Gerry Adams:** -----in the sectors. Everyone involved is to be commended. Of course, the real test will be how the views expressed will be reflected in what is the Government's approach in the time ahead.

I very much welcome the talk of a united Ireland and the prospects for that, although some of the parties are saying they want a united Ireland but not just yet. Is the British-Irish and Northern Ireland affairs section in the Taoiseach's Department perhaps a division that could look at all of the issues? We must persuade those opposed to a united Ireland or who have doubts about its viability that it is the right course for the future. This is not the property of one grouping or political party. There is a need for the Oireachtas to bring forward proposals on what a united Ireland might look like, how it could be achieved and how a referendum on Irish unity could be won etc. It is a very common sense democratic approach and a constitutional imperative. Is there a role for the division in his Department to consider the issue?

**The Taoiseach:** It is regrettable the Executive is not up and running. The election took place and members were elected to the Assembly. There was time to put together an Executive but that did not happen. I do not have control over that. The British election was suddenly called by the British Prime Minister, which obviously directly impacts the position in Northern Ireland and between ourselves and Britain.

With regard to Deputy Martin's comments, the Minister for Foreign Affairs and Trade has been in Northern Ireland for very extensive periods and dealing directly with Secretary of State James Brokenshire. He is available any time, if necessary, to either go to Northern Ireland or Downing Street to speak with the British Prime Minister. Equally, the British Prime Minister has committed to being engaged in that regard. I know Deputy Martin understands that. I saw the comments from former First Minister Foster and they have been helpful. It is regrettable the North-South Ministerial Council cannot meet because there are no Ministers from an Ex-

ecutive.

**Deputy Micheál Martin:** Deputy Adams-----

**The Taoiseach:** It has always proven to be a worthwhile body for issues that needed to be discussed. It is expected all the parties in Northern Ireland will again be around the table the day after the election.

I hope that a renewed sense of understanding just how important this is will prevail there and that they get the Executive up and running.

In response to Deputy Howlin, I do not have an objection to senior public servants taking opportunities, where they arise publicly, to deal with matters. However, as the Deputy is aware, under the system here one gets very extensive briefings from senior Ministers. They are delivered in political fora both here and abroad. The Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs deal with the General Affairs Council and they have extensive, detailed briefings on these matters. I do not have an objection *per se*, so long as it is understood that a political process is being followed by the Government and that members of the Government are available to make comments as appropriate.

Deputy Adams raised the question of a united Ireland. I have seen the comments about a second New Ireland Forum and what that might involve. However, there is already a facility in the Oireachtas, the Joint Committee on the Implementation of the Good Friday Agreement, which could lead on discussing both the issues that are not fulfilled in the Good Friday Agreement and what the future might look like in the context of a decision that might be taken at some time in the future by the people of Northern Ireland and what that would involve in terms of different jurisdictions, different educational issues, different judicial systems, how it might be catered for in terms of economics and so forth. There is no reason that we should not use that committee to examine both the issues that are not yet fulfilled and also a brave new future that might lie ahead, provided the people of Northern Ireland choose by consent to make a democratic decision to join with the Republic of Ireland on an island that is part of the European Union of the future.

### Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Anne Rabbitte - the policy on provision of convalescent beds in Galway; (2) Deputies Louise O'Reilly and Clare Daly - National Maternity Hospital ownership; (3) Deputy Michael Fitzmaurice - neglect by the Government of rural Ireland; (4) Deputy Sean Fleming - allocation of resources under the new special education teaching resource model; (5) Deputy Bobby Aylward - safety works at the Tower Road-Piltown junction on the N24; (6) Deputy Aengus Ó Snodaigh - health and safety concerns at Casement Aerodrome; (7) Deputy Imelda Munster - regular closures of the assessment unit in Our Lady of Lourdes Hospital, Drogheda; (8) Deputy Niamh Smyth - the position with the Holy Family School in Cootehill; (9) Deputy Thomas Byrne - occupational therapy services in County Meath; (10) Deputy David Cullinane - development on the north quays in Waterford; (11) Deputy Frank O'Rourke - inaction on insurance in the motor industry; (12) Deputies Mary Butler and Mattie McGrath - bed capac-

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ity in St. Patrick's, Cashel, and Sacred Heart, Dungarvan; (13) Deputy Michael Healy-Rae - increased crime rates in Kerry; (14) Deputy Brian Stanley - review of areas of natural constraint; (15) Deputy Pat Deering - respite care for children in Carlow; (16) Deputy Gino Kenny - hunger strikes in Israeli prisons; (17) Deputy Bríd Smith - Department of Social Protection welfare fraud campaign; (18) Deputy Fiona O'Loughlin - funding for access to an Xolair clinic in Kildare; (19) Deputies Eugene Murphy and Dara Calleary - job losses at the ECMI plant in Ballaghaderreen; (20) Deputy Michael Collins - harvesting of kelp forests in Bantry Bay; (21) Deputy Mick Wallace - the Dublin to Rosslare rail service; and (22) Deputy Pat Buckley - stigma surrounding mental health issues.

The matters raised by Deputies Anne Rabbitte, Pat Deering, Michael Fitzmaurice and Brian Stanley have been selected for discussion.

### **European Council Meeting: Statements**

**The Taoiseach:** I am pleased to address the House following the meeting of the European Council last Saturday, 29 April. This was the first meeting since the British Prime Minister, Theresa May, formally notified the European Union of the UK's intention to leave, thereby triggering Article 50 of the Lisbon treaty of the European Union. It was therefore a meeting of the 27 remaining member states.

We adopted the EU negotiating guidelines and had a broad-ranging discussion about the process ahead. Donald Tusk, President of the European Council, and Jean-Claude Juncker, President of the European Commission, also outlined the process and timelines around the relocation of the two EU agencies currently located in the UK. I am pleased with the outcome of the meeting, including the overall approach to the negotiations, and the acknowledgement of the need to address Ireland's unique concerns, as set out in the guidelines, as well as the declaration which provides reassurance around the provision on unity in the Good Friday Agreement.

The Government has been consistent and forthright in its view that the UK's departure from the Union would have significant economic, political and social implications for Ireland. For over two years, we have been analysing the issues and engaging with sectors across the island of Ireland, including through the all-island dialogue, to identify our main areas of concern and to develop our priorities. These are to protect the Good Friday Agreement and the peace process, including by maintaining an open Border; to retain the common travel area; to minimise the impact on our economy; and to work for a positive future for the European Union. We have been extremely active at political and official level in engaging with our EU partners and the EU institutions. This has involved highlighting and explaining the significant implications for Ireland arising from Brexit and the need to take account of our particular concerns in the negotiations.

Since the UK referendum last June, we have had over 400 engagements on Brexit with our EU partners. Over the past ten months, as Taoiseach, I have had bilateral meetings with my counterparts in Germany, France, Spain, Belgium, Cyprus, Malta, Croatia, Poland, Denmark and the Netherlands, and with the Presidents of the European Council, the European Parliament and the European Commission and with the chief Brexit negotiator, Michel Barnier, whom I will meet again in Dublin next week. I also of course have spoken informally with all my EU counterparts in the margins of the European Council. Most recently, at the beginning of April, I had a second bilateral meeting with Chancellor Merkel in Berlin and just two weeks ago I

travelled to The Hague to meet both my Dutch and Danish counterparts. In all these meetings, I explained the background and context of the Northern Ireland peace process and emphasised the need to avoid the re-imposition of a hard Border on the island of Ireland. As I have been saying for some time now, this is a political challenge and we will have to be flexible and imaginative in our efforts to find solutions.

The Minister for Foreign Affairs and Trade and the Minister of State with responsibility for European affairs have both had extensive programmes of engagement, while other Ministers have been engaging with their EU counterparts. We have also been meeting regularly with our British friends within the structures of the Good Friday Agreement and the mechanisms flowing from the 2012 joint statement, while fully respecting the principle agreed with our EU partners of “no negotiation without notification”. In addition to this, there has been deep engagement at senior official level, including through our permanent representation in Brussels and our network of embassies overseas. I take this opportunity to pay tribute to the efforts and personal commitment of everyone involved who has worked so hard to achieve positive outcomes for our country.

It was by no means a given that Ireland’s position would be seen as a priority for the negotiations but, thanks to our strategic, persistent and patient work and the understanding and support of our European partners, I am pleased that Ireland’s specific concerns have been fully acknowledged in the guidelines. Supporting and protecting the achievements, benefits and commitments of the peace process, avoiding a hard Border and protecting the common travel area will now be addressed as priorities in the exit negotiations. I recall that the European Parliament adopted a resolution on 5 April last which also included strong references to our specific concerns. Prime Minister May’s letter on 29 March triggering Article 50 and her statement to the House of Commons on the same day confirmed the British Government’s objective of avoiding a return to a hard Border on the island of Ireland and its commitment to maintaining the common travel area. Clearly, our extensive campaign of strategic outreach at political, diplomatic and official level over recent months has been effective in ensuring that our unique circumstances and particular concerns are understood and acknowledged.

The extensive preparation by member states and the EU Institutions in advance of the European Council meant that the guidelines were agreed on Saturday without any major points of difference. In addition to the language reflecting our unique concerns, which provides an excellent basis on which to start the negotiations, we are also pleased with the tone of the text. It is open and constructive, while nevertheless clearly and firmly outlining the EU’s objectives and principles. The approach to the question of the UK’s financial liabilities is also welcome. This is, of course, a sensitive issue but it must be resolved in light of British commitments made as a member of the EU. It is sensible therefore, as agreed on Saturday, to focus first on the principles and methodology before considering the numbers or the structure of payments involved.

The text of the guidelines also highlights the importance of getting clarity regarding EU citizens’ rights. This is a key issue across member states and I welcome the focus, which will help to provide certainty for people and families in many countries. Importantly from our perspective, the guidelines acknowledge the need for transitional arrangements, which will need to preserve the EU’s legal order, and they underscore the need for a dispute resolution mechanism.

As Ireland stands to be more affected than any other member state by the UK’s departure, it is crucial from our perspective that work begins as soon as possible on scoping out the future EU-UK relationship. We are pleased, therefore, that the guidelines acknowledge that the future

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relationship can be discussed once the European Council agrees that “sufficient progress” has been made on the exit issues. This means that the European Council - the Heads of State and Government of the 27 member states - will assess progress in the first phase of the negotiations. Assuming these are approached in good faith and sufficient progress has been made on the issues, it can agree to move onto the second phase, including consideration of the shape of the future relationship. Again in line with Ireland’s interests, the language in the guidelines about the future relationship is generous. It indicates that the EU wants to have an ambitious agreement, not just in economic terms but also in areas such as security. It is very much our objective to have a close and positive relationship with the UK and we will continue to work with partners to achieve such an outcome.

I welcome the guidelines from a substantive perspective. I appreciate the thorough preparatory work carried out by the European Council team, the Commission task force and all our EU partners, whose willingness to listen to us and to acknowledge our unique concerns has brought us to this point. The outcome is an endorsement of the Government’s approach and a clear recognition of the specific challenges we face.

The Government has robustly defended the Good Friday Agreement throughout the process so far, making clear to all concerned that, as a legally binding, international treaty registered with the United Nations, it provides a unique political and constitutional framework on the island of Ireland. We consider it important to provide reassurance that Brexit does not undermine any provision of the Good Friday Agreement and that, if the provision on unity by peaceful and democratic means is invoked at some time in the future, EU membership is assured, which is an important point. This is not about triggering any mechanism. I have been consistent in my view that the conditions for a referendum do not currently exist. However, the declaration we agreed on Saturday which will be recorded in the minutes of the European Council was hugely important in order to dispel any doubt or uncertainty on that point.

As I noted, Presidents Tusk and Juncker also informed the European Council about the timing and process involved in relocating the two EU agencies currently situated in the United Kingdom, namely, the European Banking Authority and the European Medicines Agency. Ireland has put itself forward as a candidate to host both agencies and the Ministers, Deputies Michael Noonan and Simon Harris, and their Departments have been active in making our case and seeking support for the bids. There is, of course, intense competition, with almost all member states bidding to host one or both of the agencies, but we are continuing with our efforts. The final decision will be taken by the European Council, probably by the end of the year. In the interim, the matter will be raised at COREPER meetings and dealt with by the General Affairs Committee before returning in the autumn to the European Council for a decision.

With the EU guidelines now adopted, including the language about our unique concerns, the Government is publishing today a position paper for the negotiations ahead. It reflects the findings of the Government’s extensive preparatory work and consultations on the island of Ireland and at EU level and outlines the positions and priorities that will underpin our engagement in the Brexit process as it unfolds in the next two years. The Minister for Foreign Affairs and Trade will deliver a statement at the end of this session and speak further about the position paper. There is much work to be done. With the EU guidelines agreed, the Commission will adopt tomorrow its draft of the more detailed negotiating directives. They will then be considered at official and ministerial level, before coming to the General Affairs Council for agreement on 22 May.

From Ireland's perspective, we are committed to playing a strong role as a member of the EU 27. We will continue to engage to ensure our concerns and priorities will be reflected in the EU negotiating position as it evolves and that we work towards a strong and constructive future relationship with the United Kingdom. We will also focus on domestic policy to reinforce the competitiveness of the economy, protect it from the full impact of Brexit and pursue all possible opportunities that might arise. We are well prepared and will continue to work to protect and promote Ireland's interests. I look forward to keeping the House fully informed of developments in regard to Brexit and hearing statements from Deputies.

**Deputy Micheál Martin:** It is unfortunate, to say the least, that the Taoiseach has yet again put media management ahead of serious policy discussions. The Government's decision to publish today a document on the Brexit negotiations without any advance notice and it being shared in time for us to consider it in this debate speaks volumes. The Government has scheduled a debate on the Article 50 negotiations for one hour and 45 minutes, while simultaneously launching its policy on the negotiations. Frankly, that is absurd. The Taoiseach has invited us to a meeting at 6.30 p.m., at which he will tell us about the Government's policy on the matter we are discussing. Yet again, the Government has shown that it has no real interest in having informed discussions or respecting its obligations to the House. My party has been addressing the issue of Brexit for longer and in greater detail than any other party in the House and constructive at all times. We have used opportunities in Britain and elsewhere in Europe to promote Ireland's position. This should not be a partisan issue, yet Fine Gael is acting as if it is. Frankly, we have run out of patience with the refusal of the Government to share even basic information and the offering of briefings which reveal less than what is found in the media. The Taoiseach must realise that, irrespective of how Fine Gael addresses its leadership issues, this arrogant behaviour cannot continue. The Government is either interested in a national consensus on Brexit or it is not. If it is, we need to start having real discussions with basic information and objectives, but so far we have not seen a single piece of paper from the Government on a wide range of fundamental issues concerning Brexit. Where are the sectoral economic studies? Where is the legal work on defining the common travel area? Where are the detailed options, not just for limiting border controls but for protecting highly integrated supply chains? Where are the options for aiding market diversification and innovation?

For six years we have had a stream of so-called game changers, spun within an inch of their lives, but time after time the hype has not been followed by substance. Remember when the Taoiseach came to the House, garlanded by editorials lauding his skill, to announce a €60 billion game changer on debt? When the spinning stopped, the reality was that not only had Ireland got nothing from that supposed victory but that it had not even asked for anything. Brexit is much more important. It is the defining economic and social challenge for more than a generation. It will determine basic fundamental things about our future, yet the Taoiseach keeps playing games and focusing on spin. It may well be the case that the document he is launching will answer every question and shows exactly what he thinks we can achieve, but none of the briefings we have received suggests this is the case and my comments are focused on what is known. It is time for us to receive some proper perspective. This week's Council meeting was short and formally signed off on guidelines agreed to in advance. The unanimity of the decision is welcome and the guidelines are fair. They represent a reasonable position by the European Union and a strong statement of a shared determination that the Union will protect its interests in the negotiations.

On the specific issues raised by different countries, the guidelines are very positive and there

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appears to be no area in which a national concern is being ignored. On the provisions concerning Ireland, the strong support for it which has been evident to all who have been lobbying has been reflected. A number of crucial concerns have not been explicitly addressed in the guidelines, but the leaked content of the European Commission's separate negotiating directives document suggests all specific requests have been responded to. We welcome the inclusion in the leaked directives that negotiators respect the continued European Union citizenship rights of those resident in Northern Ireland. This is a matter we have raised with the Government, the Commission and the Parliament since the middle of last year. We welcome the reaffirmation of the position that Northern Ireland will be a full part of our sovereign territory should the people vote for it. An integral part of this is that it will be part of the European Union. That the Secretary of State, Mr. David Davis, has said the British Government has no issue with this is welcome. It is to be hoped those who claim to be Irish republicans but who opposed our membership of the European Union will have the basic grace to admit their error in trying to stop what is now a strong argument for those of us who advocate national unity.

What the guidelines do not represent is any form of a major breakthrough. Much of the content reflects the inevitable or the obvious. Owing to the nature of the negotiations and the approach of the British Government, we are no clearer today than we were last June on how the economic, social and political impact of Brexit will be managed. As the negotiations head into what is expected to be an 18-month phase, we have not yet seen details from either Government of what they mean when they refer to a soft border. We need less hype and more substance. We need to move on from the broad generalities to hard specifics about the post-Brexit arrangements we want on the island and between Ireland and Britain. Most important, we need to identify what form of relations fit within existing European Union law and whether we will seek changes in that law.

Since the Brexit vote, Fianna Fáil has been proactive in addressing in detail the issues which we see as central to mitigating some of the damage caused by Brexit. We strongly agree with the reported comments of President Juncker that there is no way of making a success out of Brexit and that all that can be done is to limit the harm. While we support the basic thrust of the negotiating guidelines, we are concerned about the impact of the sequencing if too inflexible an approach is taken. If we are to prevent a hard border or to properly address the unique concerns of Ireland, we need special arrangements which will be defined in terms of how they differ from the trade and personal rights provisions of the overall treaty. If there is no rapid progress on the financial settlement or no serious discussion of trade until after March 2019, this will cause serious issues for Ireland. Clearly, if we are to avoid facing a cliff edge, we must be in a position to have what are close to final proposals ready for rapid negotiation. How are we to do this? There are many complex issues but the core two are North-South arrangements and the common travel area. Broader east-west arrangements are of serious concern also and I will return to them on another occasion. There are mechanisms for discussion of detailed North-South arrangements, but, unfortunately, these are currently stuck in a political road block. For nearly six months, Northern Ireland has had nobody at the table to represent its interests in Brexit discussions. Its political leaders have done nothing in terms of the hard work of producing detailed studies of Brexit issues and coming up with concrete proposals. Incredibly, the political institutions in Northern Ireland have failed to even publish an up-to-date analysis of the economic impact of Brexit there. The continued failure to establish a working Executive and to allow the assembly to get on with its business is causing real harm which goes beyond the cutbacks being implemented in health and education services. As a result of the recent assembly election, the DUP cannot secure a petition of concern, even with TUV support. The assembly could be do-

ing a great deal at the moment on Brexit, in particular given the helpful comments of the DUP leader that the party also opposes a hard Border. I spoke about that earlier.

We need to know what the two Governments understand as the legal position on the common travel area in regard not only to work but also to full social and political rights. Until we see this, we can have no idea of what remains to be done and what resources are required. The guidelines and the directive state that everything agreed for Ireland must respect the European Union legal order and conform with European Union law. As there are no proposals, we have no idea whether this is a major or minor limit on what is possible. Given the refusal of the Government to make its plans available prior to the debate, there is little more of substance for us to discuss. There is no point producing a document after a debate. As such, we need to schedule a proper debate for next week. Hopefully, the Government will approach that in a more constructive spirit and in recognition that, in facing this national challenge, a bit less spin and a great deal more engagement is what is needed. The Minister is looking at me but it would have been reasonable for Deputies to have got this document yesterday or this morning.

**The Taoiseach:** There is no problem in having a debate.

**Minister for Foreign Affairs and Trade(Deputy Charles Flanagan):** Of course, we can have a debate.

**Deputy Micheál Martin:** We should have had it in advance of this coming after the summit.

**Deputy Brendan Howlin:** To structure a briefing after a debate on it is bizarre.

**An Leas-Cheann Comhairle:** There will be a questions and answers session after this. Deputy Martin, without interruption.

**Deputy Micheál Martin:** This is not good enough and there is no point in pretending it is.

**Deputy Gerry Adams:** Saturday's extraordinary meeting of the European Council was very important for the people of Ireland, North and South. Several weeks ago, the EU set out its draft guidelines for the Brexit negotiations and I expressed at the time my concern that the Irish Government had failed to ensure that the interests of all the people of the island were sufficiently reflected in them. I understand there were some efforts to have this corrected with only limited success. The minutes of the summit now state that in the event of Irish unity, which was not even mentioned in the initial draft guidelines but is now in the minutes of the summit, and in accordance with international law, the entire territory of such a united Ireland would be part of the European Union. That is a welcome development even though it is not part of the guidelines. However, I noted earlier that it is hardly the coup that some claimed. I was bemused by the Taoiseach's claim that he had heard no such claims. Modesty suits and becomes him.

**The Taoiseach:** I know of others who would take a different view.

**Deputy Gerry Adams:** The Taoiseach failed to get this clause included as part of the EU negotiating guidelines. In the four weeks since the publication of the draft guidelines, the Taoiseach succeeding in achieving one minor amendment to Article 11 dealing with Ireland which involved the addition of the words "in all its parts", a reference to the Good Friday Agreement. The Government failed to secure a commitment that no agreement on the Border or the status of the North could be achieved between the European Union and Britain without a separate and

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binding agreement between the Irish Government and Britain. This would have provided the Irish Government with a veto similar to that secured by Spain in respect of Gibraltar. I suspect we did not get that because we did not ask for it. In all my questioning of him the Taoiseach has refused to either confirm or deny this. Instead, he has achieved a commitment to flexible and imaginative solutions with the aim of avoiding a hard Border. This is aspirational, wishy-washy rhetoric in a world of substantive and difficult negotiations and it is not good enough.

The Taoiseach cites the hard work done by our public officials and I agree with him absolutely and commend them all. Officials act, however, on the political direction they are given by the Government. The visionary direction the challenges of these times demand is not being provided. Among our partners in the EU, there is solid support for the island of Ireland, the peace process and the unique and special circumstances faced by Ireland as a result of Brexit. In case people do not know, I remind the House, in particular the leader of Fianna Fáil and the Taoiseach, that the Democratic Unionist Party and the Ulster Unionist Party are for Brexit. There is no possibility of getting them to change their position nor, perhaps, should we ask them to do so. What was achieved, which was significant, was the letter signed by the late Martin McGuinness and Arlene Foster which set out a good piece of common ground on the practical realities of the consequences of Brexit. We have support or at least sympathy in the EU. I spoke to the President of the Bundestag recently and he told me that while there was support for Ireland, unless we put forward our ambitious positions, we should not expect anybody else to do it for us. That is very good advice indeed. The Taoiseach has failed to put forward the ambitious vision required and he has failed to harness the potential support and sympathy that is there.

The Taoiseach has also broken the commitment he gave two months ago to publish a consolidated paper on the Irish Government's negotiation priorities in advance of last weekend's summit. What influence on the outcome or on the Government's position does it give the House to be briefed and given a paper after the event? I am sure the Taoiseach will concede that he might get the odd good idea from this side of the Chamber which could be used in the national interest.

**Deputy Charles Flanagan:** There are questions every day.

**Deputy Gerry Adams:** I am sorry, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** Deputy Adams, without interruption. Other Members will have an opportunity to speak. There will be questions to the Minister for the last 20 minutes or so.

**Deputy Gerry Adams:** There was a high level of media spin that the Government was going to deliver big time. However, it is disappointing that at the first hurdle the Government has fallen short again. The record of this and the last Government in dealing with our European partners is not a good one. The European Council guidelines could have gone considerably further. We have all acknowledged the recognition of the special, unique circumstances faced by Ireland as a result of Brexit but a stronger approach by the Government could have achieved a great deal more at the weekend. It means there will now be a huge amount to do in the coming negotiations. I do not know if the Taoiseach will be around to follow that through or whether he will hand it to someone else, but this is only the beginning of the process.

The Government cannot do the lifting for the British Government. That is its business albeit

we have, of course, many mutual interests and concerns and should try to get as much of this developed and built on in the time ahead. Something I find a lot coming from the North, particularly in these unique times and since the Good Friday Agreement, is the responsibility of an Irish Government to act for all of the people of the island, and not just for the interests of this State but for everyone, particularly given the fact the people of the North voted to remain. This seems to be ignored. The people of the North had a choice. They could have voted to leave but they voted to stay. There are diplomatic and other challenges in how we go forward in this regard, and sensitivities within unionism and, perhaps, sensitivities in the British Government. However, this has to be the focus and vision of any Government worth its day.

I make the case again that the best way to secure our future is through designated special status for the North within the European Union. This can still be achieved, but only if it becomes the priority and objective of the Government. So far the Government has resisted this. What needs to be discussed with our European partners is how all of Ireland can remain part of the Single Market and the common travel area, how our EU funding streams can continue to be assessed and how the rights of Irish citizens in the North-----

**An Leas-Cheann Comhairle:** Two minutes. Dhá bhomaite.

**Deputy Gerry Adams:** -----will be delivered on. An bhfuil mé críochnaithe anois nó an bhfuil dhá bhomaite fágtha?

**An Leas-Cheann Comhairle:** Bhuel, má tá tú ag roinnt do chuid ama leis an Teachta Crowe-----

**Deputy Gerry Adams:** Tá dhá bhomaite fágtha agamsa.

**An Leas-Cheann Comhairle:** Níl. Tá bomaite go leith fágtha.

**Deputy Gerry Adams:** Gabh mo leithscéal. Stadfaidh mé anois.

**An Leas-Cheann Comhairle:** One and a half minutes total.

**Deputy Gerry Adams:** Okay. Go raibh míle maith agat. Gabh mo leithscéal. We will continue with our modest efforts. We wish the Government well, but it needs to stand up for all of the people of this island.

**An Leas-Cheann Comhairle:** Deputy Crowe has just over one minute.

**Deputy Seán Crowe:** I do not know what I am going to say in a minute.

**Deputy Mick Wallace:** He is not very generous.

**Deputy Seán Crowe:** We would all accept this was probably one of the most important meetings of recent years. As Deputy Adams said on the talks themselves, much was made out of the statement on going into a united Ireland. We are aware of the precedent created by German reunification and we know about the situation in Cyprus. While welcoming the fact there is recognition, and it is written down, the message is that we probably could have adopted a much stronger approach. The clock is clearly ticking for this process. The EU has shown itself to be flexible in dealing with various forms of integration and relationship for member states. We argue the British Government clearly has no strategic or economic interest in the North of Ireland and little regard for the consequences of the decision on the people of the North

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of Ireland after triggering Article 50. It has ignored the view of the North of Ireland and also Scotland.

**Deputy Brendan Howlin:** In recent weeks and months I have been critical of the Government with regard to its approach to Brexit. It has been my consistent view that whatever about behind the scenes work, and we cannot obviously know exactly what is going on, there is a need for the Government to expand the concrete visible actions to be taken to protect our nation from the known fall-out of Brexit and do the proper analysis to ascertain the unknown. This remains the case and I will come back to this point.

It is worth acknowledging one of the successes of the behind the scenes work. Others may be a bit more mealy-mouthed, and we all recognise the precedent the Good Friday Agreement created in this area. Despite all of this, the agreement on the European future of this island, that in the event of a future vote for reunification the integrated entity of Ireland would be a formal part of the European Union, was a diplomatic success. The work of our diplomats and Ministers in achieving this deserves recognition and acknowledgement here and I give it.

Much more concerning is the continued assertion from Downing Street that no deal is better than a bad deal. In truth, no deal is the worst possible deal. In the event of such an outcome the island of Ireland will suffer significant collateral damage. It has been my view for some time that Brexit is likely to have a transformative impact on the island, and will have as great an impact as the Anglo-Irish Agreement or the Good Friday Agreement were in their time. One of the factors in ensuring both these Agreements were positive was the intellectual engagement between political parties North and South in advance of them actually being finalised. The New Ireland Forum and the Forum for Peace and Reconciliation were both imperfect but both allowed for the type of detailed engagement between parties on this island that could begin to point towards productive avenues for engagement in renegotiation. The Labour Party believes now is an opportune time to create a new forum or a new convention on the future of this island. I will write to the Taoiseach this week with further details on my thoughts in this area.

I heard the Taoiseach's answer today that the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement is the appropriate forum to consider these issues. It is not because it is confined to the Houses. It is confined to the parties represented in these Houses. We need a much more open and broader forum to signal our openness to hearing views which are not captured by the representatives in the House.

I said I would return to the need for more concrete action by the Government to protect all of us from the potential impact of Brexit. In recent months I have said repeatedly in the Chamber that every party has been speaking about Brexit, but the Labour Party has put forward concrete tangible specific enumerated actions which would protect Ireland against a hard Brexit. Brexit will impact every sector in ways that cannot yet be fully determined. It will dominate public discourse for the next decade and present numerous challenges for the State. Many problems will be addressed as they arise, but there are practical steps Ireland could take now and things we can do in advance of any actual impact, and we need to set about doing them now. Nine months on from the referendum we should have seen some detail on the practical steps the Government will take, and perhaps in the coming hours we will see them. As other Deputies have said, it is indicative of a lack of thought that we are having this debate before we will be briefed on the constructive proposals of the Government. It seems to be a case of putting the cart before the horse.

That we still have only broad policy objectives on the common travel area, the prevention of a hard Border and protecting the peace process is not good enough. Perhaps in the next hour or two when we are briefed directly we will see more concrete proposals. The Labour Party has been calling for a Brexit early warning system to be put in place. Such an all-island system would bring together trade unions, employers and specific stakeholders in each sector. It would help identify not only the sectors but the individual firms and companies at risk as market conditions change and help them to adapt. We also call for state aid rules to be suspended for two years from the date of Brexit. This should be negotiated and accepted by our EU colleagues. With this, a €250 million Brexit trade adjustment fund should be specifically established to directly support businesses suffering from trade upheavals with the dislodgement of markets within the United Kingdom. Regional fora need to be established to help foster and create new jobs and support current ones. As we have said repeatedly, the impact of Brexit will not be uniform. Those of us who have been briefed by the ESRI on its detailed analysis know some geographical sectors as well as business sectors in our country will be badly impacted and we need to be ahead of the curve in protecting them. These fora could work in tandem with the early warning system in order to Brexit-proof our regions.

The Minister for Jobs, Enterprise and Innovation needs to re-examine the regional action plan for jobs, because Brexit has changed things. These plans were drawn up in 2015 and 2016, and they will already be redundant in many aspects. We need a full analysis of the potential and the risk to employment in our regions. In the worst-case scenario, were a hard Border to come into being between the North and the South, an arsenal of funding must be available to protect those worst-affected. As I have pointed out in Taoiseach's Questions, we also need new transport connections to Europe and a major investment programme in our ports would be needed to deal with the issue of landbridge services and to have alternative direct market access. Ports needing investment include Rosslare Europort, which is in my own constituency, and also in Dublin, Cork, Foynes and elsewhere.

I repeatedly called for the rules on the European Globalisation Adjustment Fund, EGAF, to be amended and made available to re-skill those workers who will be impacted. We can identify them now. The current EGAF programme is undergoing a mid-term evaluation, so the rules can change, but we need to engage with the Commission now to deal with that. We also believe that the Oireachtas Joint Committee on European Union Affairs should hold public hearings. The Seanad has now set up the Seanad Special Committee on the Withdrawal of the United Kingdom from the European Union. While Taoiseach's Questions has functioned as our way to tease out things over the last year or so, the Oireachtas now needs to speak with one voice rather than through a multiplicity of voices.

We are also concerned at the prospect of the status of the English language being used as a possible negotiating point. It sounds impossible, but the head of the European Parliament's constitutional affairs committee, Ms Danuta Hübner, with whom I worked very closely when she was chair of the regional affairs committee and with whom I negotiated the cohesion funding, has said that English will not be one of the European Union's official languages once the UK leaves. We need to remove all doubt, and the Irish Government should inform the EU that it intends to notify English as well as Irish as an official EU language, so there should be no problem about that.

**The Taoiseach:** Of course. Absolutely.

**Deputy Brendan Howlin:** Beyond this, I have also consistently said that Europe must

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adapt. We have proposed changes to the Stability and Growth Pact and to the fiscal rules, along with the implementation of a European pillar of social rights. It is interesting that there are now voices, even from those who are very pro-European, like Mr. Macron - I see our Minister for Social Protection supporting his campaign over the weekend - seeking to change the direction of Europe and re-engage it. We need to be to the forefront not only in talking about mitigating Brexit, but in imagining, envisaging and arguing for a social Europe that meets the needs of all our people.

I do not believe we have heard from Government on these issues. We have heard over recent months about the importance of our experience of the EU, but it is understood that we are going to be the most impacted country after Brexit. That is a leverage we have as well as a challenge. We can argue for the type of Europe the people of Ireland want, which is based on social rights, on prosperity and on solidarity in a way that has been absent over the last decade. I look forward to playing a constructive role for my party in those discussions.

**Deputy Mick Wallace:** I realise the Taoiseach is departing the scene, or the Chamber, as of now-----

**The Taoiseach:** No, not yet.

**Deputy Mick Wallace:** I have a couple of points before he goes. I know Brexit has many different implications for the State. There are obviously many different concerns for Ireland. I know the nature of the Border is a huge factor. Exports to Britain are a huge factor. It changes things with regard to Ireland's relationship with Europe because we are so strongly linked to the UK.

There is an effort to attract companies from London to Ireland. That is not easily done. I am sure many will head for Frankfurt and Paris, but there is potential for Ireland to attract people. There is a need for long-term thinking on it. We need some serious infrastructure investment to attract more of them. The housing issue is a big player. It would be difficult to house a serious number of people moving from a city like London to Ireland if we managed to attract them. I am sure that they will not all move in the next year or two or three. People could be moving in the next ten years.

Another important factor that we discussed before the break is that Ireland is a strongly developed economy in the western world, and we should be seen to do business properly here. The commission of investigation into NAMA is important in this area. We cannot be perceived as being some sort of banana republic with regard to business. It is important that we insist on things being done well in how we do big business. I do not know what the timeline is for the commission of investigation into NAMA. Is it being discussed this evening? I do not know. The Taoiseach might let me know.

**The Taoiseach:** Yes. We have got two observations from parties. I intend to bring an amendment to Government next week, but I will talk to Deputy Wallace about it this evening if he attends the briefing session.

**Deputy Mick Wallace:** I will do that. Another thing I would like to air with the Taoiseach is that, if he is departing the scene as Taoiseach in 2017, he might consider reopening the Iranian embassy. I do not think it would be a bad idea. The Minister for Foreign Affairs and Trade, Deputy Charles Flanagan, who is in the Chamber, mentioned something of that nature last year. Iran has the second-largest economy in the Middle East. It has a population of 80

million. There is incredible potential for growth in Iran.

There is a very interesting article about Iran in *The Guardian* today. A Houses of Parliament committee in the UK, the Lords international relations select committee, has been looking at Britain's Middle Eastern policy. The article quotes its report as concluding that "The UK must fundamentally rethink its approach to the Middle East and potentially distance itself from the "mercurial and unpredictable" leadership of Donald Trump". The article continues, "Former cabinet ministers, senior foreign policy advisers and diplomats warned the Foreign Office against relying too heavily on the US President and urged the UK to completely redraw its approach to the region". The article also states, "The report concluded Boris Johnson, the Foreign Secretary, should support the Iran nuclear deal." President Mr. Trump may undermine the deal. It also states:

The group is chaired by the former Conservative cabinet minister Lord Howell and includes former foreign policy advisers to William Hague and Gordon Brown, the former UK ambassador to the UN, Lord Hannay, and the former Labour Defence Secretary, Lord Reid.

"In a world less automatically dominated by the US underpinning security in the region, it is no longer right to have a stance at every stage of 'if we just get on with the US everything will be alright', Howell said.

We, too, should have a more independent line in how we deal with countries like Iran. At European level, we should be arguing for a more open approach. We do business with Saudi Arabia. I do not think one would have to be a rocket scientist to say that Iran is more transparent than Saudi Arabia in how it does business. Some sanctions have been lifted but because our banks still refuse to do financial transactions with Iran, because of pressure from American financial institutions, we are falling behind other Europeans. Many Europeans are back to doing plenty of business with Iran. Considering that there are 80 million people in Iran, it is still going to be playing catch-up in the next few years.

There is huge potential for a country like Ireland, especially in the dairy products sector, to have an impact there. Refusing to do so is shooting ourselves in the foot.

On the issue of the Middle East, it might be time, given that many Europeans are questioning following the diktat of the United States 100%, to rethink the role of Shannon. We have had this argument many times here. It is time to rethink our facilitation of the US military which has caused such destruction in the Middle East. It might be interesting if the UK takes a more singular line in the area. It might be an opportunity for Ireland to do likewise. Moving to a position where we are a much more neutral country, prepared to make decisions based on what is best for the people of Ireland, and not to follow the diktat of the US military would be a very positive position to take. I am an optimist, but I do not expect the Taoiseach to close Shannon to the US military just before he steps down. It is the direction we should be going.

The Taoiseach might have a think about opening the Iranian embassy. It is common sense.

**Deputy Mattie McGrath:** The Taoiseach is leaving the Chamber as I speak but I want to compliment him for once. He is doing such a good job that he might not stand down at all.

I note that on 29 April the European Council issued its guidelines following the United Kingdom's notification under Article 50 to withdraw from the Union. The guidelines rightly note that European integration has brought peace to Europe and allowed for an unprecedented

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level and scope of cooperation on matters of common interest in a rapidly changing world. It also says that the Union's overall objective in the forthcoming negotiations will be to preserve its interests, those of its citizens, its businesses and its member states.

I am certainly heartened to hear that those at the top of the European Union intend to put the interests of citizens first. That will definitely be a first. It is this kind of language that we have become unaccustomed to of late. We hear and have heard much about the importance of maintaining economic stability and of how important institutions like the so-called pillar banks are. It seems, however, that less and less time has been devoted to talking about the real interests of real citizens in each of the member states. I am talking about families in Ireland who we are elected to represent.

However, the distance between the institutions of Europe and the people they are supposed to represent is a well-worn theme at this point. That is why we have had Brexit, and why we can see something strange happening in France and in other places. Needless to say it contributed significantly to the Brexit vote, and might contribute to a Frexit if the French people choose to put their faith in Madame Marine le Pen. We will see how that vote turns out shortly. For the moment the fortunes of Mr. Macron seem good, and it looks likely that he will ascend to the French presidency and bring about some kind of stability. That is certainly what he would have us believe at any rate.

To return to the recent Council statements on Brexit and the triggering of Article 50, I am deeply concerned that part of the statement issued by the Council is that, "The United Kingdom's decision to leave the Union creates significant uncertainties that have the potential to cause disruption, in particular in the United Kingdom but also, to a lesser extent, in other member states". The word potential is used - it might happen or it might not happen. What on earth are these people talking about? This is an utterly bizarre statement to make, and seems to give the lie to the belief that those in the EU top brass have a clear sense of the impact of Brexit. Either they do not have it or they want to cod us all and let us eat cake. Who said that?

**Deputy Seán Haughey:** Marie Antoinette.

**Deputy Mattie McGrath:** In this case we will have nothing to eat. We will be choked with food because we cannot export our agricultural produce. I do not like this language. The statement also says, "Brexit may cause disruption to a lesser extent in other member states". The arrogance of that. Are they sleepwalking? What planet are these geniuses on? The Minister for Foreign Affairs and Trade, Deputy Flanagan, deals with them on a regular basis, so perhaps he can reply to them at his point in the debate. This is bizarre. It is complete madness. If anything Brexit will have a greater impact on other member states, such as this country. That is as clear as the nose on my own face. There is no "may" about it. There is Theresa May alright, and this is the month of May, but there is no maybe about this. There is no potential disruption, but actual severe disruption occurring here in almost every agricultural sector - dairy, corn, equine, mushrooms, pigs and poultry - not to mention the political instability with respect to the North and the issue of the Border. I listed that in the pre-European Council statements, as we all did. It has a huge impact, and could have massive a impact if we are not careful.

I have memories of travelling the Border when it was a hard Border. There were armed checkpoints and customs on both sides of it. They had to be there as there was a war going on, but there was disruption. It was brought home to me only last year when I was on the way to Medjugorje - this is on the record of the House - on a bus on a motorway, a new development

from the last five or six years. We stopped at a hard checkpoint on the motorway, which is a completely different experience. We now have a motorway between Dublin and Belfast. One can meander along the road to Aughnacloy, or the road to Donegal going to Belleek or around the Armagh Border in south Armagh. I was stopped many times on both sides of it. Now we have a motorway, and how on earth can we envisage lorries, buses and cars being backed up? On the way to Medjugorje, 52 passports on the bus had to be taken out and had to be gone through one by one. We were held up for 40 minutes, not to mention all the cars behind us. I have a real sense of fear of seeing that on our Border again. It would be totally unacceptable, totally unworkable and a total turn off for people travelling between the North and South, not only our own workers but also tourists and everybody else.

Part of the statement of the European Council also mentions the core principles which will guide the negotiating process. It mentions that any agreement with the United Kingdom will have to be based on a balance of rights and obligations to ensure a level playing field and that negotiations under Article 50 will be conducted with transparency and as a single package. If this occurs it will certainly be a novel practice for the EU. It will be a best seller. Terms like balance of rights and transparency are not words that automatically jump to mind when one thinks about the EU. We saw that with the banks, and how the European banks shovelled their money in here, bulldozed it in when our banks were bust, and then sought retribution. We started paying, and we are still seeing it, and my grandchildren will be seeing and feeling it. We saw the Taoiseach and the Minister for Finance, Deputy Noonan, come back and talk about the €62 billion that was going to be written off for us. We did not get that, but we got plenty of threats and demands to pay up and shut up, and arrogance from the heads of the EU, and little empathy. The bondholders, many of them European, were let off scot free even though the bonds were insured. They were laughing at us, calling us silly, stupid Paddies who paid even though the bonds were insured.

People have been subjected to penury and have suffered the trauma of waiting on trolleys or going blind from want of an operation, and there are countless examples of these. I see refer-  
*5 o'clock* ences to balance of rights and transparency but these do not automatically come to mind when talking about the head honchos in Europe. They have handled this appallingly. The Minister is launching a document this evening, if it has not already been launched, and the Taoiseach is briefing some Members, myself included, about it. I do not want a fanfare, however, but real efforts to reassure people in the Border counties. I want real efforts to protect and support farmers and our flagship industry.

The Taoiseach announced that he might have a united Ireland in his bag before he retired and I would welcome that. It would be great and it has always been said that unionists would join us if we showed them the benefits of doing so in their pockets, and that they would be better off in this country. Maybe they would but there are many “maybes”, and a lot of issues to be thrashed out. There were people who tried to force a united Ireland with the bomb and the bullet and they were also opposed to the EU, as they were to everything. If it happens, I do not know what they will be able to oppose. They will be naked before us all and will have no tangible issues on which to fight, only water and abortion.

It is more likely the interests of the big players such as Germany and France will continue to be prioritised and that small peripheral countries such as ours will receive the crumbs that fall from the table, even if they insist on calling it a feast. We have to be careful with language and optics. We have real friends in Europe and we have been good Europeans. We have been good classmates and supporters and now is the time for some payback for our people, for our

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business interests to be protected and for there to be no hard Border between the Twenty-six Counties and the Six Counties. We do not want the crumbs from the table in these negotiations because if we get them, it will have serious repercussions for future generations of people in this country.

**Deputy Eamon Ryan:** I am glad to return to the issue of Brexit, which dominated the European Council at the weekend. I found the questions to the Taoiseach very useful and I wish to tease out what is happening. Those of us not in the mind of the British Prime Minister have to guess if we want to understand what is happening. To some extent we are seeing an unravelling of the British Government position. The Prime Minister made a mistake after the referendum last summer and in the run-up to her party conference in October. When she said “Brexit means Brexit”, she was like a card player who played a bluff which was very exposed. What does it mean? By taking a strong line and a hard Brexit position she attempted to give the UK Government some negotiating position in what were always going to be difficult and complicated talks.

She also said no deal was better than a bad deal but it is becoming increasingly apparent, even to her own Government, that this is not true and it is especially not true for this island. No deal and a chaotic crash-out would be disastrous not just for the UK economy but for the Irish economy, North and South. I have a sense that the Prime Minister has developed an understanding of this in recent weeks and the letter triggering Article 50 was far more conciliatory in its tone and in the way it sought openly to look for a deal that made sure the UK stayed as close as possible to the European Union in whatever arrangement was agreed. History will parse the information and will come to its conclusions but I surmise that there was a sense in the UK Cabinet and the Prime Minister’s office that they were being steered to the edge of the cliff by some 50 who made up what might be called the “charge of the light-head brigade” - the Tory MPs who, on a purely ideological basis, thought a harsh, immediate Brexit would serve their purposes. One of the main motivations for the recently-called UK election must have been to give the Prime Minister a negotiating position within her own party so that she could avoid being controlled by those MPs who seem to be set on this reckless course.

No one knows what will happen in the election campaign of the next four or five weeks but the return of a larger Tory majority may be of benefit to us in that a Government with a fixed five-year term, a concept which is much weakened in recent weeks, will give us a transition period after the two years of negotiations in which we can try to work out solutions to what will be a very messy situation. I do not think five years is enough and it may take ten or 15 years but the transition period will be slightly easier than if it were to be interrupted midstream by a further UK election.

I was concerned as to why the European Union was taking such a strong position by insisting on the second stream of talks coming after the first round is completed, which will deal with EU citizens’ rights, the Brexit bill and resolving border questions, particularly that of the Irish Border. I was taken by what the Taoiseach said in response to my question. I can see the sense of putting our case first. It is not a bad idea to get our issues dealt with and off the table as, in negotiations, it is generally advisable to get in early, get the deal done and get it off the table before it becomes contentious. However, I still have concerns as to whether it is in our interests to take such a hard line position with the UK as it is in an immensely weak position. It is like playing a game of Texas hold’em poker and seeing the UK’s hand as well as the flop, and that it has nothing in its hands, which I think it is starting to realise.

The history, purpose and peaceful intent of our Union is to promote collaboration, even in

the most difficult of circumstances, which will apply in this case. Our interest is in being collaborative with the UK Government and this should be our approach as now is not the time to rub its nose in the difficult decisions it has to make. I might be missing something and the UK may have an ace in the hole that no one has seen but I am concerned that the tough negotiation, via newspaper leaks, is not clever. No matter how good a deal we get in the early stages of the process it will not envelope all the concerns we have and even if we deal with movement of citizens, there are 1,000 other issues around fisheries, agricultural standards, digital matters, energy trading, etc. It is in our interests to get all the details right and we should avoid playing all our cards in the first round to get a deal on movement of people and the Border. These are important but are not the only issues on which we should negotiate. We have a particular role and capability to act as a slightly different interlocutor. We are not going to go in as the hard guy, leaking to the rest of Europe. The Minister is in the middle of this and has to make the call but I am giving him advice from my perspective. I have a sense that hitting them when they are down, and in a vulnerable position in the middle of an election process, is wrong if it does not lead to a discernible change in their tactics and I am nervous about it.

At the weekend, Cliff Taylor wrote that big countries tended to win. When big countries make calls based on their own national interest, and without checking with the other 27 countries, as happened in recent years in middle of the crisis, mistakes are made. We should stick to a community method. The instinct of Europe has been to be a champion for a different way of doing politics from the big-gain, old-world power rules that used to apply. Europe has been bedevilled for centuries by this game between France, Germany, Britain and others as to who is up and down and who is kicking whom when they are down. That will not be good for Europe regardless of what the British people have decided. It is not in our interest to go back to that 19th and early 20th century view of the world and type of politics. That is my one piece of advice to the Government today.

I congratulate the Government; it is good that we got the statement on the future unified Ireland as a possibility. If I correctly understand what the Taoiseach said, it is good that we will get many of the issues of Irish interest agreed in advance of the wider negotiations starting. However, we should think broader and beyond that, and have a calming role within the Union saying, “Let us not just run away with this here.” We should play our cards strongly and stick to the principles, but be careful in doing that, that we are not seen as bullies and using the power imbalance that exists. We need to work in collaboration on what Europe is about, including protecting environmental standards.

I agree with what the leader of the Labour Party said earlier. The Taoiseach cited many market gains we get from Europe. We get social policy and environmental policy from Europe. We get standards on market regulation. We actually challenge the market in Europe; it has been too much of a market-led project. We need to stand up for those values in a collaborative way with the UK, to encourage it to stick with environmental regulation and social policy. We should get those into the negotiations earlier, rather than just presenting a bill for €60 billion and sorting out the Clones Border issue. Otherwise it will crash out leaving us in deep trouble. The “what else” here is the problem. We need to avoid the risk of a crash. That is why it is in our strategic interest to maintain friendship, keep working collaboratively and stand up for that tradition in the European Union, which is what we need to maintain.

**An Leas-Cheann Comhairle:** We now have 20 minutes for questions and answers. I ask the Deputies to ask questions and not make statements. They should have enough time in 30 seconds or so to pose the question and then the Minister will answer. After that the Minister

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will have five minutes to conclude. The first Deputy offering is Deputy Haughey.

**Deputy Seán Haughey:** The negotiation guidelines have been agreed, starting with the rights of EU citizens in Britain, the rights of British citizens in the EU, the UK's financial obligations and the issues surrounding Ireland and the Border. We also have commitment regarding the reintegration of Northern Ireland into the EU in the event of Irish unity.

We now move on to the negotiating directives. I understand the Minister hopes to agree those on 22 May at the General Affairs Council. Is he looking for anything in particular in those negotiating directives? Does he want to say anything about them? Are we looking for additional input into those?

Regarding the UK check, they are obviously upfront in the negotiations. Various figures have been mentioned, including €50 billion and other figures. The Taoiseach talked about the principles and the methodologies involved in that. As this has the potential to derail the entire process, I would be interested in the Minister's views on that. Are we likely to get agreement on that? What figures are being discussed?

Obviously, we are talking about flexible and imaginative solutions. There will be a political decision about the Irish situation at the end of all this. However, the solution must be compatible with EU law, as Deputy Micheál Martin mentioned earlier. Is there any discussion about treaty change arising from all this or is it too early to discuss such an eventuality?

**Deputy Charles Flanagan:** On the last question, it is too early to pre-empt the final decision. Certainly it is the Irish Government's desire that these matters can be completed by means of an orderly process without any requirement for treaty change at the end of the process.

There was criticism earlier about the debate. It is important for this House to debate the matter. I request the Business Committee give favourable consideration to returning to this matter whenever required. Certainly in the context of the publication of today's document, I think we should have a debate on this issue next week, but I will be guided by the Business Committee. Of course, if we had published the document last week, we would stand accused of publishing a document prior to the process having been agreed. I ask Deputies to respect the fact that with so many different interested parties around the House, it is difficult to achieve consensus on this. In future we need to do so, as a national Parliament. In that regard, I will certainly be guided by the advice and guidance I receive from time to time, not only from the plenary session of the House, but also by the various committees.

I agree with Deputy Haughey on the UK's financial liabilities. Unless they raise an element of flexibility on the amount, we run the risk of having matters stalled early on. I would like to see a form of constructive negotiation on a settlement of the commitments in principle, leading ultimately to a fair and balanced outcome. It would not be helpful or productive to focus on actual figures prior to the commencement of the negotiations. We establish the principle of financial liabilities and then move on to discuss other issues in parallel.

I accept what Deputy Haughey and others have said on the unique circumstances of Northern Ireland, which will form a very sensitive but critical part of the negotiated framework between the UK and the European Union. We are dealing with an EU frontier. We are dealing with a land Border; unless that Border is carefully managed and remains open, it will give rise to very serious challenges. Our priorities are the maintenance of the open Border. It is important that in the negotiations we move pretty quickly to agree a common position on the matter

of the Border with the UK Government. I think that is possible, having regard to statements of encouragement that I have seen from the British Prime Minister, Mrs. May; the Secretary of State, Mr. Davis; the Secretary of State, Mr. Brokenshire; and other UK Ministers.

**An Leas-Cheann Comhairle:** I call Deputy-----

**Deputy Charles Flanagan:** The object of the exercise will be to find common ground on the maintenance of that open Border, common ground with our UK colleagues-----

**An Leas-Cheann Comhairle:** The Minister will have further opportunities.

**Deputy Charles Flanagan:** ----- and also with the European Union 26.

**Deputy Seán Crowe:** It is not a statement. I think the consolidated paper was badly handled. There was a commitment at one stage that we would get a briefing in the AV room by departmental officials; that was pulled at the last minute. There was a commitment to meet with party leaders; that did not happen. There was a commitment regarding Opposition spokespeople; none of that happened. Strategically it is a bad idea and the Government is going in a bad direction in this regard.

People from different embassies have asked me about the Irish position on the special designated status within the EU. I do not know the position, which is crazy. Earlier Deputy Adams asked if the Irish Government raised it at the pre-Council meeting. The Taoiseach did not reply. I ask the Minister to reply to that question.

The President of the Commission, Mr. Juncker, has been quoted as having the impression that sometimes our British friends underestimate the technical difficulties to be faced. Is that the view of the Irish Government? My impression from some of the people who have come over for various meetings is that they do not believe there will be a divorce settlement. Some of them have said that if they paid that out, they would lose the election. We can now understand why the UK general election has been called before it.

**An Leas-Cheann Comhairle:** I call the Minister and I ask him to confine his answer to a minute or so.

**Deputy Charles Flanagan:** The issue of the special status is repeatedly raised by Sinn Féin spokespersons. The object of our engagement, prior to reaching agreement on the guidelines, was that the unique and special circumstances on the island of Ireland would be fully recognised, appreciated and acknowledged by our colleagues. I believe we have achieved that in the context of the guidelines. I have been asked why we did not get a veto for Northern Ireland in the same way as the Spanish got for Gibraltar. I will say yet again that the legal situation is totally different. There is no comparison between references to Gibraltar and references to Northern Ireland. The unique circumstances on the island of Ireland have been recognised in the context of the Good Friday Agreement. That is why it was important that we received an acknowledgement in the guidelines as agreed on the part of EU 27 of the legal status of the Good Friday Agreement, an internationally-recognised and legally-binding document. That makes quite clear the constitutional status of Northern Ireland. Indeed, it makes quite clear the constitutional status on the island of Ireland. It is important to remember that in the future relationship agreement, the Good Friday Agreement will have paramount importance in the context of these negotiations.

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**Deputy Brendan Howlin:** It is slightly surreal that we are asking questions that might be fully addressed in the briefing we are going to have in an hour's time.

**Deputy Charles Flanagan:** I should have referred to that in my previous response. I will deal with it in my response to Deputy Howlin.

**Deputy Brendan Howlin:** In my questions, I want to deal with what we can do pro-actively, as I did in my own contribution earlier. I have one observation. I am a little intrigued by the Minister's comment that he expects the UK to accept a liability without quantification.

**Deputy Charles Flanagan:** Accept the principle of liability.

**Deputy Brendan Howlin:** That is the same thing. I cannot imagine any sovereign government accepting liability without quantification. Having been the man responsible for the money for five years, I could not see myself going into any negotiation and saying that the UK will accept the liability, although we will not tell it how much it is until the end of the process. It would be interesting to hear the Minister's thoughts on that.

I wish to refer specifically to points by which we can prepare ourselves for what might come down the track. Has the issue of state aid rules been addressed? Is there a demand or requirement on the table that we can for a period of two years exempt Brexit-proof investment from State aid rules in order to ensure that communities, regions and industries that are impacted can be protected for a finite period? Would the Minister look at the early warning system that I set out? It involves re-fashioning the globalisation fund to upskill workers that are going to be impacted. As I said, the mid-term review of the European globalisation fund is ongoing at the moment and it is therefore opportune to do so now.

I will make my final point as I am very conscious of the restricted time. We seem to be taking a very negative approach of mitigating and stopping the worst impacts of Brexit. Are we putting forward Ireland's positive vision of a social Europe, a Europe of the people, that our own people can look at positively? We must put forward our vision of a European 27 that emerges from this debacle and at least reconnects with people who are disconnected from the European project that has been so important for our continent over the last number of decades.

**Deputy Charles Flanagan:** Notwithstanding the process of the UK withdrawal from the EU, Europe will continue apace-----

**Deputy Brendan Howlin:** We do not hear that.

**Deputy Charles Flanagan:** -----in terms of its own engagement. Ireland is committed to remaining a constructive and active member and will engage in that regard, as we have done in the past. We have considered ourselves over the years to be an Ireland at the heart of Europe. We value our membership of the EU. In the context of the forthcoming negotiations, it is important that the process of ongoing development of policy in Europe along the social and other agendas does not become derailed and that other work continues, notwithstanding the important work of negotiating the withdrawal of one of our most influential members.

With regard to the matter of the document being discussed this evening and its publication, I believe it is important that the Dáil does engage. I hope that we can have a meaningful debate on the document, perhaps in this House next week. I hope the business committee would look favourably on that.

I agree with much of what Deputy Howlin said in terms of issues that will arise in the context of the negotiations. The publication of this document today is part of an ongoing process. I would expect that the Government will now proceed to prepare further documents, one for example on the economic impact-----

**An Leas-Cheann Comhairle:** The Minister will have another chance to conclude.

**Deputy Charles Flanagan:** -----and how that might be mitigated.

**An Leas-Cheann Comhairle:** I am conscious of the time.

**Deputy Charles Flanagan:** When Deputy Howlin said that much of the debate has been negative, I acknowledge that because I do not see any good news on the matter of the withdrawal of the UK from the EU. I believe it was a bad decision and is a difficult issue.

**Deputy Brendan Howlin:** Europe cannot be about Brexit and nothing else.

**Deputy Eamon Ryan:** I wish to ask the Minister a tactical question. On certain issues, such as environmental standards and social standards - not necessarily difficult issues such as trade or other issues - why is it in our interest that they be delayed three months, six months, or whatever period of time? Does the Minister not agree with me that it is not all negative and that playing a zero-sum or winner-versus-loser game is not sensible? Commissioner Juncker said that Brexit has to be bad, and it probably will be. However, do we have to push that? Why is it we are pushing it to the extent that we are not agreeing to talk about certain issues, which could be somewhat positive, about future collaboration on the likes of digital issues, social rules and environmental rules? We could then watch the UK argue with its own population on why it refuses to accept some of the good standards that come from the EU. Why is it in our interest not to bring that in early and not to give it the time and attention it should be given? Tactically, why is the EU playing such a tough game in that regard? It does not make sense.

**Deputy Charles Flanagan:** The answer to that question is that it is possible to do that once an element of progress is made early on in the negotiations on the issues that the EU has prioritised. I am very pleased and make no apologies for the fact that Ireland has been prioritised in that regard in respect of our Border, citizenship and the unique circumstances on the island of Ireland, which is something we sought at the outset. I agree with Deputy Ryan that there are and will be areas upon which agreement will be reached rather easily with the UK. During the negotiations, we need to bank these as we proceed. We have abided by the principle of no negotiation without notification. In that regard, we have not been negotiating or finding common ground with the UK over a range of issues on which I think it would be possible to find in the course of the negotiations.

**Deputy Stephen S. Donnelly:** I echo Deputy Howlin's point on the strategy. I was handed the strategy about 15 minutes ago.

**Deputy Brendan Howlin:** Deputy Donnelly is ahead of the rest of us then.

**Deputy Stephen S. Donnelly:** The document lays out the Government's objectives for what it wanted to secure in the European Commission guidelines. None of us will be surprised to find that having been published after the guidelines, it would appear that the Minister has gotten everything he was looking for. That is interesting timing.

There has been much talk on the veto for Gibraltar. I accept that the legal situation is differ-

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ent, but the political situation is much more pressing in Northern Ireland than it is in Gibraltar. I will ask a straight question. Did the Irish Government seek a veto? Accepting that they are different legal situations, was a veto on Northern Ireland sought by the Irish Government as part of the negotiations?

In the just-published Government strategy on Brexit, the Government still refers to the common travel area existing in conformity with EU law. I have only had a chance to skim the document. It is welcome that the document explains that the common travel area involves more than travel; it concerns access to public services and social protection. What I did not see was a reference to the right to work. I apologise if it is included, but I have not seen it. The reciprocity of rights that Irish and UK citizens enjoy is comprehensive. They include the right to travel, the right to access social protection and public services, the right to vote and also the right to work. Will the Minister explain to the House whether it is his objective and within his strategy to include in the ongoing recognition of the common travel area the right for Irish citizens to work in the United Kingdom and the right of UK citizens to work in Ireland? It is not included in the strategy, but it is referenced in it by the line “in conformity with UK law”. In the UK commission guidelines the sentiment that the relationship between Ireland and the United Kingdom will be respected in EU law comes up again. Is the Government doing any work and will the Minister share with the House any Government positions on what is and is not in conformity with EU law when it comes to Northern Ireland and the common travel area?

**Deputy Charles Flanagan:** We did not get a veto as the Spanish did in the case of Gibraltar because the situation is entirely different. We acknowledge that under the Good Friday Agreement, Northern Ireland is part of the United Kingdom. It was voted on by the people of Ireland, North and South, in 1998. We are satisfied that the unique circumstances on the island of Ireland have been fully recognised as part of the negotiations from the very outset. That was our objective and it was achieved. It is important to remember the future relationship agreement will ultimately require ratification by all EU member states, including Ireland.

**Deputy Stephen S. Donnelly:** Did the Minister seek a veto - yes or no?

**Deputy Charles Flanagan:** Ireland was anxious from day one that its unique circumstances would be fully recognised in the context of the Good Friday Agreement and the legal and constitutional configuration on the island of Ireland with reference to Northern Ireland and that has been achieved.

**Deputy Stephen S. Donnelly:** Was a veto sought?

**Deputy Charles Flanagan:** We are satisfied to move forward in the negotiations with that being an important part of the process. On the common travel area-----

**Deputy Stephen S. Donnelly:** Will the Minister give a yes or no answer to the question on a veto?

**Deputy Charles Flanagan:** On the common travel area, I take very much the point raised by the Deputy. It is very much welcome that the guidelines provide that existing bilateral arrangements and agreements between the United Kingdom and Ireland which are compatible with EU law should and will be recognised. This will be an issue to dealt with in the negotiations. I am encouraged by a commitment on the part of the European Union and the United Kingdom to avoid a hard border on the island of Ireland. I acknowledge that the common travel agreement involves much more than just travel and freedom of movement and the right and

entitlement to safe passage. It also involves a right to welfare, benefits, a pension and work. We are anxious that it be fully acknowledged, appreciated and recognised in the context of the negotiations. The legal concept of the bilateral arrangement which is, in effect, the common travel area between the United Kingdom and Ireland has been recognised.

On the other aspects of the Good Friday Agreement, we will be pressing our EU colleagues to ensure this internationally recognised and legally binding agreement will be in a position of prominence throughout the negotiations.

**Acting Chairman (Deputy Bernard J. Durkan):** The Minister has five minutes in which to wrap up.

**Deputy Charles Flanagan:** I will underline the importance of this debate and what Deputies have said about future arrangements. I am anxious that we all work together on this issue. To Deputy Stephen S. Donnelly I say the Government will ensure all parties represented in the House are fully involved in the process. I acknowledge the attendance and contributions of many Members of the House in, for example, the national civic dialogue which will continue throughout the process of the negotiations. I am anxious to ensure the Government will be guided by the committees of this parliament and by parliament in plenary session. The Government remains committed to the protection of Ireland's interests, ensuring we will be fully prepared for the future at national level as a committed member of the European Union. This assembly has an important role to play in that regard. As the Taoiseach has set out, the outcome of Saturday's European Council meeting clearly demonstrates that the efforts so far are very much delivering for Ireland. It must continue. There is no question of anybody sitting back on the basis of what has been achieved. We are merely commencing what will be a very challenging period. We are undertaking a comprehensive programme of engagement with our EU partners. Over 400 engagements across government have taken place, either at political or senior official level. Through this engagement we have successfully ensured our unique concerns are reflected in the negotiating guidelines. Our concerns are to protect the peace process and the Good Friday Agreement, to seek flexible solutions aimed at ensuring the maintenance of the open border and to recognise existing bilateral arrangements and agreements between the United Kingdom and Ireland such as the common travel area mentioned by Deputy Stephen S. Donnelly.

I acknowledge the work of our officials, in particular those in the Department of the Taoiseach and my Department and our diplomats in Dublin, London, Brussels and every EU capital city. It is important to secure the recognition of the European Council that the Good Friday Agreement expressly provides for an agreed mechanism whereby a united Ireland may be brought about through democratic and peaceful means and in accordance with international law and that in such a case the entire territory of Ireland would thus be part of the European Union.

I acknowledge the willingness of our EU partners to take on board our concerns. The fact that they did so demonstrates that as a member of the European Union, Ireland is among friends. Friendships need to be nourished, built on and nurtured. Since the referendum in the United Kingdom I have been in frequent contact with all of my EU counterparts around the table. There have been almost 80 engagements in the past ten months. These engagements and exchanges have fostered a thorough understanding of our unique concerns among our EU partners. They have also been a listening exercise in raising my awareness of the challenges Brexit poses for them and identifying common ground. It is my intention and that of my many Government colleagues to continue this intensive programme of engagement to ensure our voice

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will continue to be heard clearly. The guidelines adopted by the European Council represent a strong and pragmatic political framework on which we base our approach to the negotiations. The next step at EU level will be to agree a more detailed set of negotiating directives which will provide a mandate for the European Commission to formally commence the negotiations with the United Kingdom.

The UK general election does not change, in any way, Ireland's commitment to pursuing the best possible outcome for the island of the entire Brexit process. We will continue to work tirelessly to that end. While the talks process in Belfast has had to be paused during the election campaign, we will continue to support and facilitate the parties in their efforts to reach agreement on the new Executive. It is important for Northern Ireland that the power sharing institutions of the Good Friday Agreement operate on a sustainable basis. This is really important in the context of the withdrawal of the United Kingdom from the European Union. Given that the opening of the negotiations is only a matter of weeks away, the restoration of the power-sharing Executive in Northern Ireland is essential.

The outcome of Saturday's European Council meeting was an important milestone in what is a monumental challenge. It marks the beginning rather than the end of what will be a lengthy, complex and challenging process. It is a positive beginning and a good foundation on which the United Kingdom and the European Union can work to ensure an orderly exit and build towards a positive and close relationship into the future. This is in the interests of Ireland, the United Kingdom and the entire European Union.

**Acting Chairman (Deputy Bernard J. Durkan):** That concludes statements on the European Council meeting.

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

### **Priority Questions**

#### **Arts Council**

39. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if the Arts Council will be publishing a new arts and disability policy in 2017; and if she will make a statement on the matter. [20441/17]

**Deputy Niamh Smyth:** I wish to ask the Minister if the Arts Council will be publishing a new arts and disability policy in 2017 and if she will make a statement on the matter.

**Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Heather Humphreys):** Under the Arts Act 2003, primary responsibility for the promotion and support of the arts, including arts and disability, throughout the country is devolved to the Arts Council. The council is independent in both its funding and executive decisions.

In 2013 the Arts Council published its arts and disability policy 2012 to 2016 to address issues of equity, access and participation for artists and audiences with disabilities. The policy is

available on the council's website. It was developed in consultation with a wide range of stakeholders and the council continues to work in partnership with the sector in its implementation. The policy is built on a number of key values, including equality, the social model of disability, the complexity and diversity of people and practices, an holistic approach and inclusion. Arts Council policy recognises the complexity and diversity of people and practices that make up the arts sector in Ireland. It acknowledges and values the artistic contribution of artists and other art professionals with disabilities and is committed to the provision of support not only for artists and other arts professionals but also for participants, artistic collaborators and audiences with disabilities. The council also makes every effort to provide reasonable accommodation for people with disabilities who wish to submit an application but have difficulties in accessing online services.

I understand the Arts Council's arts and disability policy is due to be reviewed and updated in the context of the council's new ten year strategy, *Making Great Art Work*, which is expected to be published in the coming months. I will ask the council to reply directly to the Deputy on its plans for a policy document.

**Deputy Niamh Smyth:** I thank the Minister for her reply. As she said, the last arts and disability strategy from the Arts Council ran until 2016. The strategy outlined the council's approach to providing access to the arts for people with disabilities. It provided a much needed opportunity for people with disabilities to make their input to the Minister's Department and outline the difficulties they were experiencing in accessing the arts and cultural sector in Ireland. Since the plan expired, we have not seen any effort being made to replace it, despite the fact that people with disabilities continue to experience huge challenges in accessing the arts and culture sector. I speak of both artists and audiences with disabilities; there are two strands to the issue. In Ireland there is a very low level of participation by children with special educational needs in structured cultural activities. This does not only affect children and young people, as many adults with disabilities report frustration and difficulties in accessing the arts.

**Deputy Heather Humphreys:** Policy on providing access to the arts for people with disabilities is a matter for the Arts Council. As the Deputy is aware, the Arts Council is entirely independent of my Department in its funding and executive decisions. That said, I will ask the council to revert to the Deputy directly on the policy it is devising which I am sure it will be more than happy to do.

In terms of my Department, the Deputy will be aware that I recently announced the successful applicants for the €9 million arts and cultural capital scheme, the largest investment in regional arts facilities in over a decade. Approximately 85% of the funding went to projects outside Dublin. The Deputy will be aware that the town hall in Cavan received €750,000, while the Patrick Kavanagh Centre in Inniskeen and the old post office in Clones also received funding. It is important to point out that all of these major capital projects must comply with the strict building regulations in place in terms of disability access. That is only right because we want these state-of-the-art facilities and amenities to be inclusive and available for everyone to use and enjoy.

**Deputy Niamh Smyth:** As the Minister knows, if we do not provide an arts and disability policy, we will be failing to extend access to people with disabilities. Not only that, we will also be failing to meet our international obligations under the UN Convention on the Rights of Persons with Disabilities. Creative Ireland has recently produced a beautiful publication. We have also seen publication of the policy framework, *Culture 2025*. However, the Creative

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Ireland publication does not contain anything specific for people with disabilities. I ask the Minister to comment on this.

**Deputy Heather Humphreys:** The Arts Council has supported the development of arts and disability practice in Ireland for many years. It developed a formal arts and disability policy in 2012 following consultation with a wide range of stakeholders. The council is independent of my Department. It has a policy which will be reviewed in the context of its new ten year strategy, Making Great Art Work. I will be happy to arrange for representatives of the council to speak to the Deputy to update her on its policy on disability. The policy that was in place was built on a number of key values, including equality and the social model of disability. It recognised that access must be considered at the earliest-----

**Deputy Niamh Smyth:** I asked about the Creative Ireland publication, which makes no mention of people with disabilities. I did not ask about the Arts Council in my supplementary question.

**Deputy Heather Humphreys:** Yes, but the Arts Council has responsibility for the policy on people with disabilities.

**Deputy Niamh Smyth:** I asked the Minister to comment on the fact that there was no mention of people with disabilities in the Creative Ireland publication.

### **Meath na Gaeltachta**

40. D'fhiafraigh **Deputy Peadar Tóibín** den an Aire Ealaíon, Oidhreacht, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta cad a dhéanfaidh an Rialtas chun stop a chur le meath na Gaeltachta; agus an ndéanfaidh sí ráiteas ina thaobh. [20620/17]

**Deputy Peadar Tóibín:** Is í an Ghaeilge ceann de na rudaí cultúrtha is tábhachtaí inár bhféiniúlacht. Is modh cumarsáide laethúil í an Ghaeilge le haghaidh ma mílte daoine sa Ghaeltacht. Is infreastruchtúr smaointe í freisin. Tá na mílte daoine ag déanamh a seacht n-iarracht timpeall na Gaeltachta chun an Ghaeilge a choimeád beo. Is í an Ghaeltacht tobar na Gaeilge. Níl aon Ghaeilge chomh sonrath ann taobh amuigh den Ghaeltacht. Tá sé léirithe sna figiúirí a tháinig amach as an daonáireamh an tseachtain seo caite go bhfuil teip uafásach tagtha ar pholasáí an Rialtais mar gheall ar an nGaeilge. Iarraim ar an Aire Stáit a rá linn cad atá i gceist ag an Rialtas chun na figiúirí sin a iompú timpeall?

**Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Seán Kyne):** Le foilsiú thorthaí daonáireamh 2016 mar a bhaineann siad leis an nGaeilge, léirítear go leanann na dúshláin atá roimh an nGaeilge mar theanga. I bhfianaise na dtorthaí seo, is gá ár gcuid iarrachtaí a threisiú tuilleadh mar fhorais Stáit, mar eagraíochtaí Gaeilge agus mar phobal i gcoitinne chun na dúshláin sin a cheansú. Is ea is mó seans go mbeidh toradh bisiúil ar ár gcuid iarrachtaí ar fad má ghlacann gach páirtí leasmhar go fonnmhar leis an deis chun a gcion a dhéanamh ar son na Gaeilge mar chuid d'fheidhmiú na Straitéise 20 Bliain don Ghaeilge, a bhfuil an próiseas pleanála teanga agus an polasaí don Oideachas Gaeltachta mar chuid lárnach de.

Tá an próiseas pleanála teanga mar chuid lárnach d'fheidhmiú na straitéise 20 bliain agus is ar ullmhúchán pleananna atá an próiseas pleanála teanga dírithe ó cuireadh tús leis trí bliana ó

shin. Agus tús á chur le feidhmiú pleananna teanga i suas le 13 limistéar Gaeltachta faoi leith i mbliana, tógfar céim mhór chun tosaigh le feidhmiú an phróisis agus, dá réir, le feidhmiú na straitéise. Fágfaidh sé seo go mbeidh pobal na Gaeltachta ag glacadh páirte níos mó ná riamh chun na dúshlán atá roimh an nGaeilge ar bhonn áitiúil a cheansú. Ós rud é go mbeidh feidhmiú pleananna teanga ar bun feasta, bheifí ag súil leis go mbeidh tionchar dearfach aige seo ar fad ar staid reatha na Gaeilge sa Ghaeltacht.

Is fiú a lua chomh maith go bhfuil ardú ar an gcistíocht atá ar fáil do na gnáthchláir reatha ar thaobh na Gaeltachta, a bhfuil dlúthbhaint acu chomh maith le cur i bhfeidhm na straitéise 20 bliain agus le cás na Gaeilge dá réir. Leis an allúntas méadaithe seo, tá mé cinnte go mbeifear in ann tacú tuilleadh le cur i bhfeidhm na straitéise agus an phróisis pleanála teanga mar a bhaineann sé leis an nGaeltacht. Is céim suntasach é go bhfuil an polasaí don oideachas Gaeltachta á chur i bhfeidhm ar an talamh anois. Is é seo an chéad phlean a d'eisigh an Stát ó bunaíodh é a thugann aghaidh go sonrach ar na dúshlán atá roimh an chóras oideachais sa Ghaeltacht. Beidh mo Roinn ag obair as lámh a chéile leis an Roinn Oideachais agus Scileanna chun ár gcion a dhéanamh sa chaoi is go mbeidh rath leis an bpolasaí seo.

**Deputy Peadar Tóibín:** Tá an Rialtas seo i bhfeidhm le haghaidh sé bliana anois. Is mór an trua é. Cé go dtagann an tAire Stáit ón nGaeltacht, tá an titim tubaisteach seo ag tarlú faoina réim. Chonaiceamar sa daonáireamh go bhfuil titim de 11% tagtha ar an méid Gaeilge atá á labhairt sa Ghaeltacht go laethúil taobh amuigh den chóras oideachais. Dar leis na saineolaithe, nuair a thiteann an méid daoine a labhraíonn an Ghaeilge i gceantar áirithe faoi 67%, titeann an tóin as an teanga go hiomlán sa cheantar sin agus bíonn sé deacair an treo a iompú. Is léir ó na figiúirí nach bhfuil an méid sin Ghaeilge á labhairt ach i 21 as 155 ceantar Gaeltachta. De réir tuairisc a d'fhoilsíodh in 2015, tá meath na Gaeilge sa Ghaeltacht ag éirí níos tapúla ag an bhomaite. Is léir go bhfuil an straitéis 20 bliain ina phraiseach iomlán, i ndáiríre. Tá mé ag impí ar an Aire Stáit labhairt leis an Aire sinsearach, an Teachta Humphreys, le cur in iúl di cé chomh tábhachtach is atá an cheist seo. Iarraim ar an Aire Stáit Acht na dTeangacha Oifigiúla nua a threisiú agus i bhfad níos mó airgid a chur ar fáil.

**Deputy Seán Kyne:** Aontaím leis an Teachta go bhfuil na rudaí seo dúshlánach ó thaobh na teanga agus ó thaobh an daonra. Ag an am céanna, tá a fhios ag an Teachta go raibh eacnamaíocht na tíre i ndrochstaid le blianta beaga anuas. D'imigh 127,000 duine ar imirce thar lear idir 2009 agus 2014. Sílim go raibh Gaeilge líofa ag cuid de na daoine sin agus caithfidh gur tháinig cuid acu as na ceantair Ghaeltachta. Is dóigh liom go bhfuil sé seo mar cheann de na príomhchúiseanna go bhfuil laghdú tagtha ar líon na gcainteoirí i mbliana. Má bhreathnaíonn an Teachta ar na figiúirí, beidh sé soiléir dó gur tháinig laghdú ar an daonra idir 25 agus 35 bliana d'aois ós rud é go ndeachaigh an oiread sin dóibh thar lear. Tuigeann an tAire sinsearach an tábhacht a bhaineann leis an straitéis 20 bliain. Ní aontaím leis an Teachta Tóibín go bhfuil an straitéis "ina phraiseach". Tá an-dul chun cinn déanta againn. Tá sé sin curtha ar an taifead agam sa Seanad. Rinne coiste Oireachtais na Gaeilge plé ar an ábhar seo cúpla nóimead ó shin. Cuirfidh mé an méid atá á rá agam anseo ar thaifead an choiste sin freisin. Tá a lán rudaí bainte amach. Tá ardú tagtha ar an méid infheistíochta atá ar fáil i mbliana d'Údarás na Gaeltachta, ó thaobh an mbuiséid reatha agus caipítíl, chun poist a chruthú agus cabhair a thabhairt do na comharchumainn atá ag freastal ar an nGaeltacht agus ar na hoileáin. Tá an Rialtas seo ag déanamh chuile rud is féidir chun líon na gcainteoirí Gaeilge a ardú.

**Deputy Peadar Tóibín:** Go stairiúil - go dtí gur tháinig Fine Gael i bhfeidhm in 2011 - bhí dul chun cinn tagtha ar na figiúirí a bhain le daoine le Gaeilge sa tír seo. Ba é seo an chéad daonáireamh ó bunaíodh an Stát inar tháinig titim ar an méid daoine le Gaeilge sa tír seo. Ní-

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limid ag caint ar airgead amháin. Tá an ceart ag an Aire Stáit nuair a deireann sé gur tháinig titim uafásach ar an méid airgid a bhí le fáil ag an Rialtas. Bhain an Rialtas i bhfad níos mó airgid amach as an earnáil seo ná aon earnáil eile sa tír. Is easpa toil pholaitiúil atá i gceist. Tá sé náireach a rá go bhfuil neamhaird iomlán déanta ag eagraíochtaí atá faoi chúram na Roinne Ealaíon Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta, ar nós Amharclann na Mainistreach, Ardmhúsaem na hÉireann, Leabharlann Náisiúnta na hÉireann, an Chomhairle Oidhreachta agus an Ceoláras Náisiúnta, ar iarratais scéimeanna teanga a ullmhú i rith na bliana atá imithe thart. Tá níos mó ná deich mbliana imithe ón uair a tháinig an córas sin isteach. Tá na heagraíochtaí faoi chúram na Roinne ag déanamh neamhaird iomlán ar an dualgas seo. Níor sheas aon ombudsman sa tír seo siar riamh ach amháin san earnáil seo, nuair a sheas an t-Iar-Choimisinéir Teanga siar. Tá sé dochreidte nach bhfuil an tAire sinsearach ag éisteach leis an díospóireacht seo. Ní thuigeann sí an méid atá le rá againn, ach fós níl sí ag úsáid na cluasáin.

**Deputy Seán Kyne:** Tá 17 scéim aontaithe don chéad uair le 16 mí anuas-----

**Deputy Peadar Tóibín:** As cé mhéad?

**Deputy Seán Kyne:** -----rud a chiallaíonn go bhfuil 17 comhlacht nach raibh aon scéim acu riamh cheana ceangailte anois le réimse leathan de ghealltanais ó thaobh na Gaeilge de. Tá dul chun cinn déanta. Tá an ceart ag an Teachta nach bhfuil cuid de na scéimeanna foilsithe go fóill. Tá siad ag teacht isteach. Is é an príomhrud ó thaobh na bpleananna teanga de ná nach bhfuil siad ag oibriú. Tá sé sin ráite agam agus ag an Choimisinéir Teanga. Is é sin an fáth go bhfuilimid ag dul síos treo eile maidir leis an Acht teanga. Tá réamhobair déanta ar chinnteidil an Bhille sin. Beidh an t-ábhar seo á phlé againn ag an gcoiste idir-rannach ar 15 Bealtaine seo chugainn. Ina dhiaidh sin, pléfean an reachtaíocht os comhair an Rialtais agus comhchoiste na Gaeilge. Tá dul chun cinn á dhéanamh, ach táimid ag breathnú ar treoir eile ó thaobh na bpleananna teanga. Tá sé i gceist againn caighdeán a thabhairt isteach ionas go mbeidh sé de dhualgas ar chuile eagraíocht sa Stát glacadh leis an gcaighdeán sin. Bhí cruinniú agam leis an Aire i Rialtas na Breataine Bige le déanaí agus bhí cruinniú eile agam le feidhmeannaigh i mo Roinn. Táimid ag dul síos treoir eile ó thaobh rialacháin do sheirbhísí trí mhéan na Gaeilge.

### Arts in Education Charter

41. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the steps she will take to increase the provision of arts education to schools; and if she will make a statement on the matter. [20442/17]

**Deputy Niamh Smyth:** What steps are being taken by the Minister to increase the provision of arts education in schools?

**Deputy Heather Humphreys:** The Creative Ireland programme, which was launched by the Taoiseach and me in December, places a special focus on enabling the creative potential of every child. It will build on the arts in education charter through the development of an integrated plan, Creative Children, to enable every child in Ireland to access tuition in music, drama, art and coding by 2022. Officials in my Department are continuing to work with their counterparts in relevant Departments and other stakeholders to develop this plan with a launch timeframe of early autumn 2017. The Creative Children plan will build on the work to date in implementing the arts in education charter. My Department is continuing to work closely with the Department of Education and Skills and the Arts Council to deliver the key objectives of the

6 o'clock charter in the wider context of the Creative Ireland programme. The objectives of the charter have been achieved largely through existing structures such as education centres. Good progress has been made with the launch of Ireland's first arts in education portal, the holding of national arts and education days and the development of teacher-artist partnerships through education and training centres. I look forward to attending national arts day events next Saturday, 6 May 2017, at St. Patrick's College in Drumcondra. Arising from the significant increase in support of €5 million which I secured for the Arts Council as part of budget 2017, I am pleased that the Arts Council decided to increase funding in this area from €3.1 million in 2016 to €3.7 million this year. These initiatives demonstrate the Government's overall commitment to deliver for children as we work in finalising the Creative Children plan.

On the issue of disability, Creative Ireland aims to increase participation among all members of society which includes people with disabilities. Creative Ireland is the overriding policy document from which all these strategies flow.

**Deputy Niamh Smyth:** The 2016 programme for Government has a commitment to implement the arts in education charter. It is important to recognise the hard work of Professor John Coolahan, Dr. Katie Sweeney and other members of the charter implementation group. Both the Minister and I know personally and in detail the work that has gone into this.

The arts in education portal has been a huge success and in 2015, the Department gave €120,000 towards it. To March 2016, it had more than 18,000 visitors and hits. However, as there are 90,000 teachers across the island, it means in total 20% of visits were from teachers.

On the actual implementation of strand one, the creative potential in every child, the Minister aims to fast-track, embrace and resource the arts in education charter as a core element of the Creative Ireland agenda. This is wonderful. How is this going to be implemented, however? What is the Minister going to do in practical terms?

**Deputy Heather Humphreys:** The integrated implementation plan for arts in education, which is a priority for Creative Ireland, seeks to enable the creative potential of every child. The creative children plan will see the key objectives of the charter for arts in education embraced, fast-tracked and resourced as a core element of the Creative Ireland agenda. Principles and guidelines are stated in the charter, which include enabling children to explore alternative ways of communication, encouraging ideas that are personal and inventive, and making a vital contribution to the development of a range of intelligences. These build on existing initiatives such as the worldwide coding for children movement, CoderDojo, music generation, which is both a cultural movement and an instrument for creative learning, and the Ark, a dedicated cultural centre for children in Temple Bar. The Department of Education and Skills, together with the Department of Children and Youth Affairs and my Department, will be central to the success of this pillar. It is anticipated that the plan for pillar 1 of the Creative Ireland programme, enabling the creative potential of every child, will be launched in early autumn 2017.

**Deputy Niamh Smyth:** The Minister just read what is in the Creative Ireland programme. While that is wonderful, it is aspirational. I asked what tangible actions Minister will undertake to implement this plan. Will it be the local arts in education partnerships? Will the Department of Education and Skills work with her Department? How will it be brought into the schools? Will the education and training boards be brought together with the local arts officers?

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**Deputy Heather Humphreys:** Perhaps the Deputy should have listened to what I just said. I will work with the Department of Education and Skills, the education centres and the Arts Council to bring forward this initiative. It is an important initiative which will enable the creative potential of every child. It will allow children to have access to tuition in music, dance, coding or whatever form in which they wish to participate. I agree we must encourage and promote the arts through our schools.

**Deputy Niamh Smyth:** Yes, but how?

**Acting Chairman (Deputy Bernard J. Durkan):** There can only be one speaker at a time. The Deputy can ask another question if she so wishes.

**Deputy Niamh Smyth:** How will this be done?

**Deputy Heather Humphreys:** We have had several meetings with different stakeholders. This plan has been worked on and will be launched in autumn 2017.

**Deputy Niamh Smyth:** Will it be through the local arts in education partnerships? Will they implement the arts in education charter?

**Deputy Heather Humphreys:** As I said, this will be done through the education sector and education centres. There have been meetings and it has been discussed with the Department of Education and Skills. It will be rolled out in conjunction with the education centres.

### Arts Funding

42. **Deputy Joan Burton** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs her views on the role of Aosdána in recognising and supporting Irish artists; if she plans to limit and diminish the scheme; and if she will make a statement on the matter. [20438/17]

**Deputy Joan Burton:** What is the Department doing about the row that seems to have broken out with the Arts Council in respect of the proposal on the cnuas, the stipend, paid to several members of Aosdána? Apparently, a time and motion study is to be conducted by the Department on the productivity of artists. This is like something out of *An Béal Bocht* by Flann O'Brien or *Cré na Cille* by Máirtín Ó Cadhain. What the heck is going on in the Department Arts, Heritage, Regional, Rural and Gaeltacht Affairs? What is the Minister doing about it?

**Deputy Heather Humphreys:** Aosdána is a unique initiative established by the Arts Council in 1981 to honour creative artists who have made a significant contribution to the arts. There are some 250 members of Aosdána, including seven new members who came into membership last week. The scheme is the responsibility of the Arts Council and not my Department. It should be noted that under section 24(2) of the Arts Act 2003, the council is independent of the Minister in its funding decisions.

Members of Aosdána can qualify for a means-tested payment, known as the cnuas, if they are resident in Ireland and are full-time practising artists. Following recent internal audits of Aosdána and a value for money policy review of the Arts Council, undertaken under the guidance of an expert steering committee chaired by Dr. John O'Hagan, professor of economics at Trinity College Dublin, the council is reviewing all aspects of the administration and procedures

of Aosdána to ensure the most appropriate governance and oversight arrangements are in place.

In regard to any issues which arise from the review of the Aosdána, these are a matter for the Arts Council and Aosdána. On the proposed changes to the cnuas payment, I understand a process of engagement is planned. I encourage both sides to engage in this thoroughly. I noted in a recent statement Aosdána referenced the relationship of trust which it has shared with the Arts Council for three decades. I hope, therefore, any issues can be resolved now through a collaborative approach.

**Deputy Joan Burton:** The Minister's answer was terribly unsatisfactory. Aosdána was the creation of Anthony Cronin, who died recently. He was artistic adviser for several years to the late former Taoiseach, Charles J. Haughey. It was seen as one of the best actions ever taken in recognising and supporting our artists. For example, what if we have another James Joyce who happens not to be making much money? As we know, that bedevilled Joyce all through his life. However, the Government is happy to embrace James Joyce when it comes to tourism and cultural activities as one of the great writers from this country. Unfortunately, he left this country because he had difficulties getting published and making a living here for his family.

As a Minister with arts in her title, is she not interested in these artists? As she said, Aosdána artists' cnuas is means-tested. Does she believe some artists are lying about their means? Does she suspect fraud? There are times when the Minister cannot stand back. The crisis is over. The Government is constantly informing us that, thankfully, we have a lot more money. What is this argument about?

**Deputy Heather Humphreys:** I am committed to the arts and to artists. For the Deputy to use the words she has is wrong. I have never even mentioned those words and neither would I dream of it. We will leave the words "lying" and "fraud" with the Deputy-----

**Deputy Joan Burton:** No, to start with-----

**Deputy Heather Humphreys:** -----as I certainly would not use them. One of the founding principles of Aosdána was to recognise the huge contribution made by artists and the creative arts to this country. I recognise the incredibly important role that artists play. It is very important we recognise and value this role, and to this end I am developing a pilot initiative with my colleague, the Minister for Social Protection, Deputy Varadkar, to make it easier for artists to access social welfare supports. However, I remind the Deputy this was set up to be independent of the Minister in funding decisions under section 24(2) of the Arts Act 2003. I cannot interfere and if I was to interfere, the Deputy would be the one to tell me I should not be interfering.

**Deputy Joan Burton:** I remind the Minister and I am sure she will remember that as Tánaiste I constantly fought as part of the previous Government with the two Ministers for Finance, including the Minister for Public Expenditure and Reform, to get more funding into the arts. The Minister might acknowledge that when I was Tánaiste I was probably one of her strongest backers around the Cabinet table. I also met many artists. We should remember that many very fine artists in Ireland do not even earn the minimum wage, never mind the living wage. I acknowledge the Minister is saying she does not interfere in the day-to-day affairs of the Arts Council but she has just spent time talking to colleagues about arts policy, which must include artists and how they can survive and live.

The initiative I have been involved with in social welfare leads to acknowledgement of people working in the arts, with a certain protocol in place. I was involved with setting that

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up. I hope it is nothing to do with Aosdána and the cnuas, which is a very specific payment. It is very successful in Ireland and I wish the Minister would acknowledge it, although it was the initiative of a former Taoiseach from another party, Charles J. Haughey and, in particular, Mr. Anthony Cronin. He was one of our finest arts figures and died recently. This is wrong so will the Minister rethink it rapidly please?

**Deputy Heather Humphreys:** The Arts Council has received increased funding year-on-year since I was appointed Minister in 2014. I acknowledge the Deputy has been very supportive of the arts-----

**Deputy Joan Burton:** I thank the Minister.

**Deputy Heather Humphreys:** -----as have all my colleagues at Cabinet.

**Deputy Joan Burton:** Really?

**Deputy Heather Humphreys:** In fairness, we got considerable funding-----

**Deputy Joan Burton:** The Minister must have attended some different Cabinet meetings to me.

**Deputy Heather Humphreys:** -----for the 2016 commemorations, which were very important. Last year I was delighted to increase funding by 8% for the 2017 budget, which was an increase from €60 million to €65 million. This was only possible due to the improved economy. As the economy improves, I want to see more money invested in the arts and I will continue to make the case for that. To be clear, I absolutely recognise the major work done by and the importance of Aosdána. It is a matter for the Arts Council. My understanding is there is a collaborative process where it is open to discussions; the Arts Council will work with Aosdána and I hope the matter can be resolved satisfactorily.

### **National Monuments**

43. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if she has considered the report by a group (details supplied) issued in March 2017; her plans to implement the recommendations in the report; the progress made to date in doing so; and if she will make a statement on the matter. [20440/17]

**Deputy Éamon Ó Cuív:** As the Minister knows, the Moore Street report was published in March and a timeline was set out with the hope that a decision would be recommended in six weeks, as the matter has dragged on for years. Has the Minister brought this to the Cabinet and have we a decision? Will she set up the advisory group that has been recommended in the report so we can move to the next phase? I am afraid we will lose the good momentum built up in the past six months towards progressing the Moore Street project to a suitable resolution.

**Deputy Heather Humphreys:** I agree with the Deputy that good momentum has been built up and I put on record my sincere appreciation to the members of the group referred to by the Deputy for the report they recently presented to me. The group, which was independently chaired by a former departmental Secretary General, included local and Oireachtas political representatives, 1916 relatives, street traders and other stakeholders. It was set up in a bid to bring together the full range of views on the matter and it held its inaugural meeting in Septem-

ber 2016. In the meantime, it has reviewed numerous presentations and submissions from a range of interests, looked at a variety of official and other reports, interviewed relevant public officials and other experts and examined a large body of work from within its own membership, as the Deputy knows. This extensive programme of work has culminated in the series of recommendations contained in the report that was presented to me in the last few weeks and that is now being examined in my Department.

I welcome the fact the report is seeking a way forward based on consensus. Its recommendations can help breathe new life into the area while retaining its sense of history and tradition. In addition to its particular association with the 1916 Rising, there are other relevant aspects of the street and surrounding area that also need to be taken into account, including the range of State, public and private property holdings and ownership and, of course, the presence of the street traders themselves, who do so much to give the area its unique ambience and place in the life of our capital city. The report has looked carefully at all these elements and I am delighted that it signals the potential for a mutually successful outcome to be agreed between the relevant parties, balancing the perspectives of all the key stakeholders. I am fully supportive of this collaborative approach and I want to see the work already done being continued so we can progress to the next stage and see tangible results on the ground. Critical to this will be the establishment of the new advisory group that the report itself identifies as the most effective way to move forward with its recommendations. I will be proceeding with the setting up of this group as quickly as possible to build on the positive and constructive foundations set out in this report.

**Deputy Éamon Ó Cuív:** As happens so often, the Minister gave me much information that I already have, as I was part of all those discussions and on the forum referred to. As she pointed out, we had a very experienced chairman and in his work he was very diligent in advising us against things that could not be done. However, the report very clearly states that the establishment of the advisory oversight group should happen within six weeks. As the Minister knows, this was because a consensus was built through a huge amount of work. People believed they had put together a map to bring us forward. There are two questions that still have not been answered. When will the advisory group be set up or will it be set up? Has the Government considered this report and made any decision on the recommendations of the report? All of them must be implemented but some need very urgent attention, including, for example, those relating to street traders.

**Deputy Heather Humphreys:** The appointment of a chairman for the new advisory group is the next step in the process and I hope to see that person appointed, with the group beginning its work, as soon as possible. I am very much aware the chairman of the previous consultative group worked in a particularly effective way with all the parties and his efforts were key to the achievement of the agreed outcome to the group's deliberations as set out in the report. The next stage is equally crucial and the new chairman will have just as vital a role to play. I am looking at possible candidates and hope to make the appointment as soon as possible. The report envisaged this process taking six weeks and we are still well within that timeframe. The new advisory group will be drawn from among the existing membership of the outgoing Moore Street consultative group. I understand it had 27 members and it is envisaged that the new body, while being equally representative across the same spectrum of interests, will be somewhat smaller. I will discuss and agree the membership of the group with the new chairperson when he or she is appointed.

**Deputy Éamon Ó Cuív:** "As soon as possible" is the most meaningless phrase. Is it the Minister's intention to do it all within six weeks? We are not far off the six weeks because it

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was launched some time ago. I asked the Minister two specific questions. Will she adhere to the timescale here? Has this report been brought to the Government and has the Government decided to support this report as the basis for a way forward for Moore Street? Everybody wishes to know whether the Government has bought into the work of the committee the Minister established. I give the Minister full credit for setting up the committee. It acted very responsibly and came forward with constructive consensual agreement. Will the chairperson and the new advisory group be appointed within the six week timeframe, give or take a week? Second, has the Government considered the report and has it agreed its response to it, or when will we get that if it has not considered it? These are two specific questions and not only I but also the people who are concerned about this issue, on every side, want specific answers to them.

**Deputy Heather Humphreys:** I wish to record my thanks to Deputy Ó Cuív, who was instrumental in setting up this consultative group. It has been very successful and the advisory group is the next phase to this. I intend to appoint the group and a chairperson within the next week. I will discuss that further with the Deputy. I consider this to be the next phase. The Government gave me approval to set up the consultative forum in the first place, so this is a continuation of that forum. The group will consider the next phase and the recommendations in the report.

## Other Questions

### Acht na Gaeltachta

44. D'fhiafraigh **Deputy Catherine Connolly** den an Aire Ealaíon, Oidhreacht, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta cad é stádas na bpleananna teanga; agus go háirithe, cé mhéad plean atá críochnaithe agus curtha os comhair an Aire; agus an ndéanfaidh sí ráiteas ina thaobh. [20429/17]

**Deputy Catherine Connolly:** Cad é stádas na bpleananna teanga agus, go háirithe, cé mhéad pleananna atá críochnaithe agus curtha os comhair an Aire agus fréamhaithe aige?

**(Deputy Seán Kyne):** Faoin bpróiseas pleanála teanga mar a leagtar amach é in Acht na Gaeltachta 2012, tá an Ghaeltacht roinnte i 26 Limistéar Pleanála Teanga ar leith. Faoin bpróiseas seo, tá i gceist go n-ullmhófar agus go bhfeidhmeofar plean teanga ar bhonn áitiúil i leith gach ceann de na limistéir seo i gcomhréir le forálacha ábhartha an Achta. Go dtí seo, foilsíodh fógra faoi alt 7(3) d'Acht na Gaeltachta i leith 23 den 26 limistéar ar fad, rud a chiallaíonn go bhfuil céimeanna idir lámha i ngach aon cheann de na limistéir sin chun pleananna teanga a ullmhú. Tá sé i gceist go gcuirfear faoi mo bhráid iad le ceadú chun críche an Achta sula dtosaítear le feidhmiú na bpleananna sin. Ach an oiread le gach plean teanga a cheadófar faoin bpróiseas, beidh ordú i gcomhréir le halt 7(2) den Acht á dhéanamh agam faoina n-aithneofar gach limistéar faoi leith mar limistéar pleanála teanga Gaeltachta, rud a chuirfidh tús go foirmiúil le forfheidhmiú pleananna teanga i leith na limistéar sin.

I gcomhréir leis an tráthchlár oibre atá aontaithe ag mo Roinn le hÚdarás na Gaeltachta, tá i gceist go gcuirfear tús le hullmhú pleananna teanga idir seo agus deireadh na bliana sa trí limistéar Gaeltachta eile a bhfuil an próiseas fós le tosú iontu, eadhon Bearna agus Cnoc na Cathrach: Oirthear Chathair na Gaillimhe agus an tEachréidh.

Le cumasú don obair fhónta seo ar fad, cheadaigh mé allúntas ar fiú €850,000 le gairid, €735,000 dá chuid a bheidh ag dul chuig Údarás na Gaeltachta, leis an bhfuilleach de €115,000 le dul chuig Foras na Gaeilge le haghaidh Líonraí Gaeilge taobh amuigh den Ghaeltacht a fhorbairt. Mar is eol don Teachta, bhí trí chruinniú poiblí i gcathair na Gaillimhe an tseachtain seo caite chun brú ar aghaidh leis an trí limistéar atá fágtha. Chuala mé go raibh thart ar 100 duine ag an gcruinniú do Bhearna agus Cnoc na Cathrach ag Óstán Clybaun ann. Bhí thart ar seasca ag na cruinnithe eile in Óstán Bhaile Chláir na Gaillimhe agus in Óstán Menlo Park.

**Deputy Catherine Connolly:** Glacaim go bhfuil céimeanna idir lámha ag an Roinn agus ag an Aire. Fáiltím roimh an nuacht go bhfuil 23 as an 26 pleananna teanga tosaithe. D'fhreastal mé ar an gcruinniú sin maidir le Cnoc na Cathrach agus Bearna agus bhí slua iontach ann. Tá próiseas ann do phlean teanga agus fógraíonn an tAire Stáit nuair atá an próiseas réidh. D'fhógraíodh sin in 2014 maidir le Cois Fharráige. Tá sé anois 2017. An bhfuil an plean sin réitithe agus fréamhaithe ag an Aire Stáit? I mí an Mheithimh 2014, bhí plean fógraithe ag an iar-Aire Stáite don Cheathrú Rua agus do cheantar na n-oileán, i measc áiteanna eile. Cad mar gheall ar na pleananna sin? Cé mhéad pleananna atá réitithe agus ag feidhmiú faoi láthair as an 26?

**Deputy Seán Kyne:** Níl aon cheann faighte agamsa fós. Tá ceann nó dhó faighte ag Údarás na Gaeltachta faoi láthair. Tá siad ag déanamh athbhreithnithe ar na pleananna sin. Ansin, tá dhá phlean ann do Chois Fharráige agus do Ghaoth Dobhair, Rann na Feirste, Anagaire agus Loch an Iúir. Táimid ag súil go mbeidh ceann os comhair an údaráis i mí an Mheithimh do Chloch Chionnaola, Gort an Choirce, an Fál Carrach agus Machaire Rabhartaigh. I mí Lúnasa, táimid ag súil go mbeidh trí cinn foilsithe agus réidh le dul os comhair an údaráis. Is iad sin Ciarraí thiar, Ciarraí theas agus na Déise. I mí Mheán Fómhair, táimid ag súil go mbeidh pleananna do Árann Mór, Dún na nGall theas, an Cheathrú Rua agus Múscraí réidh le ceadú. I mí Dheireadh Fómhair, táimid ag súil le pleananna do Chonamara láir, Dúiche Sheoigheach agus Tuar Mhic Éadaigh.

**Deputy Catherine Connolly:** Gabhaim buíochas leis an Aire Stáit as ucht an soiléirithe, ach cén fáth go bhfuil moill i gceist le na pleananna teanga? Táimid ag caint faoi Acht 2012. Tá sé anois 2017. Glacaim go n-aontaíonn an tAire Stáit gurb é croílár na straitéise na pleananna teanga a chur chun cinn. Cén fáth go bhfuil moill ann agus cén fáth nach bhfuil plean ann do Bhearna, Cnoc na Cathrach agus áiteanna eile i nGaillimh fós? An féidir leis an Aire Stáit míniú a thabhairt dom maidir leis an moill sin? Mar is eol don Aire Stáit, ceapann daoine nach bhfuil sa Straitéis 20 Bliain ach toirt gan tairbhe de bharr easpa dul chun cinn, easpa acmhainní agus easpa foirne. Ar lámh amháin, glacaim go bhfuil dul chun cinn déanta, ach mo cheist go díreach ná cén fáth an bhfuil agus an raibh moill i gceist le na pleananna teanga tábhachtacha seo?

**Deputy Aindrias Moynihan:** Tá ceist tapaidh agam mar gheall ar an maoiniú a bheadh á chur ar fáil chun na pleananna teanga seo a chur i bhfeidhm. Beidh an-chuid obair á dhéanamh ag na coistí pobail éagsúla go léir. Beidh siad ag tabhairt le chéile spiorad deonach agus spiorad pobail láidir. Mura mbeidh an maoiniú ar fáil chun na pleananna seo a chur i gcrích, buille trom a bheadh ann do na pobail sin. Tá sé tábhachtach go mbeidh an t-airgead ann. Mar sin, an bhfuil an tAire Stáit sásta go bhfuil maoiniú á chur ar leataobh chun na pleananna teanga seo a chur i bhfeidhm, go háirithe níos déanaí sa chóras? Nuair a cuireadh an t-airgead ar fáil i dtosach chun na pleananna a chur le chéile, bhí thart ar €40,000 i gcóir na céad pleananna. Do na pleananna is déanaí, ní raibh ach thart ar €10,000. Bhí laghdú mór ann. Ní theastaíonn uaim a leithéid a fheiceáil do na pleananna teanga atá fós le teacht nuair a bheidh an maoiniú á chur

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ar fáil chun iad a chur i bhfeidhm. Mar sin, an bhfuil an tAire Stáit sásta go bhfuil maoiniú ar fáil chun na pleananna a chur i bhfeidhm?

**Deputy Seán Kyne:** Mar a dúirt mé, bhí €735,000 ceadaithe do Údarás na Gaeltachta i mbliana. Tá €552,942 ceadaithe agam ina leith le caitheamh in 2017. Mar shampla, tá €42,000 ann do Mhúscraí, suas go dtí €50,000 do phlean Dhún na nGall theas agus €73,000 do phlean Chois Fharraige chun na pleananna sin a chur i bhfeidhm. Beidh airgead ar fáil sna blianta amach romhainn freisin. Maidir le ceist an Teachta Connolly faoin mhoill a bhí ann, bhí moill leis na trí phlean i gcathair na Gaillimhe mar nach raibh eagraíocht áitiúil ar fáil. Ní raibh eagraíocht amháin i gCnoc na Cathrach, Bearna nó an tEachréidh nó do iarthar chathair na Gaillimhe. Bhí próiseas ar bun chun eagraíocht a bhunú agus is é sin an fáth go raibh na cruinnithe poiblí i gcathair na Gaillimhe an tseachtain seo caite. Bhí próiseas ar bun i ngach cheantar eile. D'iarr an chuid is mó de na heagraíochtaí ormsa breis ama a thabhairt. Níl na figiúirí agam, agus sílim gur cheadaigh mé breis ama do chuile eagraíocht. Aon dream a bhí ag iarraidh breis ama, cheadaigh mé dó é. Sílim gur cheadaigh mé é do chuile eagraíocht. Bhí siad ag iarraidh breis ama chun an obair agus an réamh-obair a dhéanamh. Is é sin an fáth go raibh moill ann.

### CLÁR Programme

45. **Deputy Tony McLoughlin** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the status of the 2017 CLÁR programme; and if she will make a statement on the matter. [20387/17]

**Acting Chairman (Deputy Bernard J. Durkan):** The Ceann Comhairle has nominated Deputy Joe Carey in the place of Deputy Tony McLoughlin for Question No. 45.

**Deputy Joe Carey:** I wish to ask Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the status of the 2017 CLÁR programme and if she will make a statement on the matter.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Michael Ring):** CLÁR is a targeted investment programme for rural areas providing funding for small infrastructural projects in areas that have experienced significant depopulation. While often modest in nature, these interventions play a very significant role in improving the lives of the people who live in CLÁR areas. I re-opened the CLÁR programme in 2016, following its closure for new applications in 2010, and provided funding for over 650 projects in areas such as safety measures at rural schools and community facilities, the provision of school and community play areas and support for access roads to public amenities.

Building on the success of 2016, I launched the 2017 CLÁR programme on 31 March last, with an allocation of €5 million. Funding is available under four different Measures. Measure 1 will provide support for safety initiatives such as warning signs, road markings and footpaths in the environs of schools and community facilities. Measure 2 will support the enhancement and development of play areas in schools and communities. Measure 3 will support innovative community-based projects that do not qualify for assistance under other public schemes. Measure 4 will provide support to voluntary organisations that provide first response services in rural areas for the replacement or upgrading of equipment or vehicles used for emergency response.

Full details of the 2017 CLÁR scheme are available on the rural development pages of my

Department's website. The closing date for applications under the 2017 CLÁR programme is 5 May 2017. All applications received by the closing date will be assessed by my Department and I expect to be in a position to announce the successful applicants by the end of May.

**Deputy Joe Carey:** The CLÁR programme is the most important scheme for rural Ireland. I welcome that the Minister of State re-opened the scheme last year. It was the first time since 2009 that the scheme was available. Last year County Clare received €284,000 for 27 projects for rural areas that have suffered from significant depopulation. The scheme provides community groups and schools with an opportunity to apply for funding under different headings.

I welcome that the Minister of State has broadened the scheme to include applications from voluntary first responder organisations throughout the country and community-based projects that do not qualify for other streams of funding, and is demonstrating an element of flexibility in the scheme. I encourage all community groups and schools in CLÁR areas to apply for the scheme. I ask the Minister of State to clarify the applications process. When will he be in a position to make an announcement as regards successful applicants?

**Deputy Michael Ring:** The Deputy is quite correct. The scheme is very successful. I will return to Government, and I know the Deputy and all of my colleagues will support me, seeking further funding for the CLÁR programme.

The measure pertaining to schools has proven to be very successful. There were three rounds of funding under the sports capital programme. The scheme has worked very well in terms of safety measures for children outside schools. It has also worked well with the local authorities and has been one of our successes.

The Deputy is quite correct in that this round of applications includes a new initiative in order to include organisations or groups which had not received funding under any other State scheme. If five, six, seven, eight, ten or 15 applications are submitted for the same type of project, that is something we can consider for the next round of the CLÁR programme.

Despite a small amount of money being involved, areas that are in need of support and help can be targeted. The funding this year totals €5 million and the applications process will close on Friday. I hope to be able to announce the successful applicants at the end of the month. I hope if further funding is provided at the end of the year there could perhaps be a second round to address other applications.

**Deputy Niamh Smyth:** I welcome the CLÁR programme and it is an opportunity for the Government to demonstrate its commitment to rural Ireland. Through the programme projects that might not ordinarily get funding have received it. Schools are very tight for funding and a lot of good work has been done in terms of safety and traffic calming measures, playgrounds and other things that are the hub of community living in rural Ireland.

The announcement of CLÁR funding always involves tight deadlines and I understand the lead-in time is fairly short with the closing date for applications being 5 May. Funding is dependent on Government finances and so on, but I ask for a longer lead-in time in order to give local authorities and community groups, in particular, an opportunity to carry out good preparatory work. I ask the Minister of State to continue his commitment to CLÁR funding and investment in such schemes.

**Deputy Michael Ring:** What happened with the CLÁR programme also happened with

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the dispersed capital programme. No matter how long organisations are given to apply for a scheme, applications are submitted at the last minute. In the case of the sports capital programme, at 4.55 p.m. on the very last day of applications for the programme the system broke down because everyone left it until the last minute even though there had not been a scheme for many years.

Due to Easter and other issues, we extended the application deadline for another week in order to give local authorities until the end of the week to apply. I do not want to consider applications for too long. I want funding to be allocated and targeted at groups which need it. Local authorities have complained that the allocation of the money comes too late. That is why applications will close on Friday. At the end of this month I intend to allocate the money so that local authorities and other groups have plenty of time to spend the money before the end of the year.

*Question No. 46 replied to with Written Answers.*

*Question No. 46 withdrawn.*

### **Action Plan for Rural Development Implementation**

47. **Deputy Peter Burke** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the status of the actions that have been progressed by her Department under the Action Plan for Rural Development; and if she will make a statement on the matter. [20343/17]

**Deputy Peter Burke:** I wish to ask the Minister for the Arts, Heritage, Regional, Rural and Gaeltacht Affairs to outline the status of the actions that have been progressed by her Department under the Action Plan for Rural Development and if she will make a statement on the matter. I was very grateful that the plan was launched in Ballymahon in my constituency, Longford-Westmeath. To have the Taoiseach, the Minister, Deputy Humphreys, and the Minister of State, Deputy Kyne, there was a significant display of confidence in rural Ireland.

**Deputy Heather Humphreys:** Realising our Rural Potential, the Government's Action Plan for Rural Development, was launched in January this year. The plan contains over 270 actions to be delivered by a range of Government Departments, State agencies and other bodies over the next three years to support the economic and social development of rural Ireland.

My Department is leading on more than 60 of the actions in the plan. These actions will be implemented on a phased basis over the timeline of the plan, with timeframes for delivery set out in the document itself. Progress reports on my Department's actions, and all other actions in the plan, will be published on a six-monthly basis, with the first report due to be published around July. I can, however, report that since the launch of the action plan my Department has made significant progress on a range of actions.

In February, I announced details of more than €9 million in capital funding for 56 arts and culture centres across the country. Over 80% of this investment will be in centres in rural areas. In the past number of weeks I, along with Minister of State, Deputy Ring, have launched the town and village renewal scheme and the CLÁR programme. Both schemes are now open for applications, primarily through the local authorities. The Minister, Deputy Denis Naughten, and I have established and co-chair an implementation group on broadband connectivity

to drive the delivery of the actions in the report of the mobile phone and broadband task force which was published last December. Progress reports from the implementation group will be published on a quarterly basis, with the first report due shortly. My Department continues to work closely with local authorities on an ongoing basis to ensure there are no local barriers to broadband deployment and to identify priority areas for roll-out. Other actions which have been significantly progressed include the announcement by the Minister of State, Deputy Michael Ring, of €500,000 in capital investment to boost the tourism potential of Ireland's national parks, the successful staging across the country of Cruinniú na Casca events on Easter Monday and the establishment of a new task force, chaired by the Minister of State, to progress the concept of an Atlantic economic corridor.

**Deputy Peter Burke:** I welcome the Minister's reply and the effort the Department is making to invest money in rural Ireland. It is important that we have an action plan and that it be reviewed. That has been very successful in the Department of Jobs, Enterprise and Innovation and the Department of Education and Skills. It is a very strong template with which to move forward and I commend the Minister for taking the initiative. It is very welcome in terms of the investment by the Government in rural Ireland. However, there are a few areas of concern. While it is welcome that 300,000 houses nationally are now coming under the commercial initiative for broadband, which is a house a minute for the next 90 days and a huge investment in rural Ireland, there are issues in rural parts of my constituency which are not covered by the commercial operators and which depend on the national broadband intervention scheme. There are parts of south Longford, including Legan and Ardagh which I visited with Councillor Paul Ross, where major businesses such as Billy Moran & Sons which are within fractional distance of major broadband areas cannot be connected. They cannot even run credit card machines in their businesses. It is important that we get the plan to intervene for these key areas.

**Deputy Heather Humphreys:** The Minister, Deputy Denis Naughten, is rolling out the national broadband plan which is in the procurement process. It will address areas where commercial operators will not provide a service. It was welcome news that Eir was to provide high-speed broadband for 300,000 more homes. It is most important to have a monitoring committee because the action plan for rural development is a cross-government plan. Every Department has included actions in the plan and it is important that they all be monitored in order that when someone commits to something, he or she will do it. That is the purpose of the monitoring committee. Various measures in the plan are being progressed every week. The Minister of State, Deputy Michael Ring, launched the rural recreation programme on Friday and, as he said in the House, he wants a quick turnaround on it, as well as on CLÁR applications. I will shortly announce the opening of applications in stream 3 of the arts and culture capital scheme, in which Deputy Peter Burke has a great interest. We had a very successful launch in Moate a couple of weeks ago of the new €20 million town and village renewal scheme. I was delighted that the Deputy was able to attend on the day. Moate Action Group is doing great work locally to enhance the town and local community. We want to support such groups through the wide range of funding streams available.

**Deputy Peter Burke:** I thank the Minister for being ambitious. It is very important that these targets be reviewed. If one looks at the headline figures, there is an ambition to create 135,000 new jobs by 2020. The Minister is right to be ambitious and ensure the target is monitored. It is very important for a constituency such as Longford-Westmeath to increase the number of overseas visitors. The ambition in the plan to increase it by 12% is also very worthwhile. Some 600 villages across rural Ireland will benefit from funding through the Department. It is

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very important to note, looking at the schemes to which the Minister referred, that 80% of the arts and culture budget is going to rural Ireland, while the CLÁR and town and village renewal schemes are key programmes under which people will be able to see tangible projects delivered in rural Ireland by the Government. It is important to continue that programme of investment. I have no doubt that if the Minister of State, Deputy Michael Ring, replicates his successful delivery of the sports capital programme, the CLÁR programme will be a huge success.

**Deputy Joan Burton:** Is the Minister aware of the statements made by the new CEO of An Post that hundreds of post offices are likely to close? I understood the retention of the post office system was an integral part of the development and maintenance of services in rural Ireland. There was a slight dust up between my good friend the Minister of State, Deputy Michael Ring, and the Minister, Deputy Denis Naughten, about who was responsible. As the senior Minister, has Deputy Heather Humphreys clarified the position? I worked very hard in the Department of Social Protection to ensure it maintained services and used the post office network. I now see that even the collection of the television licence fee is out for tender. This is really important to people as I find when I go to small towns and villages. The last Government succeeded in preventing the closure of almost all post offices, but it now seems that hundreds of them are to close.

**Deputy Heather Humphreys:** A lot of work has been done in my Department by the Minister of State, Deputy Michael Ring, on post offices. A post office working group was established and we worked with stakeholders to identify opportunities to increase services in post offices, which is what we want to see. We want a post office service which is sustainable and will be used in towns and villages across the country. We are living in changed times. There is an IT revolution and everything is being done through phones or electronically. Of course, post offices face challenges. It is very important that local communities use their local post offices, but it is also important that post offices provide the services community members need and will use. To that end, the Minister of State has developed a pilot project which we are shortly to roll out. We have provided funding for the project within the Department.

### **Broadband Service Provision**

48. **Deputy James Lawless** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the way many local authorities have appointed dedicated broadband roll-out co-ordinators as required by her Department's task force on broadband installation; the details of the relevant officers for each local authority, with contact details in each case; and if she will make a statement on the matter. [13684/17]

**Deputy James Lawless:** My question relates to the announcement prior to Christmas by the Minister's Department and that of the Minister, Deputy Denis Naughten, of a range of measures, including a broadband and mobile phone task force. One of the measures was the appointment of dedicated personnel in each local authority to assist in the roll-out of the mobile and broadband task force. I ask for an update and a list of the personnel identified in each local authority in order that we might begin to contact them.

**Deputy Heather Humphreys:** The mobile phone and broadband task force identified the importance of each local authority assigning an officer with responsibility for broadband and mobile services in its respective administrative area to liaise with operators on coverage and the roll-out of telecommunications infrastructure. My Department has provided funding for each

local authority to support the appointment of an officer with these responsibilities. To date, 29 of the 31 local authorities have appointed a broadband officer. The remaining two local authorities are recruiting and expected to appoint a broadband officer shortly. The manner in which broadband officers are recruited and appointed is a matter for each local authority. Telecommunications providers have widely welcomed the assignment of a single point of contact in every local authority to deal with telecoms infrastructure issues. I have a list of the relevant broadband officers and contact details which I can provide for the Deputy.

The appointment of broadband officers is just one of 40 actions contained in the report of the mobile phone and broadband task force. The Minister, Deputy Naughten, and I have established an implementation group, which we co-chair, to drive the delivery of the actions in the report. Progress reports from the implementation group will be published on a quarterly basis, and the first report is due shortly.

**Deputy James Lawless:** I am curious as to which of the two are as láthair if 29 of the 31 are in place. Which two local authorities do not have them? This is of interest. The Minister mentioned that she has the list and I would be obliged if she would furnish it to me. I am particularly interested in the names, contact details and the local authority in each case. I welcome the fact that 29 have been appointed. Perhaps the Minister will forward the list to me after the debate. I am sure colleagues on all sides would avail of it also.

I agree that this step is needed. We have identified that much of the difficulty in broadband roll-out has been the lack of consistency across local authority areas. County council A is looking for development levies and implementing development plans in a particular way, county council B is doing it another way and county council C is doing it a different way. All of these counties intersect at a particular junction, so a broadband operator or mobile phone operator is trying to put in masts and telecoms infrastructure with three different codes pertaining to just one small area. We all know where county boundaries and constituencies intertwine it is very difficult. It is very much needed and I welcome the progress. I would like to get a copy of the list afterwards. Perhaps the Minister will clarify which two are not in place just yet.

**Deputy Heather Humphreys:** I have provided funding to all local authorities to co-finance an officer with responsibility for broadband in each local authority area. Twenty-nine of the 31 local authorities have appointed broadband officers. We understand that the remaining two are South Dublin County Council and Wicklow County Council, and they are in the process of appointing officers. The broadband officers work closely with the Department on an ongoing basis to identify and address barriers to the national broadband plan roll-out. Progress reports on the implementation of actions in the task force report will be published on a quarterly basis, and the first quarterly report is due to be submitted to the Cabinet committee on regional and rural affairs on 9 May.

We all realise how critical broadband is to rural communities. The Minister, Deputy Naughten, has responsibility for the procurement process. It is complex. I want to ensure that when the contract is signed, there will be no barriers at local level which would delay the roll-out. Sometimes, as the Deputy said, in local authorities there are different sections which could be working in isolation. I want them to work together. I also want the broadband officers to work together. There are two regional groups. The broadband officers meet regularly and this is facilitated by the Department. It is an opportunity for them to discuss various issues and do so in a way that has uniformity.

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**Deputy James Lawless:** I thank the Minister for the clarification. I appreciate that the Department has funded the 31 officers. The real point of appointing these people is so they can begin to address the idiosyncrasies and inconsistencies in local authorities and work with the operators. It makes a lot of sense. Since they are in place, what progress have we made on the waivers that were to be introduced in respect of development contributions and planning applications? What progress have we made on consistency in development plans? Where do we stand with the online system for planning applications for broadband infrastructure, which was to be introduced as part of the task force once the local authority personnel were in place? What progress has been made on all of the other associated actions the local authority personnel were due to manage at local authority level once they were in place?

I note the task force mentioned a 90-day reporting schedule to the Cabinet, whereby every 90 days the task force will report on its actions. According to my calculations it was established before Christmas and we are 90 days beyond that, if not more. I presume it has already reported once to Cabinet. The Minister might update us on what it said and when it is due to report again.

**Deputy Heather Humphreys:** The mobile broadband task force has outlined a number of issues which need to be addressed at local level, and we have raised these matters regarding levies and planning fees with the local authorities. We are trying to achieve uniformity throughout the country because some counties were doing things differently. We have been able to work with local authorities. The job of the broadband officers will be to work with the various sections in the councils, whether planning, roads, IT or water, to ensure any potential barriers are identified and issues are resolved so that when the national broadband plan is being rolled out there will be no delays. They will also work with local communities, giving them information, providing them with various opportunities to use broadband in hubs and teaching them about the benefits of broadband. There is no point in having broadband if people do not use it. This is also very important, particularly in terms of creating awareness in communities and in the context of businesses which may not have an online presence. They will work with them also.

We have received a report and it will report. We report at the Cabinet subcommittee regularly on the progress being made.

### **Scéim Athnuachana na mBailte agus na Sráidbhailte**

49. D'fhiafraigh **Deputy Catherine Connolly** den an Aire Ealaíon, Oidhreacht, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta an bhfuair aon bhaile, atá suite i gcroílár Ghaeltacht Chonamara agus atá chomh tábhachtach sin d'inmharthanacht na Gaeltachta, aon chabhair faoin Scéim Athnuachana Bailte agus Sráidbhailte; agus má fuair, an gcuirfidh sí an bhliain inar tugadh an chabhair agus sonraí na cabhrach sin in iúl; agus an ndéanfaidh sí ráiteas ina thaobh. [20432/17]

**Deputy Catherine Connolly:** An bhfuair aon bhaile atá suite i gcroílár Ghaeltacht Chonamara, agus atá chomh tábhachtach sin d'inmharthanacht na Gaeltachta, aon chabhair faoin scéim athnuachana bailte agus sráidbhailte? Má bhfuair, an gcuirfidh an tAire an bhliain inar tugadh an chabhair agus sonraí na cabhrach sin in iúl don Teach?

**Deputy Seán Kyne:** Gabhaim mo bhuíochas leis an Teachta as ucht na ceiste sin. Tá mé ag tógáil an cheist seo thar ceann an Aire shinsearaigh. Seoladh an chéad scéim athnuachana bailte

agus sráidbhailte i mí Iúil 2016, le maoiniú de €10 milliún, chun tacú le hathnuachan bailte agus sráidbhailte tuaithe ar fud na hÉireann. Rinneadh an scéim a reáchtáil trí na h-údaráis áitiúla agus tugadh cuireadh do gach contae suas le hocht dtogra a sheoladh isteach lena mbreithniú i gcomhair maoinithe.

Rinne Comhairle Chontae na Gaillimhe iarratas ar mhaoiniú do ocht mbaile. Bhí ceann amháin acu - Ros Muc - i nGaeltacht Chonamara. Ceadaíodh maoiniú de €42,000 do Ros Muc chun cosán a chríochnú ar thaobh an R340 ó ionad nua léirmhínithe an Phiarsaigh go tailte an Chumainn Lúthchleas Gael atá á n-úsáid mar charrchlós farasbairr don ionad.

Ar an 13 Aibreán i mbliana, seoladh scéim fheabhsaithe athnuachana bailte agus sráidbhailte do 2017 mar chuid den phlean gníomhaíochta um fhorbairt tuaithe. Faoin scéim seo déanfar €20 milliún a infheistiú i mbailte agus sráidbhailte ar fud cheantar tuaithe na hÉireann sna 15 mhí amach romhainn.

Beidh scéim 2017 á riar trí na h-údaráis áitiúla i ndlúthchomhar le leasa pobail agus gnó agus bheinn ag súil go mbainfeadh suas le 300 baile agus sráidbhaile tairbhe ón mhaoiniú. Tá an scéim seo dírithe go sonrach ar bhailte agus sráidbhailte faoin tuath a bhfuil daonra níos lú ná 10,000 iontu.

Cuirfear fáilte faoi leith roimh thionscadail a bhfuil tionchair dhearfacha eacnamaíochta ar an mbaile nó sráidbhaile ag baint leo nó lena spreagfar gníomhaíocht eacnamaíoch idir baile nó sráidbhaile agus na bailte fearainn in aice láimhe mar an gcéanna le tionscadail a léiríonn gearáil nó naisc le scéimeanna eile arna n-oibriú ag Ranna nó gníomhaireachtaí Rialtais.

Tá sonraí uile an phróisis iarratais seolta chuig na h-údaráis áitiúla agus is é an 30 Meitheamh 2017 an spriocdháta le haghaidh iarratas.

**Deputy Catherine Connolly:** Ros Muc an t-aon áit i gConamara a bhfuair cabhair an bhliain seo caite - an chéad bhliain den scéim seo. An bhfuil treoirlínte nó rialacháin i gceist don chóras áitiúil maidir le bailte i gcoílár na Gaeltachta? Céan chaoi ar tharla sé nach raibh i gceist i gConamara ach baile beag amháin? Cad mar gheall ar an Cheathrú Rua, Carna agus an Spidéal? An raibh iarratais ó na bailte sin? An bhfuil treoirlínte ann ó thaobh cothromaíochta de agus ó thaobh na teanga de? Tá a fhios ag an Aire Stáit go bhfuil ceist na teanga agus fostaíochta fite fuaite ina chéile sa Ghaeltacht. Ba mhaith liom soiléiriú a fháil air sin.

**Deputy Seán Kyne:** Tá an chomhairle contae lárnach sa phróiseas seo agus an chéad rud a theastaíonn ná iarratas ón bpobal tríd an gcomhairle contae. Tá a fhios agam go bhfuair a lán ceantar eile - Carna, Cill Chiaráin agus an Mám ina measc - airgead tríd an scéim CLÁR.

Bhí cuid dóibh cosúil lena chéile ó thaobh na rudaí go bhféadfaí a dhéanamh tríd an scéim CLÁR agus an scéim seo. An chéad rud a theastaíonn ná iarratas ón bpobal tríd an gcomhairle contae. Más rud é go bhfuil aon smaointe ag an Teachta maidir le rudaí a theastaíonn in aon bhaile sa cheantar Gaeltachta, beidh an Teachta in ann é sin a chur os comhair an chomhairle contae chun iarratas a chur isteach.

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## Cultural Policy

50. **Deputy Joan Burton** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs her plans to develop a national cultural strategy up to 2025. [19861/17]

**Deputy Joan Burton:** I want to ask the Minister if she would agree that the prospering of the arts and the arts community in Ireland will be vital in the context of the challenges posed to the whole country and island as a consequence of Brexit. What proposals does the Minister have to, for instance, support artists who in many cases earn less than 70% of the average wage? Does she foresee artists having a minimum wage or living wage? We talked about this previously. Where does that fit into the strategy?

**Deputy Heather Humphreys:** I understood that the Deputy wanted to speak about the national cultural strategy.

**Deputy Joan Burton:** Absolutely.

**Deputy Heather Humphreys:** Last July, I published-----

**Deputy Joan Burton:** Sorry-----

**Deputy Heather Humphreys:** -----the draft framework policy, Culture 2025 – Éire Ildánach, which was submitted to the Oireachtas Joint Committee on Arts, Heritage, Regional, Rural and Gaeltacht Affairs for input. I understand that the committee is currently preparing a report on the draft framework policy which I will consider when received. I have also received submissions from various organisations on the draft document. Following receipt of the report from the committee, it is my intention to finalise the policy. In the meantime, I believe that it is important to continue momentum of delivery of the priorities set out in the framework policy and to build on the positive legacy of the Ireland 2016 centenary programme.

To that effect, on 8 December, the Taoiseach and I launched the Creative Ireland programme, Clár Éire Ildánach, as the Government's legacy programme arising out of the Ireland 2016 centenary programme and as the main implementation vehicle for the priorities identified in Culture 2025. The Creative Ireland programme is a high-level, high-ambition, all-of-Government initiative to bring creativity in the life of the nation into the mainstream. My Department is now working to implement the Creative Ireland programme with partners across Government and other key stakeholders. This includes an ambitious year 1 programme to deliver ten initiatives by the end of 2017. Details of the programme can be found on *creative.ireland.ie*.

**Deputy Joan Burton:** The Minister refers to the document and previous initiatives being based on the very successful 2016 programme. The Minister will recall that I was a very strong supporter, as Tánaiste, of investment into the rebuilding of the national cultural institutions. I argued strongly that the capital initiative for funding which existed in the years running up to 2016 - and saw the restoration of part of the National Gallery, for example, and other very good initiatives - should continue. I was very disappointed, notwithstanding the increase that the Minister was able to grant to a number of bodies, including the Arts Council that she referenced earlier, that that programme for capital funding of our arts at national, regional and local level has been dropped. The endowment for the arts in Ireland, in the broadest sense of the word, has fallen dramatically this year, as the Minister knows from the comparison of the capital and current figures. I want to know if the Minister intends to restore that in full in this cultural framework, hopefully starting with this budget.

**Deputy Heather Humphreys:** I acknowledge the Deputy's contribution when she was Tánaiste prior to 2016. Capital investment continues in our cultural institutions. Some €10 million is committed to the National Library. That is the first phase. Some €8 million is committed to the National Archives. I recently announced the €9 million arts capital scheme for across the country. That was very successful with regard to many art centres-----

**Deputy Joan Burton:** That was all done by the last Government.

**Deputy Heather Humphreys:** No, that was not. Having said all that, one of the five pillars of the Creative Ireland programme is to invest in our cultural infrastructure. We are sitting down with all the cultural institutions and asking them to come forward with their capital plans for the next number of years and what they want to do. I am delighted that the two new wings of the National Gallery are almost complete. They are a wonderful addition to the gallery and will be open shortly. We are sitting down and working with all of the national institutions. I agree that we need to invest in our cultural institutions. It is most important. I also want to see us investing in our arts and cultural centres across the country as well.

### **Rural Recreation Policy**

51. **Deputy Peter Burke** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when the rural recreation programme will open for applications; and if she will make a statement on the matter. [20344/17]

**Deputy Peter Burke:** My question is to ask the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when the rural recreation programme will open for applications; and if she will make a statement on the matter.

**Deputy Michael Ring:** I am pleased to be able to inform the House that I have launched the 2017 outdoor recreation infrastructure scheme, with funding of €11 million to be allocated to projects across rural Ireland. The outdoor recreation infrastructure scheme will support the development of new outdoor recreational infrastructure and the maintenance, enhancement or promotion of existing infrastructure in rural areas. The scheme forms part of the Government's action plan for rural development and reinforces the Government's commitment to supporting rural Ireland. Funding will be available for a range of initiatives, from small-scale local projects to large-scale strategic projects. Full details of the scheme will be issued to all local authorities in the coming days.

The facilities and amenities funded through this scheme will create better experiences for visitors to rural areas, enhance the tourism offering and support economic development in rural areas. Improved recreational facilities will also enhance the quality of life for people who live in or close to the supported areas. Successful applications will be announced by the end of June and projects will be expected to commence shortly thereafter.

**Deputy Peter Burke:** I welcome the announcement by the Minister of State. This is another prime example of the Government investing in rural Ireland. That has to be welcomed. I note, in the action plan for rural development, in excess of €50 million over the lifetime of the plan is to be invested in sports, recreational and cultural facilities. I know we have a greenway in my own constituency which got huge funding. This investment makes rural Ireland more sustainable. There are a number of projects off that greenway which breathe life into towns and

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villages along it. There are also projects in County Longford that, in the previous allocation for the rural recreational programme, got funding and have provided a huge benefit to make rural Ireland more sustainable. That is the path that we need to continue. We need to ensure that the funding gets to those key projects that will make rural Ireland more sustainable.

**Deputy Michael Ring:** The Deputy is quite correct about the infrastructure that can be put in place for walks and trails and particular blueways. We work with Coillte and many other State agencies which provide services for walks and greenways. I am delighted that we have increased the funding again this year. The Deputy is quite correct that we have too many knockers of rural Ireland. There are many schemes going on and development taking place, and I have to say that many of these schemes are doing an excellent job, particularly in rural Ireland, to get people back to work. This walk scheme in particular has worked well, and there are many people involved in tourism. There are full-time jobs, people working hard and glad to be in the tourism sector. I am delighted that this scheme is up and running again, and what we want now is for the local authorities to get applications in, and we as a Department will make the decisions. We want to get the money rolled out as quickly as possible.

*Written Answers are published on the Oireachtas website.*

## Topical Issue Debate

### Nursing Home Beds Data

**Deputy Anne Rabbitte:** I would like to share my time with Deputy Fitzmaurice.

**Acting Chairman (Deputy Catherine Connolly):** I need the agreement of the House for that. There is no objection. Each Deputy has two minutes.

**Deputy Anne Rabbitte:** My question is about convalescent beds and the policy regarding University Hospital Galway and discharge. Prior to the Easter recess a letter had regrettably been sent out to nursing home providers seeking tenders for convalescent beds. This came as a shock because the letter stated that the beds had to be within a 30 km radius of University Hospital Galway. Galway is broad and diverse and not all of the nursing homes fell inside that particular commuter belt. Fair deal and convalescent care was all about the patient having choice. We have a great selection of both private and public nursing homes right throughout the county, but a good number of them are outside the 30 km belt. They feel disenfranchised by this letter, and that the patient choice was being eroded. The private providers had nursing homes built in the community. They had invested in the community and created jobs, as well as creating a choice for the patient to convalesce with their own families. That is what the families had wanted.

I need to know what the HSE policy is. I know a letter had issued in 2012 on this topic, and the letter that came out in March 2017 was quite a shock to people. They need to know where the HSE is going with this sort of policy. I know it has been withdrawn since, but in actual fact it is a comfort withdrawal. We need to know what the policy is. Are letters like this only issued in Galway or was it right across the country?

**Deputy Michael Fitzmaurice:** The facts are that in County Galway and other counties,

people who wanted to go to a nursing home close to their family or that their family would be able to visit were not given the option for convalescent beds. None of us are saying that people should be paying two prices in one and one price on the other. If the Department was using a bit of common sense it would say that people could go wherever is nearest to them, providing that they are in line with the other nursing homes in the county. There is a workable solution. It looks very unfair when a tender document says that a nursing home might be 31 km from University Hospital Galway and be excluded because it was not built inside this alleged zone.

The HSE has to think of families or elderly people who might have an elderly partner at home that might not have a way of travelling to these places. County Galway is the second biggest county in Ireland. There are other counties affected, it is not just confined to County Galway. The HSE needs to use some common sense. This is not a money saving exercise. If one is in and around Galway city a nursing home will probably be more expensive than out in the rural parts of County Galway. These people want the opportunity. Some elderly people are very aggrieved about this. Every Deputy gets phone calls, and constituents will say that they are not being allowed to go to a particular nursing home near their family and their families will not be able to visit.

We should have a bit of consideration and a bit of common sense. There are people in the HSE who go off on tangents of their own and decide to do things without telling the Minister, but at times the reins must be pulled in. We should think of these elderly people who are trying to the best they can. They are not being awkward. What they want is a fair and level playing field, as do the nursing home providers.

**Minister of State at the Department of Health (Deputy Helen McEntee):** I thank both Deputies for raising this issue. It is important to say at the outset that the overarching policy of the Government is to support older people to live in dignity and independence in their own homes, and most importantly within their own communities, for as long as possible. This is clearly what older people want and only those in genuine need of residential care should go down that route where it is appropriate. Short-term beds, including convalescent, respite and rehabilitation beds, contribute to the provision of an integrated model of care for older people, enabling them to return home following a period of hospital care or postponing admission to long-stay residential care.

The management of resources and service planning is a matter for the HSE in the first instance. Over the past number of years different arrangements have been in place across the country in relation to the provision of convalescent care. Galway University Hospital has operated its own process in this respect for a number of years. In 2014, as part of the local community support to the hospital and in consultation with both the HSE's special delivery unit and national services for older people, designated short-stay services to support acute discharges were developed. Between 2014 and 2015, a total of 25 HSE short stay beds were put in place in addition to the 28 step-down beds that are provided in Clifden District Hospital. However, there remained an insufficient geographical cover, particularly for the population of north and west Galway, and a decision was taken, through the local services, to address this issue. Six private beds were commissioned at a cost of €700 per week. Only two nursing homes were prepared to provide three beds at this rate. In late 2016, the HSE decided to formally tender for these beds. Around the same time, at national level, the HSE was provided with additional funding under the winter initiative for 2016-17 to extend transitional care funding services to all acute hospitals. Some €6 million in additional funding was allocated for that. Transitional care beds support patients who have been deemed fit for discharge but may be awaiting a spe-

cific bed in a long-term care facility or some degree of convalescence prior to returning home.

As a result of the extension of this national system which would cater for patients' needs in the area it was decided not to proceed with the local tender in Galway. Patients who require convalescence or who are awaiting funding under the nursing home support scheme can access the national transitional care fund I mentioned earlier when leaving hospital services. While every effort is made to accommodate the patient's choice they can only be placed where there are vacancies and where the nursing homes can cater for their needs and agree to their admission. The local arrangements in County Galway will expire when all six patients have vacated those beds in question and, as I have outlined, transitional care funding is now available to all acute hospitals nationally on request.

The HSE has no further plans to tender for this service, and instead the policy is to continue to provide beds under the national system that is currently operating. The aim of the Government is for people to stay in their own homes, in their own communities, and to retain their independence for as long as possible. Home care services are critical in this regard, and I remind Deputies that a public consultation will be launching this month concerning the development of the home care scheme, which will provide older people with certainty, but most importantly choice.

**Deputy Anne Rabbitte:** I thank the Minister of State for her response. I take it that from the end of these six beds that there is going to be no tendering process whatsoever for it.

Choice has to be left with the patient. Do they now have to access the funds to get their convalescent care? Has that been tendered by the HSE? Have the HSE hired a new recruitment group for carrying out that tendering process for the beds, or how is that supported? How can patients access those funds?

The whole idea about convalescent care I assume is because they need 24 hour care or assistance and that there are no home care packages available to step patients down and so they have to use home care facilities. If one was to look at 168 hours required for 24-7 convalescent care in nursing homes it works out as €3.25 per hour for the Government, as opposed to €18 to €25 it would cost in a home care package.

**Deputy Michael Fitzmaurice:** The Minister of State said that the HSE has its own autonomy in doing this. Can the Minister of State clarify whether we have passed the stage when a Minister can say, "This is what we need to do and this is the way we are going to do it"? Many Ministers would not do some of the things we have seen done so is there a cohort in the HSE who go off on tangents of their own, only for it to come back to the Minister when it backfires? As Deputies, we also get it day in, day out. Who makes the calls on these things? Is it someone in an office who decides, while the Minister is left carrying the baby?

**Deputy Helen McEntee:** The needs of patients in Galway will continue to be catered for. At the time there was a gap and local services figured out a way to fill it, whether it was the right way or not. In the current system, one can apply and, if it is approved, funding will be received from a national pot. The problem with the previous tendering process was that there were two nursing homes and other homes were excluded, which was not a fair system. It is now much fairer and people can apply for the nursing home closest to them and which suits their needs and if there is availability, the funding is available to everybody. Galway is one of the biggest users of transitional care in the country and is very well catered for. The decision has been taken to

provide a national system and a pot of funding for which people can apply. Services have used their initiative and thought outside the box and nobody would disagree that they should do that but we now need to implement things in a much fairer way. It will take time and things are not perfect but, as time progresses, a much fairer system will be in place.

### **Respite Care Services Provision**

**Deputy Pat Deering:** I thank the Ceann Comhairle for selecting this important issue. I will give the Minister of State a two-year history of the situation. Respite facilities were discontinued for children with disabilities in November 2015. The facilities had been in place for a number of years and, to compound matters, the facilities in Kilkenny closed at around the same time leaving two counties, Carlow and Kilkenny, with no overnight respite facilities for children with profound intellectual disabilities. A structure was put in place to alleviate the problem and much progress seemed to have been made, with everybody pulling together, until last week when a meeting took place between parents and HSE representatives, who informed those at the meeting that the whole thing had fallen apart. In frustration and anger, I put forward this matter today to try to learn why this had come to pass.

On 1 November last, the Minister of State at the Department of Health, Deputy Finian McGrath, for whom I have the utmost respect, said a venue for respite services had now been delivered and agreed for Carlow, that the respite tendering document was currently being reviewed by the HSE procurement department and it was expected that the tendering process would be advertised in due course at [www.etenders.gov.ie](http://www.etenders.gov.ie). He said it was anticipated that the proposals would provide respite services for Carlow and Kilkenny initially in tandem with an alternative proposal being assessed for Kilkenny to provide overnight respite services. On 22 February 2017, this point was reinforced by the Minister, who said the process had been put in place, a service provider had been agreed on and it was hoped overnight respite services would be up and running again in July 2017.

Why did the HSE lead parents, and those involved, up the garden path as regards the services which were to be made available? If they were not going to be available from day one, why were people not told that? My understanding is that the HSE was in negotiation with Respond!, the voluntary housing association. Housing was not made available because Respond! was initially given finance for housing for adults, and not for children with disabilities. This is mindboggling. When did the HSE or Minister become aware of this legal difficulty? What will happen now that the service is not available?

There is good news at the end of the story because the HSE has now decided that funding, which was not available six months ago, will be available to build a new structure. Where has the money come from in the past six months to build the purpose-built facility that was part of the initial proposal? Everybody wanted a purpose-built facility and a site was located, but no money was available six months ago. It is available now but it will take two years to build the facility. What services are going to be provided in the next two years for the children who badly need the facilities? There are more questions to be answered. Officials in the HSE have misled successive Ministers on this issue and I would like answers.

**Deputy Helen McEntee:** I thank Deputy Pat Deering for raising this matter. My colleague, the Minister of State at the Department of Health, Deputy Finian McGrath, is very much aware of the importance of respite service provision for the families of children with disabilities, as

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I am. I also acknowledge the impact that the absence of respite service provision can have on families. Respite services for the parents of children in Carlow were previously provided by Holy Angels in Tír na nÓg. In December 2015, the Holy Angels day care centre advised HIQA and the HSE of the decision of the board of management to close Tír na nÓg from January 2016. In March 2016, an alternative day respite provision was set up in partnership with the HSE and Holy Angels. It was agreed that the alternative arrangement would continue to be provided by Holy Angels in the Delta centre for an interim period.

I am informed that it has been challenging to source appropriate premises to include provision for overnight respite purposes which would be both compliant with HIQA standards and suitable for children. On 28 September 2016, the HSE met with representatives from an external voluntary agency to consider a proposal to use one of their premises in the Carlow-Kilkenny area, to which the Deputy referred. It was at all times understood that the external service provider owned the house in question and it was agreed that the HSE could proceed to utilise the premises for the delivery of respite services therein until such time as a permanent respite house could be provided. In preparing to implement the agreement, the HSE sought information from the agency with regard to the property in question. During this process, it became apparent that the agency did not own the premises in question and the HSE was unable to implement the agreement to use the premises for respite.

It is the intention of the HSE to continue to seek a suitable premises for the provision of respite services. The long-term intention of the HSE is to develop a new purpose-built respite service for Carlow-Kilkenny. I will pass on to the Minister of State the Deputy's question about where the funding has come from but funding has been identified to progress the development of this facility so that a stand-alone respite house can be purpose built. The HSE is engaging architects to finalise a design to build a purpose-built respite house in conjunction with Enable Ireland. This project will take approximately two years to complete but will provide a sustainable, permanent respite facility.

Separately, the respite tender process was completed in January 2017 and all parties notified of the outcome. Enable Ireland is the successful provider and the families of children in the Carlow-Kilkenny area have been informed. Consent will be sought from all families to commence a process of transferring client information to the new provider, Enable Ireland. Enable Ireland will identify a suitable location for respite services and will seek HIQA registration. The HSE, in conjunction with Enable Ireland, is working towards providing overnight centre-based respite services as soon as suitable premises can be identified. In the interim, the HSE continues to work in close collaboration with Enable Ireland to develop alternative models of overnight respite, such as holiday breaks and in-home respite.

The HSE will continue to engage and meet regularly with parents in Carlow and Kilkenny and, as the Deputy said, they met most recently on 26 April 2017 in both counties in regard to the provision of respite services. I will take many of the Deputy's comments on board and will bring them back to the Minister.

**Deputy Pat Deering:** I thank the Minister of State for the response. This has led to a very frustrating situation in Carlow and there are many more questions left unanswered. While the Minister of State outlined the background, there is no new information in that regard. The good news is that a new house potentially will be built. However, three years ago a local developer proposed to provide money to build a facility and was not allowed to do so. He provided a site for free and provided expertise. He applied for planning permission, but was not allowed to do

so. We have wasted three years at this stage.

Enable Ireland won the tender to provide the service, but now it has no service to provide. It has no facility to allow it to carry out the work required. Enable Ireland won the tender to provide respite services for children who badly need them. The children and their families require this service and it is essential that it exists. Enable Ireland is out there to provide this service that does not exist. Will it be paid for this service that will not exist? That is a big question that has to be answered. What facilities will be available for them?

Two years is a long time. In this whole sorry saga, things keep changing time and time again. We need definite answers as to why this has come to pass at this stage. Why were the legal issues over ownership of the house not sorted out initially rather than carrying out the tendering process, appointing Enable Ireland and, most unfortunately, telling the parents of these children that the service would be available in July 2017 when it was never going to be there? Those are the big questions that need to be answered.

**Deputy Helen McEntee:** I agree that the situation is far from ideal for the families involved. It is now important to put in place a plan and to stick to it. Obviously, as the Deputy has outlined, that has not happened in previous years. It is important that Enable Ireland has been appointed. The priority is to identify a suitable residence where it can provide this service. While I do not want to say “think outside the box”, in the interim it will need to use the resources available to it to provide the best service it possibly can to the standard required.

I cannot answer all the questions the Deputy has asked, but I will bring them back to the Minister of State. The long-term goal is for a purpose-built building. It is obviously a positive sign that plans have been already drawn up and that an architect is working on them. The Deputy’s concerns are very valid and I will certainly bring them back to the Minister of State and ask him to ensure the plan is adhered to and work continues in the right direction.

### **Western Development Commission**

**Deputy Michael Fitzmaurice:** I will be sharing my time with Deputy Anne Rabbitte.

I thank the Ceann Comhairle for the opportunity to raise this issue. As I am sure the Minister of State is aware, in the past week we heard of the shock announcement that the chairman of the Western Development Commission is resigning.

**Deputy Michael Ring:** That is not true.

**Deputy Michael Fitzmaurice:** He is not seeking reappointment.

**Deputy Michael Ring:** That is the thing; he did not resign.

**Deputy Michael Fitzmaurice:** Fair enough.

**Deputy Michael Ring:** The Deputy should get it clear.

**Deputy Michael Fitzmaurice:** He will not seek reappointment because he is frustrated with what is going on.

From coverage on local radio stations, the Minister of State will have heard of Mr. Paddy

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McGuinness's frustration. Based on what he has seen in recent years, he believes there is no commitment from Government. If this were coming from somebody who had been giving out about things down through the years, it would not raise an eyebrow. However, this is coming from a person who has a passion for rural Ireland and wants to see things happening. He has worked with politicians and I believe he was involved in the Minister of State's party at one stage. Would that be fair to say? He has the belief that rural Ireland can be revamped. However, the statements we have read and what we have heard over the past week indicate that the man is totally frustrated with what has happened and he believes there is no commitment from Government. He is saying that there is lip service, but actions speak louder than words. I would like to hear the Minister of State's views on what can be done. There needs to be a good relationship with the WDC.

**Deputy Anne Rabbitte:** I thank Deputy Fitzmaurice for sharing his time.

The level of frustration shown by this gentleman in not looking for reappointment speaks volumes. We believe in rural Ireland, as does this man. Many people believe there is a real good emphasis on rural Ireland, but unfortunately under the WDC at this time there seems to be a lack of vision and a lack of commitment by the Government. Isolation and disillusionment are words that come to mind. Regrettably, when we should be moving forward, we feel we are being left behind. When we feel we should be going further in developing rural Ireland and believing in it, we feel there is a lack of belief, vision and appetite within the Government to deliver for us. That is very disillusioning for the people living in the WDC area.

We would not have brought this to the floor of the House this evening if we did not believe in this man and if we did not believe in what the WDC stands for in driving on for western Ireland and the western seaboard. The Minister of State is from the west and understands where we are coming from. We did not want to come in here this evening and we do not want to bash. In all fairness, there is a lack of vision and commitment. I look forward to what the Minister of State has to say to re-instil confidence. I tabled a number of parliamentary questions on the matter recently. A total of €28 million has been allocated. I would like to know how much of that is spent on administration. I would like to get a breakdown of the investment by sector and by county.

**Minister of State at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Deputy Michael Ring):** I thank the Deputies for raising the issue. The comments of the former chairman of the WDC have received much attention in the past week, arising from a letter he copied to all Members of this House. In his letter, the former chairman contends that there is no commitment to balanced regional development or any plan to redress rural decline.

Nothing could be further from the truth. Regional and rural development is a key priority for the Government, as reflected in the many commitments in the Programme for a Partnership Government to support regional and rural progress. Significant developments in this regard include the publication of the action plan for rural development in January of this year, which represents the first ever whole-of-Government approach to the economic and social development of rural Ireland.

The plan contains more than 270 firm commitments across a range of Departments, State agencies and other bodies to improve the social and economic development of rural Ireland. These are firm actionable commitments for delivery within a specified timeframe and with the bodies responsible for delivery clearly identified. This action plan is about delivery; it is not a

piece of academic work to be left on the shelf. The plan has been widely welcomed, including by Pat Spillane, who was chairman of the CEDRA group, and is now acting as an ambassador for the plan.

Good progress has been already made on delivering the action plan, including in my own Department through the launch of initiatives such as the town and village renewal scheme, the CLÁR programme, the outdoor recreation infrastructure scheme and capital grants for local arts and cultural centres.

I have also established a task force to progress the concept of an Atlantic economic corridor along the western seaboard. The forthcoming national planning framework, which is being co-ordinated on behalf of the Government by the Minister for Housing, Planning, Community and Local Government, Deputy Coveney, will be also a significant milestone in the planning for long-term effective and balanced regional development.

On a national radio programme last week, the presenter put it to the former chairman of the Western Development Commission that the body is involved in the monitoring of action plan for rural development, the action plans for jobs for the west and north west regions, the Atlantic economic corridor task force and in assisting my Department with preparations for Brexit. In response, the former chairman stated that quite a bit of what was read out was new to him and that he had not heard it before. This is in spite of the fact that the acting CEO of the WDC and other staff of the commission have been actively engaged in all of the initiatives I have outlined. All of this would suggest that the former chairman has not been keeping up with developments in the organisation he had chaired.

**Deputy Michael Fitzmaurice:** I have no doubt about the likes of the Minister of State's commitment. The bottom line, and Mr. Paddy McGuinness would say the same thing, is that there are plans, reviews, task forces and everything one could dream of in the programme for Government, but actions speak louder than words. It is nearly a year since this Government was formed. The reality is that the TEN-T funding is the one thing the previous Government took out of funding for the west of Ireland. That is crucial for the west and the likes of the western arc. The Minister of State spoke about an Atlantic economic corridor and that is a good thing. I know the Minister of State cannot do it on his own and I am not having a go at him. The bottom line is that we have a Minister for Transport, Tourism and Sport who does not seem to know where the west of Ireland is located. Roads are required, as the Minister of State knows, down to his own town of Castlebar and on to Westport. If I leave Mullingar and there is a tractor in front of me, it is all over for me. Where is the funding for the road to Sligo? People in Donegal deserve a life. Actions speak louder than words. Instead of that, there are Departments trying to downgrade the likes of Galway port. When that is happening, we see this frustration that comes with it.

**Deputy Anne Rabbitte:** Frustration is the word that comes to mind - absolute frustration. There is a lack of action and a lack of vision. While the Minister of State has listed so much, and he is right about the Atlantic corridor and everything else which I have heard all about, it is not materialising on the ground. That is what is frustrating people. They are seeing it in the papers but not on their own roads or in their own communities. The Minister of State talked about various Departments working really well together. However, one Department that is letting down rural Ireland is the Department of Social Protection. It is the Department that is pulling out the bare necessities and the bare threads keeping communities together. While we might have all of the actions to develop and kickstart rural Ireland, if we do not have the Tús workers,

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the rural social scheme workers and if they are not provided with supervisors on the ground to keep communities selling the best of their wares, we will not be able to bring in tourists and sell what is really good in the west of Ireland. We are failing them.

**Deputy Michael Ring:** I am not going to read out the speech provided. I will say it straight from the heart. If they want it, I will give both of the Deputies a copy of the letter from the chairman of the Western Development Commission. It is amazing. It is from 27 October 2016. That was not 1916, but 2016. The letter from Mr. McGuinness stated the following:

I write to express my delight, relief and thanks for your decision to progress the three matters outlined in your letter received last week. The speed with which you have moved on these issues is in sharp contrast with my experience with two of them prior to your appointment. Your letter was circulated at our board meeting on Tuesday last and the members indicated their admiration for your decisiveness.

They admired me, my decisiveness and everything else. I do not know what happened in six months. In response to Deputy Rabbitte's point about the rural social scheme, we have provided 500 places on the rural social scheme.

**Deputy Anne Rabbitte:** Absolutely.

**Deputy Michael Ring:** I welcome every single one of them.

**Deputy Anne Rabbitte:** So do I, but-----

**Deputy Michael Ring:** Good girl. The town and village renewal scheme is up and launched, as is the CLÁR programme. The report of the post office working group is completed. The public consultation process for public banking is done. There is the economic Atlantic corridor. What we are trying to do is compete with the east coast to deal with the infrastructure about which Deputy Fitzmaurice talked. I agree with him 100% that the more infrastructure we get in the west of Ireland, the better. The greatest thing that ever happened to the west was the Wild Atlantic Way, about which some of Deputy Rabbitte's colleagues complained. As soon as we got the Wild Atlantic Way up and running, they wanted something for Dublin and for the midlands. They were so jealous that the Wild Atlantic Way was working so well. I can go on. The Minister of State, Deputy Canney, is doing a superb job in regard to flooding. He has worked so hard on that in recent months and he has it up and running. With regard to the arts, €9 million was invested and 80% of that went to rural Ireland. The Minister, Deputy Naughten, is working on broadband and mobile phone coverage. There are many other positive things happening. What we want is more positivity.

**Acting Chairman (Deputy Bernard J. Durkan):** Go raibh maith agat.

**Deputy Michael Ring:** What we want to stop doing with rural Ireland is having people knocking it at every opportunity they get. There is a lot of positivity-----

**Acting Chairman (Deputy Bernard J. Durkan):** A Aire-----

**Deputy Michael Ring:** -----a lot of people working, a lot of employment, a lot of multinationals and a lot of companies investing in rural Ireland. I am very proud to be a part of this Government that will deliver further on what we have already delivered for rural Ireland. I am not even going to read out what the officials said in the speech because this is what I believe in myself.

**Deputy Michael Fitzmaurice:** Build the roads and the businesses will come. That is the Ring rant over.

**Acting Chairman (Deputy Bernard J. Durkan):** We need to leave time for the other Topical Issues. Ná téigh thar am, más féidir.

### **Areas of Natural Constraint Scheme**

**Deputy Brian Stanley:** I thank the Minister for taking this very important Topical Issue on disadvantaged areas, which are now called areas of natural constraints. Some 52% of my own county of Laois is designated as disadvantaged. Huge tracts of Offaly are also designated as disadvantaged areas. Some €3.2 million is going to 1,700 farmers in County Laois under this scheme. It is a priority that the existing areas in the east and west of the county are kept in the scheme. I note the change in the criteria from socio-economic and biophysical to biophysical and science alone.

The important point for us in the Dáil is that if we and the EU want to continue food production on marginal land or areas of natural constraints, we will have to continue with this modest subsidy, which works out at about €2,000 per farmer. At present, it is based on the district electoral divisions, DEDs, which are very big. They can take in a huge part of a county. That may be fine for many of the areas that are dead certs to be in the scheme, such as the slopes of Slieve Bloom, all of Slieve Margy and that area in the east of the county as well. There are other townlands that on the face of it look prosperous enough, but there are groups of farmers within those localities and areas that are severely disadvantaged. I am thinking in particular of farmers whose land goes up to the Barrow. North Laois would be considered prosperous. However, there are farmers there who have suffered from their lands flooding year after year. Parts of several farms run into flood-afflicted areas.

There is an area around the Goul and Erkina basin down at Woodenbridge on the far side of Ballycolla that experiences flooding on a regular basis. This area is surrounded by land that is as good as anything in the Golden Vale. The Minister is familiar with the Golden Vale as a County Cork man. There is land in south Laois as good as that, but there are pockets within that, such as the area around Woodenbridge on the far side of Ballycolla, where farmers experience flooding year after year. We know that when land floods, it does not go back to the way it was straight away this year or the next. It is damaged for a number of years. The scheme is an essential support. I ask in the next round of the scheme, as part of the survey that has to happen according to the European Court of Auditors, that these areas are looked at for inclusion.

A number of farmers in the existing areas of natural constraints have spent money and used it well to improve their holdings and to make them more viable. A lot of the work has involved drainage works and the likes. We do not want to penalise farmers by having them taken out of the scheme just because they have carried out drainage works. The Minister and I both know that drainage works are not jobs for eternity. Drainage often has to be replaced after a decade or two. It requires maintenance, as does other farm infrastructure. It is important that we do not penalise those farmers that are active and have improved their holdings. The priority for Laois is to keep that 52% of land in the scheme and to pick up some of those pockets throughout the county that were not brought into it before because of the DED method of assessment. They are small pockets surrounded by very prosperous farmers and very high quality land. Unfortunately, there are small pockets there as well as adjacent to the bogs in Laois that were left out

the last time.

**Minister for Agriculture, Food and the Marine (Deputy Michael Creed):** I thank the Deputy for raising this matter. The areas of natural constraints, ANC, scheme was introduced under the 2014-2020 rural development programme as a replacement for the previous disadvantaged areas and less favoured areas schemes that had been in place since 1975. Payments under the ANC scheme are an important support for farmers across the country in addressing cash flow issues and contributing to the continued growth and development of the agrifood sector. The scheme was originally introduced in 1975 in recognition of the fact that farmers in particular areas were faced with challenges relating to lower productivity and higher production costs than farmers in other areas where levels of disadvantage were not as pronounced. The significant level of financial support delivered through the scheme in the intervening years was provided in recognition of the fact that such issues posed a significant threat to the future viability of these farming communities. The specific objectives of the scheme are thus structured around themes such as ensuring continued agricultural land use, thereby contributing to the maintenance of a viable rural society; maintaining the countryside; and maintaining and promoting sustainable farming systems which take environmental protection into account. I am very aware of the importance of the scheme to the more than 95,000 farmers who receive the payment annually. With this in mind, I have prioritised efficient payment under the ANC scheme in my Department in recent years. In 2016, payments under the scheme began in mid-September and to date over €201 million has been paid to over 94,000 farmers. With the payment of €1.18 billion to some 124,000 farmers under the 2016 basic payment scheme, this is a very important financial support for the agrifood sector and farm families in rural Ireland.

Under the Common Agricultural Policy, CAP, finalised in 2013, the new rural development regulations introduced a change in how eligible areas under the ANC scheme were to be defined. The designation of eligible areas under the scheme to date has been based on a range of socio-economic factors. The factors included particular stocking levels, family farm income levels, population density and the percentage of the total working population engaged in agriculture. The change introduced in the new rural development regulations required from 2018 eligible areas to instead be designated using a set list of biophysical criteria. In cases where a member state does not introduce this system for payment, the regulations set out that the old scheme remains in place but payments must be phased out on a digressive basis. The purpose of the change is linked with a concern at European Union level that areas were not being designated as disadvantaged in a consistent manner across the various member states. The biophysical criteria set out in the legislation to underpin the new system of designation are low temperature, dryness, excess soil moisture, limited soil drainage, unfavourable texture and stoniness, shallow rooting depth, poor chemical properties and steep slope.

My Department has commenced work on the project and relevant technical experts are working on sourcing and analysing the data for the new criteria. Departmental officials have also been in contact with the joint research centre and the Directorate General for Agriculture, DG Agri, in the European Commission about technical issues arising. The ongoing analysis will identify areas deemed to be facing natural constraints which will, in parallel, be subject to a refinement process. A number of the criteria I have listed will not have an impact on the new designation in Ireland, while others will have a small impact. In effect, the Irish process will be most impacted on by soil drainage and soil moisture excess. As outlined previously, in the original rural development regulations, the new ANC designation was scheduled to be in place for the 2018 scheme year. This is the timeline towards which my Department has been work-

ing. However, as part of the ongoing discussion on amendments to regulations at EU level, Austria raised the possibility of extending the deadline on an optional basis. Ireland supported this proposal, with Latvia, Slovenia, Poland, Luxembourg, France, Germany and Slovakia. The proposal is passing through the relevant approval process at EU level, with a number of other regulatory changes in what is referred to as the omnibus proposal. The technical work is ongoing; thus it is not possible to set out the final set of areas to be eligible for payment. However, given the importance of the ANC scheme in the Irish context, officials in my Department are continuing to engage with our colleagues at EU level in order to ensure the best possible outcome of the review is secured. I am also aware that many farmers will have a direct interest in the outcome of this process. Accordingly, I expect consultation to take place with key stakeholders as the process develops further.

**Deputy Brian Stanley:** The Minister is taking an active interest in this issue, but it is very important that we get it right. There are media reports that he supports a two-year postponement of the completion of the assessment for the new areas under the natural constraint scheme. Will he clarify its status? Reports at the weekend stated he supported the proposal, with Austria. He also mentioned some other countries.

There is a fear the maps will be done and dusted and sent to Brussels without farmers or the county IFA committees having an input. I ask for local consultation in each area. The IFA is holding meetings around the country. I ask the Department to do something similar in each county and have local consultations with farmers in order that they can make submissions to officials from the Department. I also ask for an appeals system to be established.

In 2009, some €250 million was available, but this figure was cut after the financial crash and is now €205 million. The programme for Government commits to an extra €25 million this year for the scheme. Will the Minister confirm that it is being delivered on? I checked again today and it is included in the programme for Government. It is also important. We need to get the funding figure back up. The sum of €25 million would bring it half way back, to €230 million. It is important that funding for the overall scheme in the State be brought back to €250 million.

It is essential that all areas in County Laois in the scheme are kept in it. It is essential that the pockets about which I talked that are adjacent to the Barrow, Goul and Erkina rivers and areas adjacent to boglands that are severely disadvantaged in the middle of the county be included. There are three very large bogs in the middle of the county and much of the land adjoining them is very poor. The DED assessment does not do this. Will the Minister confirm that smaller pockets will be looked at this time?

**Deputy Michael Creed:** I have listened carefully to and noted the points the Deputy has made about County Laois. They are similar to points raised by other representatives in the Deputy's constituency, including my colleague, the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan.

The Deputy asked about an extension of the time for implementation. Amendments to regulations in this area are being considered by the European Commission. In that context, an extension of the timeline beyond 2018 was sought by Austria. It was supported by us. Refinements of the regulations have yet to be finalised, but we remain hopeful there will be an extension of the timeline. Whether it will be a one or two-year extension is not clear at this stage. I envisage there will be an appeals system which will involve consultation with and the provision

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of information for stakeholders, including farm organisations.

On the issue of DEDs or townlands, it is my understanding the regulation, as drafted, provides for the consideration of areas by district electoral division or subsets of the district electoral division, of which townlands are one. There is a question around the scaling of information at micro level within the DED at townland level. It is something that has not yet been finalised. I understand the point the Deputy makes that a DED can cover a broad expanse and that there may be pockets within it in which there are variations of the biophysical criteria. There is a commitment to provide an additional €25 million for next year and it is a commitment the Government intends to honour.

8 o'clock

**Deputy Brian Stanley:** In budget 2018.

**Deputy Michael Creed:** Yes. This is 2017.

### **Mental Health (Amendment) (No. 2) Bill 2017: Second Stage [Private Members]**

**Deputy James Browne:** I move: “That the Bill be now read a Second Time.”

Before I begin, I wish to make a general apology on behalf of my party colleagues, many of whom are attending the funeral of Deputy Sean Fleming’s mother this evening. I welcome the large crowd in the Gallery who are from various sectors of the mental health community, including both representatives and those who have been through the system.

I am pleased to move this Bill which seeks to amend the Mental Health Act 2001. The Bill contains significant changes to strengthen the rights of people when they are in hospital for mental health care. Additionally, the Bill will also support the right of inpatients to make decisions about their own treatment by linking the Mental Health Act 2001 with recent law that affirms that everyone should be presumed to have the capacity to make decisions.

The Thirty-second Dáil convened a year ago this week and since then three mental health debates have taken place. Tonight’s debate is the fourth which shows how far we have come as a society and a nation in breaking down barriers and saying “No” to the stigma associated with mental health. It is a step in the right direction but only one on a very long road. I have asked and will continue to ask that mental health be given the same priority as physical health. In that respect, I have written to the Taoiseach seeking the establishment of an Oireachtas joint committee on mental health. I am open to correction but believe that if established, it would be the first such committee in any parliament. If initiated, it would mean that mental health would be debated in the Oireachtas every week.

On 18 May last year, I was honoured to be named by my leader as my party’s mental health spokesperson in this Dáil. Not one week has gone by when I have not met or spoken to an individual, family or group who have been affected by mental health issues. I have listened in awe at their sacrifices and in disappointment at the frustrations they face on a daily basis due to a lack of support.

In 2001, the Fianna Fáil leader and then Minister for Health, Deputy Micheál Martin, brought about the biggest and most significant reform of mental health legislation with the Mental Health Act, the first such legislation in over 50 years which radically changed how people with mental illness in Ireland were treated in our hospitals. In 2001, mental illness did

not occupy the same space on the political agenda as it does today. The main objective of the 2001 Act was to address the civil and human rights of mentally-ill persons, while also putting in place mechanisms by which standards of care and treatment in our mental health services could be monitored, inspected and reviewed. In addition, the appointment of the Mental Health Commission in April 2002 created an implementation body to ensure that the intention of the Act was fulfilled.

Fianna Fáil, in agreeing to facilitate a minority Government, inserted into the confidence and supply agreement a condition that A Vision for Change would be fully implemented within the lifetime of the Government. A Vision for Change was developed under the then Fianna Fáil Government as a strategy document which sets out the direction for mental health services in Ireland. Since 2001, our understanding of mental illness and the rights of people suffering mental illness have advanced. In particular, we have had the UN Convention on the Rights of Persons with Disabilities, to which Ireland is a signatory. We need to change how we look at Acts of the Oireachtas that affect peoples' rights. They should be viewed as living Acts that can be readily amended and updated as our understanding and knowledge improves.

The Bill before the House today has two core aims, the first of which is to strengthen the rights of patients in key and clearly-defined areas. The second aim is to spur the Government into delivering a comprehensive Bill to address the many concerns of patients in terms of their rights as both patients and human beings, and to bring Ireland in line with the UN Convention on the Rights of Persons with Disabilities. Following Ireland's signing of the aforementioned convention, the 2013 expert group's report on its review of the Mental Health Act 2001 made 165 recommendations for changes to that Act. To date, only one of those 165 recommendations has been implemented. The Government has repeatedly failed to meet its own timetable for updating the Act. At the moment, there is not even a mention of a revision of the Act in the Government's current legislative programme. In that respect, this legislation also aims to compel the Government to do what it does not appear to be prepared to do voluntarily, namely, bring forward a comprehensive Bill to amend the 2001 Act.

I acknowledge that the Bill before the House does not address every issue. There are significant complexities around constitutional rights in such a Bill, including the right to liberty, bodily integrity, autonomy and privacy, as well as other rights. Opposition parties simply do not have the resources available to Government. Additionally, Opposition parties cannot propose Bills that give rise to Government expenditure. However, within those limitations, the amendments proposed today are targeted, significant and will, if enacted, strengthen the rights of patients in care. Enacting this legislation would be a positive step towards achieving the full amendment of the Mental Health Act 2001 in line with the recommendations of the expert group. It would also contribute to the Government's fulfilment of its obligations under international human rights law, including the European Convention on Human Rights and the UN Convention on the Rights of Persons with Disabilities. The Mental Health Act 2001 is currently in compliance with neither convention.

Psychiatric patients, both voluntary and involuntary, need increased protection. We must remember that in terms of involuntary patients, we are ultimately talking about detaining against their will people who have not committed any crime. This is an extremely serious step which involves curtailing peoples' rights. We must ensure that the rights of those patients are impinged to the most minimal extent possible. We must ensure that there are clear deprivation of liberty safeguards and protective measures in place. Of very real concern are those patients who are currently detained ostensibly as voluntary patients but who are in fact incapacitated,

compliant patients. Over 90% of patients admitted to institutions each year are voluntary but the protections afforded in the 2001 Act currently only apply to involuntary patients. Some patients are admitted as voluntary patients in circumstances where they may not have the capacity to consent to voluntary admittance. Their capacity may be vitiated for any number of reasons including, for example, dementia. They may not be capable of making an informed decision, they may lose capacity while voluntarily admitted or the relevant information to allow them to give informed consent may not be provided to them and no one reviews their capacity to make such a decision on an ongoing basis.

The proposed amendments to the 2001 Act are in line with the recommendations made by the expert group. Section 2 amends the definition of a voluntary patient, as set out in the 2001 Act. The Act defines a patient as voluntary only if that person is not the subject of an admission or a renewal order, that is, involuntary. In other words, a person is voluntary only by virtue of the fact that he or she is not involuntary. This has led to a situation where individuals who do not have the decision-making capacity to consent to admission are being considered voluntary patients under the law. This section of the Bill provides an unequivocal definition of the term “voluntary patient” by ensuring that only individuals with the capacity to make their own decisions, with support if required, and to give consent to admission would be treated as voluntary under the 2001 Act.

Section 3 eliminates the principle of “best interests” which under the 2001 Act is the primary principle to be applied to decisions under the Act and provides that such decisions shall take into consideration the right to “the highest attainable standard of mental health consistent with least restrictive care [...] equality, non-discrimination and with due respect for the person’s own understanding of his or her mental health”. This section of the Bill also retains some of the principles already set out in the 2001 Act, including the right to autonomy, privacy, bodily integrity and dignity. This shift from “best interests”, which is largely paternalistic in approach and interpretation, empowers people to be equal partners in their own mental health care and treatment. It also values the expertise and knowledge of individuals in understanding their own mental health difficulties and in recognising what is best for them in terms of their own care and recovery. Such principles place an emphasis on the primary importance of autonomy and the right to make one’s own choices.

Sections 3 to 5, inclusive, place a strong emphasis on the rights of people to make their own choices. It aligns the 2001 Act with the presumption of capacity and, if necessary, the provision of support, as set out in the Assisted Decision-Making (Capacity) Act 2015. The presumption of capacity holds even if it is the opinion of others, including mental health professionals, that the decisions being made by the person are unwise. Section 3(6) recognises that the elimination of “best interests”, as set out above, will not apply in the context of children and young people under the age of 18.

Section 4 ensures that the principle of consideration of “best interests” will continue to apply to decisions concerning the admission and treatment of children and young people under the age of 18. The best interest principle for children is in line with the UN Convention on the Rights of the Child. The voice of the child must be heard and given due weight in accordance with his or her age, capacity and maturity and with due regard to his or her will and preferences. This is also in line with the UN Convention on the Rights of the Child.

Section 5 amends the 2001 Act to include both voluntary and involuntary patients in the existing provisions relating to the definition of consent to treatment. The consent to treatment

provisions currently set out in the 2001 Act do not specify that they apply equally to voluntary and involuntary patients. This section of the Bill expands the definition of consent to treatment and explicitly provides that all voluntary and involuntary patients must give consent to treatment delivered in acute mental health services.

Section 6 amends the 2001 Act by including the words “voluntary or involuntary” in order to affirm that the consent of both voluntary and involuntary patients is required under section 57 of that Act. This section of the Bill also amends the 2001 Act by narrowing the circumstances in which treatment can be administered without the consent of the individual. It provides that treatment cannot be given without consent other than “as a last resort” and in keeping with international human rights.

Ultimately, this Bill is about extending dignity and respect to patients while supporting their right to autonomy. It is about ensuring they retain their voices and have those voices recognised, respected and taken into account. I look forward to the debate on it.

**Deputy Fiona O’Loughlin:** I commend my colleague, Deputy Browne, on the introduction of this legislation. I want to talk about a beautiful young girl from Newbridge, Maxine Maguire, who died by suicide on Tuesday, 7 February last at the age of just 25. She was a much-loved daughter, sister, granddaughter and friend. By all accounts, she was an incredible human being. Maxine had been suffering with an illness for quite some time. When it all became too much on 2 December 2016, she bravely reached out for help and support. Maxine was scared and vulnerable when, along with her family, she arrived at a hospital where she had previously spent some time with the same illness, with depression and suicidal tendencies. It was at this point that Maxine, having plucked up every ounce of courage inside her to get this far, was turned away by the hospital she considered a safe place and by the experts in whom she had placed all her trust. It requires a strength like no other to reach out and seek help when feeling so helpless and alone. Unfortunately, when Maxine sought help in this instance, she was sent home and she received confirmation that she was helpless and alone, that even those who work in this area would not help her, and that she did not matter.

After I met Maxine’s parents, I was emailed by Maxine’s friend, Aoife Chaney, who told me about the tragedy and heartbreak that unfolded almost immediately. It is very hard to put it into words. Aoife and Maxine’s parents would agree that if Maxine had arrived in hospital with a physical illness like a head injury or a virus, she would most definitely have been seen to. I would like to ask a question that Maxine’s parents, brothers and friends would want me to put this evening. What criteria are used to decide that the life of a physical health patient is more important than the life of a mental health patient? Maxine was failed by her country’s mental health system and was forced deeper into her illness than she had been before, to the point of no return. This is not an isolated case.

Maxine is one of many people who have died at the hands of a life-threatening mental illness. This illness is comparable to many other diseases in so far as it is outside the sufferer’s control. The message for sufferers that we hear every day is that they should talk and reach out - that it is okay not to be okay. Maxine’s case proves that this is not enough. She bravely reached out and spoke with the most raw honesty and with admirable strength, only to be turned away. It is too late for beautiful Maxine and her family - her parents, Kathy and Robbie, and her brothers, Michael and Robbie. How many more tragedies need occur before something is done? I want to put it on the record that the help Maxine received during the physical part of her illness in St. Vincent’s Hospital liver unit and in St. James’s Hospital burns unit was second

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to none. It is a crying shame and an irreparable injustice that it was not until she was dying from a physical injury that was brought about through her negative mental health that our country's health system decided she was important enough to live.

**Deputy Thomas Byrne:** I want to make a general point about mental health. There is huge community activity going on. Darkness into Light walks will take place in a number of places in my constituency this weekend. I could mention many other community and voluntary activities. This Parliament is about the Government. The confidence and supply agreement between Fianna Fáil and the current Government is the basis on which the Minister of State, Deputy McEntee, and her colleagues are in office. The implementation of A Vision for Change is one of the conditions of the confidence and supply agreement. That basically means money needs to be spent on the provision of services. The Minister of State is not spending the money that is needed. Everyone accepts that €35 million is required, but less than half of that is being provided. That is a failure.

Despite all our talk about getting people talking, many of the people who need these services cannot talk and are voiceless. Many of their family members are still afraid to speak even though they should not be. In my view, we cannot continue to support this Government if these and other items are not being delivered. They are not being delivered and cannot be delivered without the provision of the €35 million I have mentioned. If the Minister of State cannot ensure €35 million is spent to provide essential services, someone else will have to do it. We have heard examples of the services that are needed and we will continue to hear such examples. It is simply unbearable. It must stop. We must do our job in this Parliament, which is to run public services, including public mental health services. I commend Deputy Browne on introducing this Bill which will help the individuals suffering mental health problems who are in and out of various institutions and hospitals. I thank the Deputy. I am under pressure because we are running out of time.

**Deputy Niamh Smyth:** I compliment my colleague, Deputy Browne, on introducing this Bill. As Deputy Byrne has said, many of the patients affected by this unseen health issue are voiceless. This Bill sets out to make certain significant changes to strengthen the rights of people when they are in hospital for mental health care. It supports the rights of inpatients to make decisions about their own treatment by linking the Mental Health Act 2001 with recent laws which affirm that everyone should be presumed to have the capacity to make decisions. This includes giving people the supports they need to make decisions.

Many people are affected by dementia and suicide. Deputy O'Loughlin has mentioned a very harrowing case. Unfortunately, children are among those who have taken their own lives. Members of Dáil Éireann have a duty of care to do something about this. This particular Bill certainly reaches out to do that. I hope the Minister of State will take on board the recommendations that are being made in this regard. It is important to acknowledge the great work that is being done by organisations around the country. We are very lucky to have the SOSAD group in the Cavan-Monaghan area and nationally. Those who provide the group's services are available at the end of the phone line to support people in their darkest moments. It is also important to mention the Cycle against Suicide organisation, which is doing terrific work across the country. I had the privilege of attending its talks at Our Lady's secondary school in Castleblayney and at Bailieborough community school in the company of our own ambassador for positive mental health, Alan O'Mara. All of that needs to be supported. This Bill certainly intends to do that. I hope the Government will support it in every way it can.

**Deputy Aindrias Moynihan:** Ba mhaith liom buíochas a ghabháil leis an Teachta Browne as ucht an díospóireacht seo a thabhairt go dtí urlár na Dála agus deis a thabhairt dúinn an ábhar an-tábhachtach seo a phlé anseo. Is é seo an cheathrú uair go bhfuil an t-ábhar seo á phlé againn le bliain anuas. Léiríonn sé sin cé chomh tábhachtach is atá sé. Tá sé soiléir ó bheith ag plé na ceiste seo le daoine ar fud na tíre go dteastaíonn uathu torthaí a fheiceáil. Tá siad gníomhach amuigh sa phobal chun aird a tharraingt ar na deacrachtaí seo arís agus arís eile i slite éagsúla, cosúil leis an Cycle against Suicide, atá ar siúl faoi láthair agus a bheidh ag teacht isteach i gCorcaigh amárach, agus an siúlóid Darkness into Light, a bheidh ar siúl ag deireadh na seachtaine. Is é bun agus barr an scéil ag deireadh an lae ná gur dhein an expert review group scrúdú ar an ábhar seo. Dhein an grúpa sin 165 moladh, ach níl ach an t-aon moladh amháin curtha i bhfeidhm go fóill. The expert review group published its report in March 2015 which was carried out in consultation with service users, carers and stakeholders and informed by human rights standards. Out of the expert group's 165 recommendations, only one has been implemented to date. The pace of reform in mental health services is far too slow.

By the age of 13, one in three young people is likely to have experienced some type of mental disorder. By the age of 24, the rate will have increased to every second person. It is time for action. We cannot keep seeing delay after delay. The energy, enthusiasm and the goodwill to take action is there in communities throughout the country. The Darkness into Light walks, which we will see later on in the week in Inchigeelagh and Ballincollig, and the countrywide cycle against suicide, which will be visiting north Cork soon, are clear indications of the goodwill and the way people want to see action, as well as raising the profile of the issue. This Bill, brought forward by my colleague, Deputy Browne, aims to deliver immediate improvements and legislative protections for adults and children accessing acute mental health services. It is a long time coming.

Molaim an Bille don Teach.

**Minister of State at the Department of Health (Deputy Helen McEntee):** I welcome those listening to the debate in the Gallery tonight. I thank Deputy Browne for introducing this Bill and I recognise the importance he and other Members attach to the need for introducing these changes to our mental health legislation. I agree with them that we need to change our mental health legislation and to do this as soon as possible. We also need to ensure that when the changes are made, they are the right ones and have the intended effect. I welcome the debate this evening, as it affords another opportunity to Members to continue our national conversation about mental health and, in particular, to examine our mental health legislation, which is focused primarily on the processes, safeguards, and protections around involuntary detention and treatment.

From a personal and Government point of view, I want to stress the significance we place on providing and improving services for those in society who are unfortunate enough to suffer from mental illness. We all know that mental illness knows no boundaries. As many Members pointed out, there are many fantastic people working to provide excellent mental health services. In addition to providing the breadth of services required both on a community and hospital level to all who require it, we know there is always more to be done in promoting positive mental health and in reducing stigma. I am glad to see many Members wearing their green ribbons tonight as part of the national awareness campaign about mental health problems. This year, we are developing services around clinical programmes for dual diagnosis, attention deficit hyperactivity disorder, ADHD, eating disorders, perinatal mental health and the development of seven days a week and 24-7 services.

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Where the law is concerned, the challenge at times can be the need to keep pace with improvements in human rights standards and medical developments to ensure the legal regime governing mentally ill persons is both responsive and appropriate. In this regard, there must be an ongoing dialogue between politicians, stakeholders, doctors and lawyers to work together to make sure our mental health legislation reflects the correct balance between providing rights for those detained in psychiatric hospitals and providing appropriate protections on the other hand.

We must recognise, however, that of themselves laws do not heal people. Only services and treatment can do that. The law can create a social and regulatory environment, however, that assists medical professionals in delivering their services in a manner that is both ethical and respectful of the rights and needs of the mentally ill.

In 2015, an expert group review of the Mental Health Act 2001 was published. This first significant review was informed by A Vision for Change, our national mental health policy, as well as the UN Convention on the Rights of People with Disabilities, both of which were published since the 2001 Act was enacted. The review provides a clear and complete roadmap for how we amend our mental health legislation for the better. The review, which contains 165 recommendations, is progressive in nature. First and foremost, it sets out to promote and protect the rights of persons with severe mental illness. This is in addition to promoting access to the most appropriate and highest achievable standard of care and support. One of the key recommendations, which I welcomed and which is referred to in Deputy Browne's Bill, is the move from paternalism and best interests to a service guided by autonomy, self-determination, and respect for the person's dignity with a presumption that the person is best placed to determine what promotes and constitutes his or her own dignity.

Before we go into the detail of Deputy Browne's Bill, it is important we recognise that the template for revising the 2001 Act is the expert group review which received broad support on its publication. The Government has already approved the preparation of the general scheme of a Bill to reflect these changes in revised legislation. This work is under way at official level, with the final text of the changes expected to be significantly progressed by the end of this year. There are two significant points I want to emphasise. First, I recognise that stakeholders are keen to see this text sooner rather than later and I understand their wish to see at least some changes emerge more quickly. I share that view, but it is also my responsibility to ensure the changes made are the right ones and have the intended consequences. There is a general acceptance that the changes now being made are significant, complex and so interlinked in many parts that it is entirely appropriate that these changes would be best introduced as a package.

The previous Government did introduce a priority amendment relating to the administration of electroconvulsive therapy, ECT, and medication over three months which came into law in February last year. This was an important first change and the fact it was a relatively stand-alone provision in the legislation allowed for it to be introduced at an earlier stage.

The Mental Health (Amendment) (No. 2) Bill 2017, sponsored by Deputy Browne and published on 23 February, has three main goals. First, it seeks to amend the existing definition of voluntary patient in the Mental Health Act 2001 to include the need for the patient to consent to admission. Second, it seeks to replace the existing principal consideration in the Bill of best interests with several principles including, *inter alia*, highest attainable standard of mental health, autonomy, dignity and with due respect for the person's own understanding of his or her mental health. Third, it seeks to link the issue of consent more closely with section 3 of the Assisted Decision-Making (Capacity) Act 2015 which deals with a person's capacity to be con-

strued functionally. The last two changes relating to best interests and consent closely mirror recommendations of the expert group review of the 2001 Act. The move away from the often paternalistic interpretation of the existing legislation, best identified by the inclusion in the Act of the principal consideration of best interests, is both necessary and welcome.

We all want to see a situation where, in so far as possible, the individual has the final say in what he or she feels is in his or her best interests and that he or she receives the best possible quality of service he or she needs to reach the highest standard of mental health. This change will effectively move away from paternalism and place greater autonomy in the hands of the individual.

While the Assisted Decision-Making (Capacity) Act 2015 was not in place when the expert group reported, nonetheless what the Deputy's Bill has proposed would be considered to be broadly in line with what the group proposed on consent and capacity. The first change relating to the need specifically to include consent in the definition of voluntary patient was fully accepted by the expert group and is my top priority change at this time. This change is also required to comply with the UN Convention on the Rights of Persons with Disabilities.

While what is proposed is absolutely necessary, there is one significant issue in the Bill I must highlight. If we change the definition of voluntary patient as proposed, then persons without capacity who need inpatient mental health treatment but do not have a mental disorder will not be able gain admission to a psychiatric hospital because they cannot personally consent. A new definition of voluntary patient, which includes the need for consent, must commence only when other changes are introduced to allow patients without capacity to access treatment. In this regard, the Department of Health is in discussions with the Department of Justice and Equality about including new provisions relating to deprivation of liberty in the Assisted Decision-Making (Capacity) Act 2015. This is complex new legislation which will also cover anyone who lacks capacity and is a resident in a nursing home or facility for persons with disabilities or mental illness. The draft provisions being worked on will be introduced on Committee Stage of the Disability (Miscellaneous Provisions) Bill 2016 which has already completed Second Stage in the Dáil.

The expert group review initially recommended that persons who lack the capacity to consent to voluntary admission, often called "compliant incapacitated", should be placed in a new patient category under the 2001 Act to be known as "intermediate". The idea was that such patients would also have available to them all the safeguards available to involuntary patients under the Act. Since then, however, it has become clear that all persons going into residential care who cannot, due to lack of capacity, consent to such admission must have safeguards in place. This is to ensure their rights are protected and that their will and preferences, to the greatest degree possible, are respected as set out under the Assisted Decision-Making Capacity Act 2015. It makes sense that, with the new deprivation of liberty safeguards being put in place, it offers a better and more consistent route to deal with compliant incapacitated patients seeking treatment in a psychiatric hospital or unit.

It should also be mentioned that whereas the priority amendment to the Mental Health Act 2001 relating to changing the definition of voluntary patient can be put before the Oireachtas in the coming months, any such change agreed by the Oireachtas cannot be commenced until the decision support service to be established under the Assisted Decision-Making (Capacity) Act 2015 is operational. This is because the draft safeguards currently being worked on at official level and discussed with the Department of Justice and Equality envisage a role for the

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decision support service and, therefore, before such provisions can be operationalised, the support service needs to be in place. A steering group of officials from the Departments of Health and Justice and Equality, as well as the Mental Health Commission and the Office of Wards of Court, chaired by the Department of Justice and Equality, is working on the establishment of the decision support service. A director for the decision support service is currently being recruited but there is no doubt that the establishment and operation of this service will be a complex undertaking requiring significant preparation.

I once again thank Deputy Browne for introducing his Bill. We are all very much in agreement that the changes he is proposing need to be made and I hope he and all other Deputies will accept that the change to be made to the definition of “voluntary patient” must be our priority at this time alongside the associated changes to be introduced under the deprivation of liberty safeguards. This is the focus of my officials’ work at the moment and I will be happy to discuss these details further when a suitable draft of the deprivation of liberty safeguards can be made available. I am not, of course, forgetting the two other significant changes proposed by Deputy Browne but when the voluntary patient definition change is agreed along with the necessary deprivation of liberty text, we can then look again at these changes in light of progress made on the general scheme of the overall Bill to revise the Mental Health Act 2001. I am very conscious that other Members who contribute to this debate may have other priority changes that they would like to see take place and I ask that, in raising such matters, they bear in mind that we expect the draft of a general scheme of a Bill to be significantly progressed by the end of this year. As a result of the interconnected nature of many of the changes to be made, there is a clear logic in proceeding with the bulk of these changes as part of a single amending Bill. I look forward to Deputies’ contributions.

**Deputy Pat Buckley:** I welcome this Bill and commend Deputy Browne on bringing it forward tonight. The issue of mental health involves so many strands it can be difficult to decide what reforms are most pressing, especially in the context of trying to find potential reform that can be accepted by the House, whose Members do not always see eye to eye and can often seek to find any problem with proposed legislation in order to cast it aside. It was not too long ago that Sinn Féin brought two proposals in this regard. One concerned a €37.5 million investment in mental health services each year from 2017 to 2020 and we also called for 24/7 crisis intervention centres. Sadly, we did not enjoy the same support we see on the floor tonight.

I take this opportunity to welcome members of Mental Health Reform and everybody else in the Gallery. This Government and the House have much work to do on mental health issues and specifically in reforming our legislation to meet the standards of the likes of the United Nations Convention on the Rights of People with Disabilities. Despite signing up to the convention ten years ago, we have not ratified it and we have not sufficiently updated our legislation on the rights of patients to meet its standards. The Mental Health Act this Bill seeks to amend is 16 years old, predating the convention and the A Vision for Change document. An expert review of the Act has been almost entirely ignored by the Government, with just one of the 165 recommendations implemented and no expression of intent from this Government to change that.

We need an overhaul of patients rights and an end to the violation of human rights of patients in mental health services, as well as an end to the paternalistic system that places the final say in the planning of care in the hands of psychiatrists, regardless of the wishes of patients. If the Bill passes this Stage and is ever allowed to make its way to Committee Stage, I would like to see a number of actions being taken. There must be an intense period of deep consultation with those who have experienced our mental health services as inpatients, including those who have

been voluntary, involuntary or deemed for whatever reason to not have had the capacity to make decisions relating to their care. These voices must always be central to our policy-making.

In the past, Sinn Féin has called for an Oireachtas committee on mental health in order to focus on these issues, hold hearings and seek expert advice from professionals, service users, their families and advocates. We must work together to develop comprehensive and progressive reform that is not simply the same old way of doing things but with nicer language. We would also like to see an inclusion of a statutory right for all people who enter an approved centre, voluntarily or otherwise, supported in drafting advanced health care directives that place consent and honesty at the centre of care. These must not be empty gestures and should be respected in all but the most extreme circumstances, with the proper checks and balances to ensure this. We also want to see a strengthening of the right to advocacy so that patients, regardless of their status, can seek the support of these services in order to best assert their wishes for their care. The rights of patients should never be seen as an obstacle to care and a system that protects those rights and treats those in its care with this respect will be better for it.

Treating mental health patients with dignity and respect will help to end the stigma which finds four in ten people in Ireland saying they would conceal a mental health issue rather than seek help. It would combat the very high numbers of readmission to inpatient units because if a person feels he or she can seek care and still have a voice heard and respected, with consent sought, it is much more likely that person will seek care before a full relapse happens. Potentially, such people would not require hospitalisation at all.

We need to invest in our services, community health teams and primary care, but we must also invest our respect and trust in the ability of professionals and patients to find solutions to mental ill health without reaching for the old ways of coercion, compliance and detention. I look forward to working with Members to bring these needed reforms to our system and build a service that puts the person at the centre.

**Deputy Mary Lou McDonald:** I also extend a very warm welcome to members of Mental Health Reform and all our visitors this evening in the Gallery for what is a very important debate at the beginning of this month of May, a month of mental health awareness. So many of us are wearing our green ribbons in solidarity and as a mark of a change that is happening in Irish society, albeit gradually, in which the stigma, secrecy and isolation that are very often around mental health and mental ill-health are starting to lift. We still have considerable work to do to ensure that we get to the destination at which all of us wish to arrive and where we can support positive mental health. We can then genuinely say not alone that it is okay not to be okay but that if a person is not okay, he or she will be okay because services and processes of support will be available. Sadly, as we have this debate this evening and as all of us know, that is not the case. All of us also accept that the State has a major responsibility now to improve patient rights legislation in line with the United Nations Convention on the Rights of Persons with Disabilities. That convention must be ratified.

I thank Deputy Browne for bringing forward this Bill and facilitating this important debate. As my colleague, Deputy Buckley, stated, we regard the Bill to be a positive improvement on current legislation dealing with involuntary mental health patients and those who are currently voluntary but who are deemed to not have capacity. That said, we must understand that the Bill still falls short of the kind of firm rights-based approach needed to meet the standards of the UN convention. The latter is about upholding the equal rights of all people with a disability and this means protecting against the violation of the liberty or ability of an individual to make decisions

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for himself or herself by arbitrarily declaring such people to be without capacity.

I hope this Bill progresses to Committee Stage. The Minister said that given the nature of the changes that must happen to the 2001 legislation, it would make sense for that to happen in a single consolidated Bill. That is a very fair point. In that spirit, too, I wish to point to one area that must be addressed seriously, namely, advocacy. Mental Health Reform has consistently articulated the fact that patients in our mental health facilities and psychiatric units are not enjoying their full human rights. In fact, the organisation goes further and says that it can identify concrete violations of those rights. Many things must happen to remedy that. We cannot rest on our laurels. There is no doubt that resources, investment, cash, staff and facilities are core to that, but so too is the area of advocacy. To have that peer support, the voice, the capacity to be heard and the enablement of arriving at autonomous decisions is powerful. Obviously, advocacy services must be independent and fully resourced. They must also be placed on a statutory footing, so that it is not a matter of chance or of good or bad luck as to whether a citizen or patient has advocacy services. It must be a codified, enforceable legal right for every patient.

When the time comes for us to deliberate more closely and to finalise our proposals, I hope the Minister will give due consideration to that matter. I also hope that we can find cross-party support on this area. All of us accept that our services are deficient, that there must be more investment and that we must radically change our legal framework. We agree on all of that, so let us work hard and speedily to give effect to the matters on which we agree. Arís, I thank Deputy James Browne. I wish everybody well during this month. Let us all wear our green ribbons and fly the flag for an honest, compassionate and respectful conversation in which we look after ourselves and each other.

**Deputy Carol Nolan:** Gabhaim buíochas as ucht an deis labhairt ar an mBille seo. Cuirim fáilte roimh an mBille atá molta ag Teachta Browne agus tá áthas orm go bhfuil mo phairtí ag tacú leis. The Bill contains significant changes that strengthen the rights of people when they are in hospital for mental health care. It is unfortunate, although perhaps not surprising, that to date only one of the 165 recommendations of the expert group report on the review of the Mental Health Act 2001 has been implemented. Furthermore, the Government has repeatedly failed to meet its timetable for updating the Act and there is no mention of revisions of the Act in the Government's current legislative programme. In that respect, this Bill falls far short of what is required. My party will propose a number of amendments on Committee Stage to strengthen the rights of patients receiving treatment for mental health issues.

It would be remiss of me, when discussing this important topic, not to mention the complete neglect of mental health services by successive Governments. The wider issue of the provision of adequate resources for mental health treatment has not been prioritised by either Fianna Fáil or Fine Gael. This is evident from the fact that neither Fianna Fáil nor Fine Gael supported our calls for 24-7 crisis intervention services. It is also demonstrated by the fact that Fianna Fáil rejected a motion seeking to provide at least €37.5 million in additional mental health funding in the most recent budget.

Having recently hosted a meeting on mental health services in my constituency of Offaly-North Tipperary, I can inform the House that the lack of these services is strongly felt across our communities. People and families are in absolute despair and do not know where to turn. We must address this. There must be a commitment that the vital resources will be provided so that real change can be implemented once and for all. I hope all parties and Deputies in the House will work together to ensure this happens without further delay.

**Deputy Dessie Ellis:** Ba mhaith liom fáilte a chur roimh gach éinne sa Public Gallery, go háirithe daoine ó Mental Health Reform agus an sár-obair atá siad ag deanamh. In the programme for Government, there was a commitment to mental health services under A Vision for Change, which to date has not been delivered or even acted on. Over the years, the State abdicated its duty of care to many sections of our communities. We are very slowly coming to a line whereby we treat all citizens of this nation equally.

This Bill is welcome, as it is a positive improvement on current legislation. However, as usual it does not go far enough. It fails to establish a strong, rights-based approach which should meet the standard set by the Convention on the Rights of Persons with Disabilities, a convention this House must ratify without delay. It also does not provide for strengthening the rights to advocacy or to assistance in making decisions regarding care, and there is no right to an independent second opinion in the determination of capacity. However, any positive change must be welcomed and the amendment changing the definition of a “voluntary patient” to include only people who have capacity to make their own decisions, with support if required, and who give their consent to admission to hospital is an important distinction.

Despite the changes, especially in this regard, if the Government does not support the work of the health services it will still not be enough. Access to and availability of services locally and in our communities must be resourced properly. The work being done on mental health by voluntary groups and individuals is saving this country money and, more importantly, is saving lives. I commend all those who give their time, energy and commitment. At present, however, there is a huge deficit in our system. Services are not available at weekends or after hours on a week day. A 24-7 crisis intervention service for mental health is needed immediately.

This Bill is only the first step in terms of where the State must update legislation either in line with the report of the expert group on the Mental Health Act or in an effort to meet the standard of the UN Convention on the Rights of Persons with Disabilities. We cannot ignore any longer the need to update our legislation.

**Deputy Alan Kelly:** I will speak in favour of this Bill on behalf of the Labour Party. I congratulate and thank Deputy Browne and his colleagues on bringing it forward. It is very good legislation and it is a matter in which the Deputy has a keen interest and which he pursues consistently. The Bill seeks to integrate provisions of the Assisted Decision-Making (Capacity) Act with the treatment of patients under the Mental Health Acts and I welcome that it has been brought forward.

As other speakers have said, we must confront the stigma of mental health issues in our country. There is no Member of either House of the Oireachtas who does not have an immediate or extended family member who has had to avail of the mental health services in this country, so we must look inward when we discuss this topic. The topic must be front and centre for all of us. In 2015, my colleague and the former Minister of State, Kathleen Lynch, published the report of the expert group on the review of the Mental Health Act 2001. The review, which commenced a couple of years before that, sought to reform and modernise the mental health system in this country, with particular reference to the 2001 Act. Since that Act was introduced, we have had the publication of the A Vision for Change document and the Convention on the Rights of Persons with Disabilities.

The group made 165 recommendations, the bulk of which relate to changes to our mental health legislation. Regardless of party politics, we all know that it will take a number of years

to implement many of the recommendations. However, it is taking too long and the timeframe set out simply will not be met. The Department of Health's own synopsis on the scope of the expert group's findings notes that in particular, the changes seek to move away from the often paternalistic interpretation of the existing legislation to one where, in so far as is possible, the individual has the final say in what he or she deems to be in his or her best interests and receives the best possible quality of service required to attain the highest standard of mental health. In addition, the recommendations provide a practical and realistic way forward, which can ensure that the safeguards necessary for mental health legislation are robust and fully compliant with international best practice, as well as ensuring that those vulnerable people who need care and treatment can avail of it in the most appropriate environment.

The changes envisaged include defining a voluntary patient as a person who has capacity to make his or her own decisions regarding admissions and treatment and who gives informed consent to that admission and treatment. The current Act regards a patient as voluntary only if that person is not the subject of an admission or renewal order. A key aspect of the Bill is amending section 2 of the Mental Health Act to define a voluntary patient as meaning a person admitted to an approved centre who has capacity as defined under section 3 of the Act of 2015 and has given consent to the submission.

In regards to capacity, the recommendation as per the expert group report is that where capacity is, in the first instance, to be presumed for all individuals, where a formal capacity assessment determines that a person lacks capacity, this should now be monitored on an ongoing basis by the treating clinicians to ensure that as soon as a person regains capacity he or she is afforded the opportunity to make his or her own treatment decisions. The Assisted Decision-Making (Capacity) Act 2015 has significant proposals for all individuals in terms of capacity, including the provision of support for a person to make his or her decisions wherever possible and that where mental health is concerned, assessment of whether a person has a mental illness will in future be clearly separated from the assessment of capacity.

This is an important departure from the provisions of the original Act which, 16 years later, is in dire need of reform. Patients, including those suffering from various mental illnesses, deserve the highest possible degree of autonomy in regard to their health. This encompasses privacy, bodily integrity, dignity of all forms, equality and non-discrimination in exactly the same manner as we would expect for all our patients and ourselves.

It is also important that we seek to make available the least restrictive treatment options. The entire sphere of mental health provision in Ireland and around the world unfortunately has been shrouded in great controversy. The notion of a psychiatric institution where people were sent because we could not and, in some cases, did not want to come to terms with the concept that these people were suffering from a medical condition is, thankfully, gone. Sadly, the stigma remains for many people and we need to ensure that we make treatment as accessible as possible without any of the associated stigmas or burdens attached.

The shift in focus towards treatment in the community goes some way towards addressing the problem. However, we need to do much more. There are cases where the most viable treatment option for people with mental health difficulties is for them to voluntarily admit themselves to hospital because under that system, they are likely to be attended to by a multidisciplinary team incorporating psychiatrists, psychologists, psychotherapists and cognitive behavioural specialists. In these situations, we need to make sure that the legislation aids rather than hinders their recovery.

It is incredible and should not matter, but accessing psychiatric treatment as an outpatient can be very difficult even for a person who has a decent private health insurance package. There are still chronic waiting lists for seeing a consultant psychiatrist and the provision of psychotherapy on the public health system is simply not sufficient. Most health insurance plans allow for some inpatient care, usually up to 100 days per annum. However, aside from partial reimbursements for visits to a psychiatrist on an outpatient basis, the costs can be prohibitive for most people who want to receive care privately in the community. This is not even to mention the lack of resources we all are aware exists in the public system.

As is the case in many other areas, it is clear that the private system is picking up the slack because the public system is very much failing. This is wrong. If we had a properly resourced public mental health service it is likely that many people would not have to turn to the private system in the first place for the help they deserve as citizens of the State. It is, therefore, the absence of a properly resourced public mental health service that deprives people of the care they need.

All Members know we are on a long road and have to work together. I do not believe it is in any way necessary to play politics with this issue. We all need to work together, and in that mode I accept what the Minister of State said regarding a comprehensive consolidated Bill being the way to go because it would deal with a multitude of other issues. I want a commitment from the Minister of State on that. It would be worthwhile.

None of us knows how long the Dáil will last but I believe getting the Bill to Committee Stage and starting a comprehensive discussion would be very welcome. Even if the Bill does not pass all Stages, and it is highly unlikely that it will, at least that discussion would have prepared future Governments to introduce the necessary legislation. I ask the Minister of State to use her office to try to get the Bill to the point of being discussed on Committee Stage. That would be forward-thinking and welcome because we have a backlog of Bills on Committee Stage that resembles the M50 car park. The Bill should proceed to Committee Stage because many people in the House would have made a valuable contribution to a discussion on the legislation that needs to be changed.

**Deputy Gino Kenny:** I welcome those in the Gallery; it is good to see them. I welcome Deputy Browne's Bill, which shines a light on mental health services in Ireland. There has been a lot of discussion about mental health services and the accessibility difficulties.

I was elected over a year ago. It is very healthy that we are having a grown-up debate about mental health. It is a sign that the stigma is in some ways being broken down. Things are not perfect by any means but sometimes talking about a problem halves it in some ways. Anything that strengthens patient advocacy and care is paramount in the health care environment. The advocacy for inpatients taking decisions about their treatment is a progressive and welcome change. The definition of a "voluntary patient", in terms of having capacity to consent to admission to hospital, in the Bill is welcome.

It is not clear under the 2001 Act that consent to treatment is required from voluntary and involuntary patients. Replacing the existing principle of best interest under the 2001 Act with assisted decision-making empowers people to be decision-makers in their care. The Mental Health Act 2001 needs to be amended and is clearly not compliant with the European Convention on Human Rights or the UN Convention on the Rights of Persons with Disabilities.

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The Government's mental health policy, A Vision for Change, is now ten years old and is out of date in terms of its framework. It is yet to be fully implemented in terms of staffing and funding for mental health services. Resources need to be put where they are needed. People might not want to hear this but the lack of resources for essential services such as mental health is killing people in this country. If resources are not put where they are needed, people will die unnecessarily.

All of us in this country are affected by mental health issues either personally or through family members. We all face the possibility of developing mental health difficulties. I would like to think that if I needed services they would be available but if they were not, I could have a completely different outcome.

That is not acceptable in the 21st century. It is important to go beyond party politics. If one thing comes out of new politics, all of which I do not know that I buy into, it should be people working together for the greater good, better mental health services and in the service of the citizens of the country. That is very important.

I welcome Deputy Browne's Bill. While it is not by any means perfect, nothing in life is so let us work together for a better outcome for everybody because anyone could be in that position. Let us send the message today that nobody is alone and that people who need help should seek it. If it is not there, that is a crime.

**Deputy Catherine Connolly:** I welcome the opportunity to take part in the debate, although I feel I have been repeating myself in the short time I have been in the House. While I welcome the Private Members' Bill put forward by Fianna Fáil and I have no difficulty supporting it, I want to put it in the context that we are here once again. This is perhaps the sixth time since February that we have discussed mental health in the Dáil as a result of a constant campaign of emails, pressure and letters which make us fully aware of how unsatisfactory mental health services are in Ireland.

I have had the privilege in a different life of working in that area and I used my contribution on Leaders' Questions a few weeks ago to highlight the fact that we do not need to reinvent the wheel. A document called Planning for the Future was published in 1984 because mental services at the time were completely unsatisfactory. Fast-forward to 2006 and A Vision for Change was published. I just left the Chamber to get the briefing document on A Vision for Change, which was the report of the expert group on mental health. The briefing document indicated that A Vision for Change was person-centred, recovery-oriented, holistic, community-based, multidisciplinary and population-based. All of this has been set out. I repeat the fact that it was a visionary document and everything was included in it, including the very high suicide rates in 2006 which unfortunately have worsened. Not only were the difficulties highlighted, but the solution was set out. In addition, the expert group said that it did not trust governments and it recommended the establishment of an implementation body. This body was set up for two different three-year periods. I have highlighted this aspect repeatedly and I am not taking particular issue with this Government because it relates to every Government. That is why an independent body, entirely separate from the Mental Health Commission, was set up to monitor it. Every time the body reported during those two three-year periods, it praised the progress that had been made and highlighted the tardy implementation of A Vision for Change between 2006 and 2016. What did the Government do with that information? It disbanded the implementation body because it was telling the truth and stating that the Government was simply not implementing A Vision for Change.

Since I have come to the House, I have heard people speak with the best intentions about a system that needs to be changed, but I take a different view. The vision and the policy are there. Of course, they need to be updated to take account of the complexities of what Deputy Browne proposes in his Bill, but the vision, documentation and solutions are all before the Minister of State. We were told we would get the review practically every month but we still have not got it. The Minister of State has given me a written reply and a timescale, but it has taken constant pressure. I do not know where the fault lies and I am not interested in that at this point. My real point is that it is there to be implemented and, therefore, we must ask why that is not happening. If we are told it is because of cost, that is not accurate because the report of the expert group points out in page 5 the cost of not implementing *A Vision for Change*. This is something I have highlighted repeatedly. As in the case of domestic violence, there is a cost involved in not doing something.

While I do not want to look at mental illness or services in terms of economic costs, it is important to note the estimated economic cost of not implementing the policy to balance the argument that it costs too much and we do not have the money. In fact, one cannot afford to fail to implement it because it costs the taxpayer more in the long run, not to mention the upset to the people who are not getting proper treatment. The report stated that the estimated economic costs of mental health problems were considerable and amounted to at least 3% to 4% of the GNP across the member states of the EU. The report stated that the total financial cost of mental health issues in Northern Ireland had been estimated at £2.8 billion. Translated to the Republic of Ireland on a *pro rata* population basis, the economic cost of mental health problems in Northern Ireland suggested a total annual cost here of €11 billion. I ask Members to listen to those figures, which are not mine. We simply cannot afford to fail to deal with the treatment of mental health.

Not only have we failed to reinstate the implementation body, but we are also now aware that of the 165 recommendations made by the other body that looked at this area, only one has been implemented. I know it is difficult for the Minister of State to come to the House to take criticism, as it is for any Minister, but I would have expected her to come to the House tonight to tell us why the other 164 recommendations have not been implemented. She has suggested that some of them are complex and need more study and examination, but not, presumably, the whole 164. Why have they not been implemented? The major additional problem cited in relation to the implementation of change was the lack of staff. Another difficulty has been the interpretation of the document, in particular and to be parochial for a moment, in relation to Galway and Ballinasloe. It was misinterpreted and led to the closure of a brand new unit in Ballinasloe, an issue with which the Minister of State is familiar on foot of representations made to her by Deputies from east Galway. We had to go through the misinterpretation of this wonderful document, *A Vision for Change*, to justify the non-opening of a modern, state-of-the-art facility in Ballinasloe, leading to extraordinary pressure being put on services in Galway. I welcome what I understand is a review and attempt at least to undo that decision but I do not know how far that has progressed. I mention it in terms of decisions being made for short-term reasons which are costly in the long term. The pressure on the Galway facility is impossible for me to describe. I do not wish to add hysteria or fear, and I have a difficulty with the concept of suicide patrols in Galway city, but people felt so frustrated that they actually resorted to such patrols in order to feel that they were doing something to prevent the high rates of suicide.

All of this was predictable. We need to stop talking and to get answers from the Minister of State as to why the implementation body was disbanded, why the 164 recommendations were

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not implemented, when the implementation body will be re-established and whether it will have comprehensive powers to monitor A Vision for Change, which remains in place notwithstanding the fact that in theory it ran out in January last year. Presumably it is the same guiding document until a new policy is put in place. Those are the answers I would have expected to hear replies to a year and a half later after having been elected to the House. There should be no more debates on this issue. We should be told what the problems are and then see a cost analysis of not implementing this. The figures have been extrapolated from Northern Ireland, but it is time for a cost analysis here of the failure to implement the wonderful policy that has been there since 2006.

**Deputy Michael Collins:** According to the Healthy Ireland Survey 2015, some 10% of the Irish population over the age of 15 has a probable mental health problem at any one time. There is no one in the country who does not have somebody in their lives who has an issue with mental health, whether it be depression, anxiety, stress, alcohol issues and-or drug issues. The Government needs to realise fully its commitments to mental health and adequately invest in mental health and update legislation to improve the mental health outcomes of adults and children living in Ireland.

It is shameful that only one out of the 165 recommendations contained in the 2015 report of the expert group on the review of the Mental Health Act 2001 has been implemented thus far. We need to recognise the importance of treating mental health patients with dignity and place the autonomy back in their hands. The Bill would ensure people received the least restrictive care possible. It strengthens the rights of people when they are in hospital for mental health care and would support the rights of inpatients to make decisions about their own treatment. It must be welcomed.

The Bill would also give children advice on their care when in the mental health service. It recognises Article 12 of the UN Convention on the Rights of the Child. Following on from this, I urge the Government to take action immediately to stop such children from being admitted to adult-only institutions. Communities are doing all they can to raise and improve mental health awareness, which will be seen in places such as Clonakilty, Skibbereen, Dunmanway and Castletownbere this weekend with the Darkness into Light walk being supported by many people.

Mental health patients can no longer be seen as objects. They must be involved meaningfully in making decisions about their treatment and care. Any legislation which seeks to increase the standards of mental health care in Ireland must be welcomed. I urge my fellow Deputies to vote in favour of the Bill.

**Deputy Michael Harty:** I thank Deputy Browne for tabling the Bill and stimulating the legislative changes required to amend the 2001 Act. It is important we stimulate these changes. The Bill proposes important changes to the Mental Health Act 2001. It highlights the need to bring forward substantial additional amendments to the Act. The review group on the 2001 Act outlined 165 recommendations, but only one of these has been delivered on so far. I know the Minister has committed to introducing legislation to bring forward many of these amendments. These recommendations are needed to ensure Ireland is compliant with European Convention on Human Rights and the UN Convention on the Rights of Persons with Disabilities. The Bill intends to strengthen the rights of patients in hospital for mental health care, to provide safeguards to their rights to make decisions concerning the type of care offered to them and to ensure there is a presumption of capacity to make decisions regarding their treatment. Only exceptional circumstances should interfere with this capacity. There are quite often exceptional

circumstances which do interfere with their capacity to make decisions, and this must be interwoven into the Bill.

It is important that patients are given the support they need to make decisions in an informed way and that all forms of treatment are explained to them in clear and unambiguous terms. It is essential that voluntary patients should have the same protection and oversight as involuntary patients to have their treatment and reasons for admission examined and reviewed. The Bill endeavours to ensure their best interests are additionally guaranteed through the guiding principles of the Assisted Decision-Making (Capacity) Act and by empowering patients to be decision-makers over their own care. It also endeavours to ensure the right to have the highest possible medical care provided and the right to the least restrictive care possible. Patients with mental illness, including dementia, need to be protected and have their rights guaranteed, and advanced directives should be encouraged to have their wishes clearly understood when capacity is lost.

The Bill is intended to copper-fasten the rights of patients who have voluntarily entered care to improve their mental well-being. Informed support and consent must be ensured to underpin patient autonomy and integrity.

**Deputy Danny Healy-Rae:** I thank Deputy Browne for tabling this very important Bill on the agenda so we can highlight what needs to be done to help people with mental health issues. I have highlighted this in Kerry many times. We have a wonderful new facility which in June will be complete and fully built for two years but is still not open. Public representatives and many others were taken on a tour of this wonderful building. It is a state-of-the-art building but, sadly, it still has not been opened. We have a Government and five Ministers with responsibility for health. I ask one of them to unblock whatever is causing this building not to be opened. We are not giving people with mental health problems the service they require or looking after them properly when this building is not opened. It is to service all of east Kerry and much of north Kerry.

I also ask that the special purpose building to be built at University Hospital Kerry in Tralee be put in place. We have been asked by the people to provide these facilities. I ask again that the building on St. Margaret's Road, which was completed two years ago and is still not opened, be opened right away. Either we have a Minister for Health who is in charge of health and does something about this, or he is not in charge at all. We were guaranteed money to open it in January but it is still not opened. I am afraid it will not be open this time next year if some Minister does not take command and control and states it must be opened and no two ways about it. I have asked many times about it, as has Deputy Michael Healy-Rae, but nothing has happened and it is still closed.

Next Friday night we will have all of the wonderful people out on the Darkness into Light walk to collect funds to help people, and they will do a great service by doing the walk. It is a unified approach because, as Deputy Collins said, every family has been touched by mental health issues or the loss of someone through suicide. I ask the Government to ensure Deer Lodge on St. Margaret's Road, which cost millions of euro and is lying empty, be opened right away and that one of the five Ministers takes charge of it and ensures this happens.

**Deputy Michael Fitzmaurice:** I welcome the debate and commend Deputy Browne. As Deputy Connolly said earlier, we have many debates in the Dáil but, sadly, nothing has changed in many areas. The mental health report on Roscommon and Galway, which was promised in

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March, has gone on and on for months and months but has not been published. I spoke to the Minister of State earlier as to why it has not been published and she said it is coming near it, but it is a disgrace that it has not been published. Sadly, when we speak about mental health in the Roscommon area, we are closing the day care centres or trying to close them. I am being blunt about it and I am not blaming the Minister of State. The HSE is accountable to nobody. I speak to HSE people. They will tell people one story and do the complete opposite. It is unacceptable how they treat public representatives.

A simple change that needs to be done for people with mental illness is with regard to the fact that at present, if they need to be assessed, they must go to an accident and emergency department. We should have a system whereby they can go to any of the units and be assessed and not be put through 12 or 14 hours in an accident and emergency department.

There are hostels where people feel vulnerable. They do not feel they are able to live on their own, and in various counties at present they are being pushed to apply to the local authority for a house. It is a case of away with them and the community team will be sent out. In many places these community teams do not exist.

I say to all Deputies that we need to be careful and include safeguards. With regard to alcohol, which is sometimes intertwined, people may be trying to help somebody and their hands are tied at present. They cannot help them because every door is closed. I have seen it in my own family. I see it day in and day out. People, including women and children and husbands, are beating their heads off the wall trying to help someone but there is nothing there to try to help that person who cannot see the situation he or she is in. Gardaí and doctors are afraid to touch anyone in the line of signing the forms or whatever to help people because of litigation. We need to do something. While some will talk about civil liberties and such, unfortunately some people cannot see the place they are in at a given time. We need to make sure we are helping them. I am not one of those who say everyone should be put away. I am not talking about that and people should not get that idea but I have seen myself, when one is trying to help someone, it is like fighting a tide the whole time in the health service, because it keeps saying that until a person is ready to do this, that or the other, it cannot do anything. Unfortunately, people have died because of that system.

**An Leas-Cheann Comhairle:** I now move to the Green Party and Social Democrats, which have nine minutes. I call Deputy Catherine Martin.

**Deputy Catherine Martin:** Tá an Comhaontas Glas fíor-shásta tacaíocht a thabhairt don Bhille seo. This Bill put before us today is a welcome step towards creating a modern and patient-focused mental health care system. By changing the definition of consent in the Mental Health Act, we would be changing the provision of services radically. It would be an important step in destigmatising the process of seeking medical services for mental health issues. By giving control to the patient and allowing him or her to have a voice in his or her treatment, we take away some of the fears that face those who are in need of crucial services.

This Bill is not, however, an ending point in the discussion of consent reform or many other reforms that are so badly needed in mental health services. Instead, this Bill should be treated as a springboard for further necessary amendments to the Mental Health Act 2001. For instance, the 2015 report from the expert group set up to review the Mental Health Act 2001 recommended that section 56 be amended to include an understanding of consent wherein consent could be accompanied by the support of a family member, friend or appointed carer, advocate or

support decision-maker. This recommended measure, which is not included in the Bill before this House, would be a strong step towards building a truly patient-focused service and creating an atmosphere of holistic support for the patient.

This is just one recommendation out of 165 recommendations put forward by the expert group. However, so far, only one recommendation has actually been implemented by the Government. To make matters worse, no further implementation seems to be on the horizon, as the Government has not placed any of the recommendations on its legislative programme and has failed to meet its own timetable for updating, modernising and reforming the Mental Health Act. This is yet another example of the Government's heel-dragging approach to mental health reform. Why convene an expert group, ask it to review the Mental Health Act in detail and have it publish a thorough list of recommendations if the outcome is a document that is left to gather dust?

Over the past year, I, like so many Members here, have spoken on the topic of mental health in this House. Regrettably, the recurring theme is that of inexcusable delay in implementing recommendations, in funding and in bringing about meaningful reforms. As the Government hesitates in reform of mental health services, ever more vulnerable people are left with services that are simply not up to standard. The Government must instill urgency into its actions. At this stage, many of the various stakeholders concerned are understandably and justifiably sceptical, if not a little bit cynical about words and about cherry-picking reform. Words alone, piecemeal reform and tinkering around the legislative edges are symptomatic of the Government's whole approach to mental health.

While I welcome Deputy Browne's Bill, what is urgently required is a seismic governmental change and new direction in policy approach. There remains no evidence of the Government delivering a proportionate and appropriate response to the scale of this complex problem and ongoing huge challenge. The inaction by this and consecutive Governments is one of the shameful scandals of modern Ireland.

**Deputy Catherine Murphy:** I welcome the opportunity to speak on this Bill. It proposes a number of positive legislative changes. In particular, it will help to ensure that when a person is in need of help, his or her basic human rights are not denied and his or her dignity and care is provided for and protected. The Bill looks to replace the existing principle of best interest under the Mental Health Act 2001 for adults but just as importantly, it seeks to reaffirm support for persons under the age of 16. The terminology, as others have noted, has been interpreted by the courts paternalistically, to the extent where the views of a doctor have been given priority over the views of service users. That interpretation has essentially removed a person's rights. This Bill will bring the Mental Health Act 2001 more into line with the progressive Assisted Decision-Making (Capacity) Act 2015.

The expert group that reviewed the Mental Health Act 2001 made 165 recommendations, as has been said by one speaker after another. Only one has been acted on. We need to have it outlined how the majority of those recommendations will be fast-forwarded. It is all very well talking about consolidation legislation but many of the initiatives in that review do not require legislation. It is critical that people in need are given the help and the authority to make decisions about their own care. The Bill allows for the participation by a person to form a bigger picture of what is best for that person and to guide him or her where that decision-making is needed. No two cases are going to be the same. It is important that there is that flexibility.

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I want to draw attention to the issue of youth suicide, on which I have spoken a number of previous times. That is where we really are outliers in Ireland. We have a very significant problem here and have the fourth highest level of youth suicide in the European Union. There is a very good, albeit flawed, strategy called Connecting for Life. A mother came to me and showed me some elements of the report she would like to see changed. She was concerned about the discussions that could happen with a trusted adult, for example, in schools. The parent mentioned that page 115 of that strategy encourages - I underline the word "encourages" - schools to deliver but that does not make this mandatory. She wanted to get across the point that we need to have in-service training for teachers in addition to a module within the teacher training programme. That is not something that needs legislation but which could be done very easily. She made the point that the problem with suicide clusters was that youngsters were talking to each other in language of emotional immaturity and that we need a wider engagement.

We need a structured coping mechanism in schools to provide that kind of engagement. She wants that kind of initiative to be made mandatory as opposed to being encouraged. She made the point that when such an initiative was taken with issues such as teen pregnancy, the HSE made a strong argument that the strategy had worked and there was evidence that the strategy had worked. That mother was someone who had been touched by this because her son unfortunately had taken his own life as a teenager. That was very raw for her when she came to me. She wanted to make sure, as far as she could, that this would not happen to another family and where there were things that could be done, they should be done. It was a simple request for it to be taken up at both in-service training and in the teacher training module. That is not something that would be hugely costly financially but when one looks at the huge devastation in individual families that experience this tragedy or at the ripple effect on the friends of the person who has taken his or her own life, it is inexcusable that something as simple as that is not made mandatory where it can make a significant difference. I hope something like that will be taken on board and acted on.

**Deputy Mary Butler:** Mental health issues continue to silently inflict immense damage on our country. The undercurrent of depression, anxiety and addiction is a profound, ingrained problem for society. No family is untouched by some form of mental health issue. Beyond the striking statistics on suicide levels, the affliction of depression is exacting a hefty toll on the day-to-day lives of countless people. We have successfully confronted dangerous challenges like this before. This Mental Health (Amendment) (No. 2) Bill 2017 which Deputy James Browne is bringing forward - I compliment my colleague on the amount of work he has put into this area - seeks to implement many of the recommendations contained in the 2015 report of the expert group on the review of the Mental Health Act 2001. The Bill will deliver immediate improvements and legislative protections for adults and children accessing acute mental health services. The Bill supports the right of inpatients to make decisions about their own treatment, with recent laws that affirm that everyone should be presumed to have the capacity to make decisions. This includes providing people with the support they need to be able to make decisions, and putting the person first.

"Putting the person first" are the four most important words that can be said here today. I am lost for words today. I am in despair, because today in Dungarvan, County Waterford, 16 beds at the Sacred Heart unit in a community hospital were closed. These beds provided vital rehabilitation, long-stay and respite facilities for many patients. We should be opening facilities at this stage, not closing them. It might be asked how I can link this with the Bill we are discussing. We have people with intellectual disabilities, dementia, older parents with adult children

with Down's syndrome and dementia, people with mental health issues, and they depended so much on that week of respite once every six months in order for them to be able to continue caring for their loved ones. I find it very difficult tonight. The reason given for the closure of these beds is that in 2017 nursing levels are at crisis point and patient safety is at risk.

I was shocked to see this week in a survey undertaken by the INMO that 85% of all graduate nurses who are training at the moment are considering leaving the country. This morning, during questions on promised legislation, I said to the Taoiseach that a tsunami is coming our way in terms of recruiting doctors and nurses to look after our people. It is a huge issue. The pace of reform in our mental health service is far too slow and this Bill seeks to address this problem.

**Deputy Eamon Scanlon:** I am glad to have an opportunity to speak on this Bill, which I genuinely hope will deliver immediate improvements and legislative protections for adults and children accessing acute mental health services. I am appealing to the Minister for Health, Deputy Harris, and the Government to address waiting times, in particular for child and adolescent mental health services. We need increased staffing urgently. There are currently 480 children on the child and adult mental health service, CAMHS, waiting list in the community health care organisation area one, some 87 of whom are priority cases. There is one specialised child psychiatrist in the region who is working 24 hours a week - a retired person. We are lucky that this person is there to deal with these priority cases. Despite his best efforts, he has only seen around 40 children, which really and truly is not fair.

I met six parents last Saturday who have children waiting for these type of services. I understand that doctors had been instructed not to refer any more children because they do not have the staff to deal with them. I know there are ongoing efforts to recruit a full-time psychiatrist, and there is difficulty right across the country on this issue. Whether the pay structure needs to be looked at or something else, something has to happen very soon on this matter. There is no doubt that the area is not given sufficient priority. The families I met are frustrated and at their wits' end. They are under severe pressure. All they want is a roadmap as to where they go, whether that is A, B, C or D. These families cannot even get to stage A, when their children are referred. As the Minister of State knows, unless the children are referred, they do not progress to the next stage. That is the way it is, unfortunately, in the area that I represent. I implore the Minister of State to see what can be done to have these children assessed and to try to help and support these parents, because they are definitely at their wits' end at this point in time.

Every day I hear from family members who are finding it difficult to access mental health services. Despite some excellent services and dedicated staff, the supports are sporadic and not always fit for purpose. There is a prevalence of mental health difficulties in Ireland and we need to start acting on implementing international best practice. Two weeks ago, I was contacted by a friend, a parent who spent 12 hours in Sligo with her child, a 13 year old who was suicidal and who had been systematically failed over a year of self-harm events. It is very hard to stand over anything like this. The next day, the woman and her daughter, bearing a letter saying she needed a bed for assessment, spent a similar time in Galway accident and emergency unit and was turned away. There are no beds for children at the moment in need of psychiatric inpatient help. There are no beds in the whole area. This is what is happening on the ground. I implore the Minister of State to try to deal with these issues. It is not just in my area, but nationally. We should try to understand the hurt and annoyance these parents feel, and the stress they are under. I could see that in my clinic last Saturday when I met these parents. Regardless of cost, this needs to be addressed and addressed urgently.

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**Deputy Jackie Cahill:** I commend my colleague on bringing forward this Bill. When a patient is admitted to hospital with mental health problems, he or she is at their most vulnerable, and any Bill that will strengthen their rights has to be welcomed and has to be implemented as quickly as possible. Like Deputy Butler, my county was hit today with the closure of more beds. In a county which has been badly hit in the past number of years by lack of services, it is very hard to take.

I intend to be parochial in what I am going to say. Tipperary has been extremely poorly served as regards mental health services. Two months ago, a delegation met here with the Minister of State at the Department of Health, Deputy McEntee, to try to see if we could get a Jigsaw initiative for our county. No decision has been made as yet on Jigsaw initiatives to be implemented this year. Considering the lack of resources in our county, I implore that Tipperary be favourably looked on for this Jigsaw project.

It is hard to imagine that a county of our size has no psychiatric beds. In the south of the county, patients with mental health problems have to go to Kilkenny and in the north of the county they have to go to Ennis. The difficulty this imposes on families is just not good enough, considering that all these facilities have been taken out of our county. We are told that this country has recovered economically. If that is the case, it is definitely not being shown in the resources allocated to our county.

In my town of Thurles, we have a centre that caters for a catchment area of 34,000 people. The lack of resources and staff in that service is hard to comprehend. Over the past 12 months, there has been no psychiatric counselling available in that mental health centre nor occupational therapists employed. There is no point having a service in name without putting the proper resources into it. We talk a lot about mental health in this House. Unfortunately, it strikes on every door and hits every neighbourhood and community. Unless we put the proper resources in place, we will not make inroads into the problem. My county has been very badly served in the past number of years, with resources after resources being taken away. We have one of the highest rates of suicide in the country and I implore the Government to look at Tipperary and put some resources in place for mental health issues there, so that we can address this plague which affects modern society.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):** I am sharing time with Deputy Tom Neville. On behalf of the Minister of State, Deputy McEntee, and the Government, I thank Members for the wide-ranging discussion and suggestions put forward in this debate. This is an important debate which addresses our common desire to ensure that our mental health legislation is as fit for purpose as it can be and meets the highest international standards. There is no doubt that the subject of mental health, in all its aspects, is a priority for all parties represented in the House. Needless to say, when the particular mental health topic is legislation, it is only right and proper that all Members of this House be afforded the opportunity to have their say on how best we can proceed to amend such legislation.

I echo the Minister's earlier comments and thank Deputy James Browne for introducing this Bill. It not only reflects one of the clear priorities for the Government, but is also a strong reminder that stakeholders in the area of mental health want to see progress on the general scheme of the Bill to revise the Mental Health Act 2001. That point has been well made and is accepted on this side of the House. As the Minister of State explained earlier, work is under way in the Department of Health on changes to our mental health legislation, both in the short and medium term. The priority in the short term is to amend the current Mental Health Act 2001 to change

the definition of voluntary patient to ensure that such patients must be able to consent to such admissions and treatment.

In the medium term, work is continuing on the general scheme of a Bill to amend the Act on the basis of the comprehensive recommendations of the expert group review of the Act. This is a complex piece of work and it is expected that the finalised text of the Bill will be significantly progressed by the end of the year. The change to the definition of “voluntary patient”, which is included in Deputy Browne’s Bill, must be accompanied by putting in place appropriate safeguards to ensure that those persons without capacity or a mental disorder as defined in the 2001 Act, but who require mental health treatment, can also continue to access such treatment. The Minister’s intention is to introduce such safeguards as part of the deprivation of liberty safeguards also being developed at this time. It is absolutely clear that the two changes must commence simultaneously and because these changes are also required in order to be compliant with the United Nations Convention on the Rights of Persons with Disabilities, this will remain the priority of the Minister of State and her officials.

That, of course, is not to say that the other changes are any less important and the Minister has accepted that these can be discussed further, both in the context of this Bill and in light of progress made on the general scheme of a Bill. In this regard, Members must acknowledge that many of the provisions and sections of the 2001 Act are interconnected, so to make changes on an isolated basis is not always possible. At times, a change in one area is only possible when other related changes are made. That is why it is often better to make such changes as part of an overall package of measures as proposed under the general scheme of the Bill now being prepared.

Members can be assured that the Minister of State, Deputy McEntee, and her officials will review all the comments made here this evening in the context of Deputy Browne’s Bill and they will bear these in mind as work progresses on both the short and medium-term mental health legislation objectives.

**Deputy Tom Neville:** I commend Deputy Browne on bringing the Bill forward. I believe stigma is starting to break down but we still have a long way to go. It is probably different in different generations and I am very heartened by the fact that teenagers and the younger generation are much more open in the area of mental health. My own age group is not so open and older people are probably less open again. That is not the fault of anyone but is a culturally entrenched belief and we must continue to break it down as best we can. Discussing it in the Dáil is very welcome, as has been said many times tonight, particularly for the people who are watching. I want to be mindful of the sensitivities of people who have been affected by the issue.

This is an all-Ireland challenge. I do not want to be political but the suicide rate in Northern Ireland is the highest in the UK, at 16.5 per 100,000, though that does not take away from the challenges we have in the Republic. There are different complexities in the North but we have to be mindful of it and we have to try to be as apolitical on mental health as we possibly can be, even though politics will creep in at times, as this is in the best interests of our country.

I welcome the development of Jigsaw in Limerick and the mid-west region. We must be mindful that stigma leads others to avoid living, socialising, working and renting and getting employment. People with mental disorders, especially severe disorders such as schizophrenia, have low self-esteem and suffer isolation, while hopelessness deters the public from seeking

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and wanting to pay for care. On the matter of stigma, people with mental health problems internalise public attitudes and become so embarrassed or ashamed that they often conceal symptoms and fail to seek treatment. This is the kernel of stigma and we need to keep combatting it. There is a lack of knowledge, negative attitudes and hostile behaviour.

Why do individuals stigmatise? The website of Aware contains the following:

Sadly, stigmatisation is actually a natural part of the human condition. When one is faced with something unknown, the natural reaction is 'fight or flight'. In such a scenario, we make decisions rapidly, making general assumptions about what's going on and filling in any blanks in our knowledge with other information which we do not actually know to be true. We sometimes tend to fill in these blanks based on previous stereotypes.

We must really get behind stigma and understand it if we are to articulate the issue and combat it. The effects are shame, blame, secrecy, isolation, social exclusion and discrimination and we need to focus on that. We need to find the pillars in this area and eradicate stigma. We are starting to eradicate stigma in how we discuss mental health, and particularly in how we discuss it in front of others, and that is welcome, but we now have to eradicate self-stigma so that people are comfortable opening up and approaching the services to speak about their challenges. That is the next phase, something which some commentators have stated in the past six or eight months, but it is a long process.

There are other models which operate in conjunction with the medicinal models. One of these is the creative arts and I am a great believer in what the creative arts can do for mental health. They focus on relationships, meanings and values. Art is therapeutic and art, drama and poetry offer space where meaning can be generated and confidence encouraged. It is open-ended and ambiguous, which helps. How many times have we heard of artists finding inspiration from their own mental health challenges and using them in their art? Creative people bring a different perspective, open-endedness and comfortable ambiguity and these should be used in conjunction with therapy. I am open to correction by people with backgrounds and qualifications in medicine but, following my own research into the subject, I am a great believer in using the two approaches in conjunction.

We have to examine, and keep examining, dual diagnosis, such as of addiction and mental health, and we have to attack it. We need to take advantage of the integration between both and to use the pilot projects which have been done. Deputy Browne and I are members of the cross-party mental health committee and have seen how these pilot projects are using dual diagnosis in combating addiction and mental health issues. That integrated approach is something that really needs to be addressed.

There is huge complexity regarding the use of alcohol. Those affected may be the loved ones, offspring or partners of those with alcohol or drugs problems. Recreational drug use has increased dramatically in the past 20 years. As a society, we are seeing greater use of synthetic drugs and this must be combatted. I welcome this debate but I must ask that we continue to try to combat stigma in a big way.

**An Leas-Cheann Comhairle:** I call Deputy Rabbitte, who is sharing time with Deputies Troy and Browne.

**Deputy Anne Rabbitte:** I thank Deputy Browne for bringing the Bill before the House. While conversation is important, so is the action which must accompany it. Of the 165 key rec-

ommendations, one has been implemented. That has been stated repeatedly during the debate. The one action before us tonight could be the springboard to further actions if the Bill could see its way through the House and into committee for discussion. I call on all parties to support what has come before us. As other Deputies stated, we have all looked for the conversation and sought the opportunity to discuss it further. The people looking in here and those in the Gallery want us to stop talking and to start taking actions. This should be the springboard to bring it further.

Deputy Harty referred to it as a stimulant. Speaking on the plinth earlier, Deputy Browne said it was an opportunity to poke the Government into action. Deputy Butler said that no politics should come into play and that we should all sit down and work together. I would love us all to sit down around the table and leave politics outside the door because people are really suffering. Their lives are in our hands and they are looking to us to come up with solutions.

There are 82 unfilled positions in CAMHS. One of my colleagues said that people are travelling from Sligo to Galway and being refused entry or do not have the opportunity to access it. A previous speaker mentioned that St. Brigid's Hospital was closed. We are talking about the closing of beds in Waterford. Doors are being closed everywhere. As legislators, we do not want to send out the message that we are closing doors on the most vulnerable. We need to tell people that we are here to listen and implement. One of the actions we should take is to vote this through. We should start the conversation piece. We should start bringing it forward.

**Deputy Robert Troy:** I welcome the opportunity to contribute. The frequency of debates on mental health matters during Private Members' business in this Dáil indicates the seriousness of the issue. We need to redouble our efforts to promote and tackle the issue of positive mental health. While the Bill acknowledges that nothing stands still, that legislation needs to evolve over a period. This legislation would enhance that which was enacted in 2001. While enhancing and improving legislation is a positive thing and it is what we are here to do, we must also ensure that any improvements in legislation are backed up with adequate resources.

This weekend, many of us will participate in the Darkness into Light event along with tens of thousands of other people throughout the country. That is happening because the State is not adequately funding the services that are needed. There is anecdotal evidence to the effect that because the HSE services are so overwhelmed by the number of people who rely on them, the executive is referring people to community groups. The problems are deeper and more psychological and need more than some counselling services that are provided in the community. Community groups have been punished for the actions of Console. Good to Talk in Longford and Mullingar has been punished because of the actions of Console. When people finally get in-service treatment, no aftercare services are available and they are then referred to the community groups which are overwhelmed.

I understand that Connecting for Life is to be upgraded over the coming months, either by the end of this year or the beginning of next year. We need to seek input from the various community groups that are filling the void being left by the State's failings in order to ensure that we have a proper structure and a proper set of standards across all community groups so that the people who rely on them are getting the best service.

**Deputy James Browne:** I have listened to the contributions and powerful statements from across the House. Compassion and understanding have been shown in a very constructive debate, for which I thank all my colleagues. There is significant agreement on what is required in

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mental health, which adds to the frustrations for the mental health service users and providers. Unfortunately, mental health remains a blind spot within the Department of Health.

The Bill is about citizenship. It is about empowering our citizens to participate fully in society and about being able to exercise their rights within society. This means having appropriate law, such as that before the House. It also means being able to access resources and, as Deputy McDonald mentioned earlier, having the advocacy supports so that people can exercise their rights. We want to get to the stage where people with mental health issues feel comfortable saying that without judgment or fear. If they are brave enough to reach out for support, the services must be available to them when they are needed.

It is often stated that one in four people suffers from a mental health issue. In reality, however, the figure is four in four. When family, friends, co-workers are taken into account, everybody is affected by mental health issues. I accept the Minister of State's bona fides in this area. However, the Minister, Deputy Harris, and the Department need to step up and provide the supports mental health needs to make it a priority, to make comprehensive legislation a priority and to make the empowerment of our citizens in care a priority.

The contributions to the debate indicate support for the Bill. However, 140 Private Members' Bills are in the system. I hope this Bill will also be given priority. I acknowledge that the Bill is not comprehensive, nor would that be possible for legislation from this side of the House. However, it makes important changes and I hope it will stimulate the delivery of a comprehensive mental health Bill. I hope the matter will be brought before the committee for detailed consideration as soon as possible.

I again thank all my colleagues for their constructive contributions. I thank Mental Health Reform for its support. I thank the people in the Gallery, those at home who are watching and listening to the debate, and everybody who is affected by mental illness.

Question put and agreed to.

### **Mental Health (Amendment) (No. 2) Bill 2017: Referral to Select Committee [Private Members]**

**Deputy James Browne:** I move:

That the Bill be referred to the Select Committee on Health pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

### **Standing Order 27: Motion**

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

That, in accordance with the recommendation of the Committee on Procedure under Standing Order 107(1)(a), and with effect from 9 May 2017, the Standing Orders of Dáil Éireann relative to Public Business be amended by the adoption of the following in substitu-

tion for Standing Order 27:

‘Prayer.

27. (1) Upon taking the Chair each day, and before any business is entered upon, the Ceann Comhairle shall read the following prayer in the Irish and English languages:—

*Direct, we beseech Thee, O Lord, our actions by Thy holy inspirations and carry them on by Thy gracious assistance; that every word and work of ours may always begin from Thee, and by Thee be happily ended; through Christ Our Lord. Amen.*

(2) All Members present shall stand while the prayer is being read, and when it is concluded, Members shall remain standing for 30 seconds of silent reflection.’”

I welcome the opportunity to discuss this matter and the proposed motion to amend Standing Order 27 and to hear the opinions of Members from across the Chamber on the issue of the prayer. The current Standing Order 27 provides that on the commencement of business each day, the Ceann Comhairle shall read a short prayer. The process of starting proceedings with a prayer has been a topic of discussion for some time.

The profile of the population of our country has continued to change over the years and nowhere can this be more clearly seen than in the religious beliefs of the people. Our religious beliefs have become more diverse and there has been a rapid growth in the number of people who do not hold any religious belief. As this Chamber reflects the population as a whole, it is not surprising that the prayer in Standing Orders has become the topic of discussion.

The Committee on Procedure, chaired by the Ceann Comhairle and reflective of the membership of this House, discussed this matter at its meeting in March and has recommended amending Standing Order 27 to provide for a prayer and a 30-second period of silent reflection at the start of business each day. This motion has also been discussed by the members of the Business Committee.

I appreciate that Members across this House have different perspectives on this matter. In this State, religious belief does not dictate political party loyalty and I assume that opinions may well differ within parties and groups. The Ceann Comhairle and the other members of the Committee on Procedure have clearly attempted to broaden the current procedure and reflect the beliefs or none of Members of this Chamber with this new wording for the Standing Order to provide for a prayer and time for silent reflection.

**Deputy Mary Butler:** I also welcome the opportunity to discuss this matter and the proposed motion to amend Standing Order 27. We as a party have faith in what the committee decides as the committee is representative of all the parties and none. We all have someone on the committee to voice opinions on our behalf. I compliment the committee on the work it has done to date.

Traditionally we have always had prayers. I might only be here 12 months myself, but there have always been prayers in this House. Retention of the prayer with the added reflection respects the tradition of the prayer while accommodating all views in the quiet reflection time. As the Minister of State said, we are now an inclusive society. By retaining the prayer with the reflection time, it encompasses a modern Ireland while still respecting the traditions of the past. We are fully supportive of the committee in this regard.

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**Deputy Anne Rabbitte:** Like Deputy Butler, I too lend my support to the Committee on Procedure regarding the discussion around the prayer. Since I was elected to the House 12 months ago, no more than the discussion around mental health, the discussion on the prayer is one that keeps reoccurring. This is a modern society and the return of the Thirty-second Dáil was very reflective of that in the way the parties were returned. Needless to say, that is also how it was discussed within the Committee on Procedure.

I am glad to see that the prayer has been retained. That said, I am also glad to see we are also reflective of other people and are allowing the opportunity of a period of time for reflection. I hope that when this is finally discussed, we will have the opportunity to move on and accept the proposal the Committee on Procedure has put before the House to retain the prayer along with an opportunity for time for reflection. It is a part of our tradition down through the years. Like all good things, we do not need to abolish all parts of the tradition. We need to be respectful of the people who went before us, what they stood for and what they believed in as part of that tradition. I am quite happy with the Committee on Procedure's proposal for Standing Order 27.

**Deputy Aengus Ó Snodaigh:** I move amendment No. 2:

To delete all words after "That" where it firstly occurs and substitute the following:

"with effect from 9 May 2017, the Standing Orders of Dáil Éireann relative to Public Business be amended by the adoption of the following in substitution for Standing Order 27:

'27. Upon taking the Chair each day, and before any business is entered upon, the Ceann Comhairle shall ask all Members present to stand for 60 seconds of silent reflection.'"

This is a very important issue but it is not the most important issue. I would much rather be debating something of major substance rather than having to deal with a fudge that the Committee on Procedure came up with. Others have tried to say that the Committee on Procedure unanimously agreed to this change. We did not. I argued, as I have done since I was elected to this House, that the prayer should be replaced with a moment's reflection.

Deputies have spoken about it being a tradition. It may be a tradition in this House and it has been a tradition in British parliaments since Queen Elizabeth I. All this State did was carry on that tradition. In doing so, it insulted every other religion and every other religion that has been reflected in this House since. Members are specifically asked to stand, honour and seek the help of a lord that many people do not believe in within this House and outside it and of a prophet in whom many people in this House over the years have not believed.

I am not insulting those of a Christian faith or those who believe in God or a god. What I am saying is that this is supposed to be a republic. A republic is supposed to honour or respect equally all of those people. It is also supposed to separate church and state, but that is not what is happening in this proposal. This proposal is more insulting than it was before because Members are now expected to stand to attention to listen to a prayer and then reflect for a moment. If there was a moment's silence as I had indicated, everybody individually could reflect on whatever religion or none that they stood for. That is why I have put forward the amendment in order for us to do what most modern parliaments and those that have been set up in recent times have done, that is, to have a moment's reflection or prayer in silence. If we are in a republic, we should not force a religion upon those of a different religion. That is not what we have in this proposal. If people believe in the republic of the Proclamation, of Wolfe Tone or of the

founding fathers of this State, then they may understand that we have to show that respect. We do not expect others to jump through the same religious hoops that they stand for. My belief is that we should have a moment's reflection because we need to think about what we are doing in this House. We need that moment's pause.

I was only told tonight that in some factories in Japan there is a 20-minute silence in which to reflect. I am not expecting people to stand for 20 minutes. However, I do believe we need to take time out, whatever one's religion, to think about what is coming ahead and what we did the previous day. If one is religious, call it a prayer. Call it a moment's reflection if one is not. That would be more reflective of the separation of church and State, or State and church in particular in this instance. This is the Legislature and it is supposed to reflect all or as many of the views of all the people of this State as possible. I do not think it is doing so in this proposal.

None of the legislative assemblies set up by the British in Stormont, Scotland or Wales has prayers. They have a moment's reflection. If people are interested, there was quite a good summary done of the various parliaments around the world. It was interesting that most of the parliaments that have stuck to a prayer beseeching our Lord are those that are former colonies of the British. Many of the other modern parliaments and legislatures set up since the Second World War in particular have moved away from a specific religious prayer to a moment's reflection or a moment's silence. That is the move we should pursue rather than the current one which involves quite a sectarian prayer being put before us each day when we start our work.

**Deputy Ruth Coppinger:** There does not seem to be many groups attending the debate. If there was a need for it could we have a little bit of extra time? We have only two and a half minutes each.

**An Leas-Cheann Comhairle:** The Order of Business has been decided.

**Deputy Ruth Coppinger:** I thought the Leas-Cheann Comhairle could use his discretion. Labour Party Deputies and others are not here.

**An Leas-Cheann Comhairle:** Unfortunately, no.

**Deputy Ruth Coppinger:** The proposal is baffling. A debate took place in the Dáil reform committee about a Dáil prayer in the national Parliament and many people objected to it. Now there will be a requirement - a compulsion and obligation - for all Deputies present to stand. It takes away the voluntary nature of it. There will be potential disciplinary action if a Deputy does not comply. At a time when the rest of society is demanding an absolute separation of church and State, the Dáil decides to embed an archaic practice by proposing this motion.

Religion is a private matter. If Deputies wish to pray or reflect, I am in favour of a room being set up where people can go, if that is what they want to do. I have no problem with that. It is a private matter and this is a civic, secular space. Society is now much more diverse. The last census showed an increase of 78% in five years, to almost 500,000, in the number of those professing no religion and 75% said they are Catholic. In my constituency, there is a huge number of people of minority religions who would find it offensive if they were elected as Deputies and had to partake in a prayer of another religion. I spoke at a Muslim conference about this on Saturday. What message does saying the church and the Dáil are linked together send to those who are advocating a united Ireland right now? This motion compels the Ceann Comhairle, who is elected, to say a prayer. Can we ever have a Ceann Comhairle who is not a Christian or who is atheist? It is of dubious legality in terms of freedom of conscience. I debated with a

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Deputy earlier who said he did not see any problem with it and it is a Catholic country. Does the House remember those words were used to Savita in the hospital? It is not a Catholic country. Nobody here saw any problem with the national maternity hospital being handed over to a religious order but the public sees a huge problem with it. The Dáil is behind public opinion. What will the Ceann Comhairle do if Deputies do not comply? Will they be thrown out of the Dáil or are we to forever wait outside the door like second class Deputies until the prayer is finished? It is time to separate church and State.

**Deputy Bríd Smith:** If this motion passes I am afraid the Leas-Cheann Comhairle and I will probably have loads of rows because I will not stand, no matter what I am told to do. My religion or belief is my business. It is not public property and is not up for public scrutiny. I hope many Deputies in the House will perform the same act of civil disobedience or Oireachtas disobedience. I got loads of tweets tonight from people saying “Fair play to you”, “Why are they being so silly?” and “Why are we wasting time on this?” All of these amendments and the connotations of what we might do would be silly were it not for the Tuam babies, the national maternity hospital and the Sisters of Charity, repeal the eighth and the Citizens’ Assembly, the legacy of the Magdalen laundries, the Christian Brothers and the persecution that people suffered in this country, Savita Halappanavar, Ms X and Ms Y. The list goes on and on.

The outcome of the Citizens’ Assembly has surprised the country and there is an outcry over the national maternity hospital because people have moved on and they want to see the separation of church and State. I will talk a bit about what that means and where it came from. It was first mooted by Thomas Jefferson in the United States in the year - believe it or not - of 1802. It was 215 years ago that Jefferson argued with the Baptist Church that every person is entitled to his or her own religion and beliefs and that it should enshrine the right to be able to pray and have a place of worship whether it is a church, mosque or temple. It should not include the state identifying with any one particular religion and the state, therefore, should not allow religious orders to control health, education or the structures of the state. That is exactly what we have. It is unbelievable that 215 years later we are sitting here debating a more draconian form of insisting we stand and pray. Hello, this is the year 2017. This country has moved on. Could this House please move with the people, move with the times and recognise that we need to separate church and State and that we are sending out completely the wrong message if we start with this sort of nonsense? I will support the amendment tabled by Solidarity.

**Deputy Joan Collins:** I find it incredible that we are debating this issue. This is the 21st century. We need to move on. We need to recognise that religious belief, whether Christian, Jewish, Muslim or other, is a personal matter to be respected but it is not the business of the State or Parliament to endorse in any way any particular religious belief. Standing Order 27 does precisely that. It calls on a spiritual divinity to direct the words and actions of democratically-elected representatives. I have not been sent here by the votes of the people in Dublin South-Central to have my words and actions directed by Jesus Christ. That is quite simply a fact. Since being elected to the Dáil in early 2011, I have not been able to participate in the opening ritual of the Parliament. I normally stay outside the Chamber when the prayer is being said or if I am caught short in the Chamber, I sit at the back until the prayer is over. I will not participate in it because I am not religious. I am atheist. It is wholly inappropriate for an elected Member to be in that position.

It is not the most important issue in the proper separation of church and State. The removal of the Christian prayer would be a good start. That is why I tabled an amendment to have a 30-second reflection or silence instead. The practice of Deputies praying is associated with

the Westminster parliamentary tradition, as has been mentioned. The UK and Ireland are the only European parliaments that start their day with a prayer. It also happens in Australia, South Africa, Canada and the United States. In Europe there are no parliamentary prayers in Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain or Sweden. That is a fact. In any other parliamentary democracy, they do not start proceedings with a prayer of one particular religion.

Staff in here also have to stand. Staff are instructed to tell people in the Gallery to stand while the prayer is being said. Everybody is pulled into this idea of the prayer in the Dáil. I worked in An Post and my day did not start with a prayer. It is a bad situation that workers who may not be of any Christian religion are being forced or are expected to do this in the Dáil. It is inappropriate in a modern, pluralistic republic and it infringes on the human right to freedom of conscience by forcing people to reveal, directly by standing or indirectly by sitting, information about their religious or non-religious philosophical beliefs. That has to be taken on board in this debate.

Far more important in real terms is the need to separate church and State in our education and health care systems. The fact that parents are being pressurised into baptising their children to get them into a State-funded school would be outrageous in any day and age, never mind today. The fact that a Minister of Health could even consider handing a maternity hospital, which is to be built with State funds to the tune of €300 million, to the ownership of a religious group involved in the scandal of child abuse and which has reneged on its financial commitment to the redress fund for victims of that abuse is simply mind boggling. These issues need to be confronted. We need to move on. The people have moved on and so-called Catholic Ireland belongs in the past. The recommendation of the Citizens' Assembly on the issue of the eighth amendment bears this out. I welcome its recommendation and will do all I can to ensure the House acts on it and sets a date for the referendum as quickly as possible.

At some stage we have to stop amending a Constitution which reflects the Ireland of the 1930s and is obviously not fit for purpose. We need to convene a democratically convened assembly with the task to write a completely new Constitution emphasising the rights of citizens as opposed to the rights of property, the State and the Catholic Church, a Constitution fit for a modern, democratic and secular republic in the 21st century. We need to convene a democratic assembly and task it with writing a completely new Constitution, emphasising the rights of citizens rather than the rights of property, the State and the Catholic Church. We need a Constitution fit for a modern, democratic and secular republic in the 21st century. I urge everyone in this Chamber to think seriously about that. A 30 second reflection or silence would actually cover everybody, religious and non-religious alike, and allow them to express their views in this Dáil Chamber. Alternatively, I would be happy to support the amendment put forward by other Deputies.

**Deputy Mattie McGrath:** I am delighted to speak on this motion. The Committee on Procedure, chaired by the Ceann Comhairle and reflecting the membership of the Houses of the Oireachtas, of which I am a member, discussed this matter at its meeting in March. The committee recommended amending Standing Order 27 to provide for a prayer and a 30 second period of silent reflection at the start of business each day. This motion has also been discussed by the members of the Business Committee on a number of occasions. Indeed, the Business Committee had agreed to put it through, without debate, before Easter but that was challenged on the floor of the House. We then agreed to have this debate tonight, but there was a furore

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about that this morning in terms of the time. It is still only an eight hour working day from 2 p.m. until 10 p.m. One might think that the timing was deliberate, but it was not. It was just a question of the running of the order of the day.

The Dáil prayer is not as unusual as its opponents claim. In fact, a significant number of legislative bodies in Europe and further afield, including the UK, South Africa, Canada, the United States of America and Australia have either a period of prayer or silent reflection before the business of the day begins. Although the question of the Dáil prayer is occasionally brought up by some Members of the Oireachtas, admittedly more often in recent times, I have yet to encounter any kind of widespread resistance to the practice among the majority of Members. It seems to be a niche preoccupation of those on the hard left. It has certainly found no traction among the majority of Deputies or the public. Respect for cultural or religious views should not debar us from acknowledging the specific heritage of our country and from finding a way to give expression to that in a way that the majority of people do not find offensive. In point of fact, the US Supreme Court quite recently, during the term of former President Obama, extended the rights of individual state legislatures to include a prayer in their proceedings and judged that this does not violate the anti-establishment clause of the US Constitution. That decision was made during President Obama's term in office. Our democratic structures should not be hostile to the practice but should accommodate it in as reasonable a manner as possible. I believe that wholeheartedly.

Members have brought the issues of the Citizens' Assembly, repealing the eighth amendment into this debate and the current maternity hospital saga as a deflection. I spoke to a colleague earlier who is a member of an Oireachtas committee of which I am not a member. A Muslim delegation appeared before that committee - all delegations of all faiths and none are welcome here - and they had to stand for ten minutes while the delegation prayed. That was fine. That was the wish of the delegation which was respected by the committee. That is what happened. This is a surreal debate. People are trying to bring many other issues into it.

The Committee on Procedure, following discussion, decided to add the 30 second reflection to allow people of whatever belief to stand and wait. I feel very sorry that some Deputies feel like second-class citizens outside the door. I was late this morning and I waited outside. The ushers asked me to wait. I sympathise with people who do not want that or who feel like that but I see people every morning barging in here when the prayer is being said. That is not showing much respect or tolerance for the majority decision.

I have heard Deputies saying that they will not stand for the prayer. Nobody is going to make them stand or make a show of them. That is their right if they want to do that. That said, there is a code of practice in this House. There is also a dress code, which people want to disobey. Either we want to be elected to Parliament and represent the people or we do not. I believe that people have the right to pray. We have had a reasonable debate tonight. Some people do not want to speak on the matter and did not come in for the debate and that is fine.

I hope this will be the end of the matter because it has been discussed by the Committee on Procedure and the Business Committee. We agreed a way forward but that was upturned here on the following Tuesday. We then agreed at our last meeting before we broke for Easter to find time for this debate in today's schedule. That was scheduled and nobody objected to it at the time at the Business Committee or to the allocation of five minutes per group. Today, however, for the media and for antics and semantics, people objected and said they would walk into the Chamber in the middle of the prayer. They keep slating people but this is a majority Parliament.

When the majority decides that it does not want the prayer, I will accept that.

I am a member of the Committee on Procedure and the Business Committee. I am getting tired of meetings, special meetings and agreeing procedure, passing that on to a rapporteur to read out and then the rug is pulled out from underneath it. It is farcical. We are supposed to have new politics-----

**Deputy Bríd Smith:** It was not agreed.

**Deputy Mattie McGrath:** It was agreed. Excuse me, it was agreed. How else did it come to the floor of the House if it was not agreed to? Of course it was agreed.

**An Leas-Cheann Comhairle:** The Deputy should not be inviting comments.

**Deputy Mattie McGrath:** I am not inviting comments. It was agreed to by the committee. There was an abstention and a recording made of one group that was not happy with it. That is natural and fine. I thank the Leas-Cheann Comhairle and officials for facilitating the debate.

**Deputy Catherine Murphy:** The primary function of the Oireachtas is to enact legislation. All the laws we debate and pass will be underpinned by a belief or value system. For some, that is a religious value system while for others, values such as equality, solidarity, democracy, honesty and accountability form a civil morality that is not necessarily drawn from a religious belief system. I believe we need to develop a civic responsibility and a civic morality, but to do that, we need to separate church from State.

I was reading a well-argued article written in 2011 by Dr. Garret FitzGerald in *The Irish Times*, the headline for which was “Ireland’s lack of civic morality grounded in our history”. In it he compares our history with that of other European countries. It is recommended reading and I wish to quote selectively from it. Following independence, FitzGerald argues:

[T]he Irish Catholic Church sought ... to bend the new State to its purpose, relying upon the strong personal faith of members of successive governments to secure its objectives. And it succeeded - up to a point. It secured censorship of books and films, and was successful in having contraception banned.

However, when in 1929 the Catholic hierarchy challenged the non-denominational provisions of our constitution by attempting to persuade the government to confine the appointment of dispensary doctors to Roman Catholics, it was outwitted by WT Cosgrave. He told the hierarchy that as guardian of a non-denominational constitution he could not implement their proposal and would have to resign from office if their proposal were to be pressed. The request was dropped.

[...] This underlying stand-off between church and State seems to have inhibited the Irish Catholic Church from advocating civic responsibility.

Instead much of its energy was concentrated on aspects of sexual morality – an area where it eventually lost credibility.

[...] The consequences of all this have been that a society with an educational system almost exclusively in the hands of the Catholic Church has been left with virtually no tradition of, or training in, civic morality or civic responsibility.

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The baptism barrier and the ownership and control of the National Maternity Hospital, it could be argued, flow from a religious belief system and form part of the reason we need to separate church from State and take collective responsibility, underpinned by a well-developed civic morality. In many ways we not only outsourced service provision, which we are still doing, but we also outsourced our morality as a State.

The highest form of law in Ireland is our Constitution. No law can be enacted that is repugnant to our Constitution. It is inconsistent for us to commence each day with a prayer and I question whether it reflects the non-denominational nature of our Constitution. Religious faith is a personal thing and is hugely important to perhaps the majority of people in this country. Some people, like myself, are not believers but that does not mean there is an absence of morality or values. For those reasons, I cannot support the retention of the prayer.

**Deputy Eamon Ryan:** I agree with what Deputy Coppinger said earlier. We should have given this debate more time and scheduled it for a different time because how we do things is important. The process of how we speak and how we listen to each other is important. I raised this issue with others previously and Deputy Paul Murphy raised it at the Sub-Committee on Dáil Reform. There is enough time in here when we are fighting with each other. I like the moments of prayer or reflection because I like that different space that allows us to think in a different way, even if only briefly, each day. My putting forward the suggestion was based on what the Scottish do, as I understand it, in that they vary it. They have a range of different ways in which they use that moment at the start of every week. I quite like the idea of experimenting and trying different approaches by involving people of all faiths and none. We need to think about how we might try to do it differently.

I listened to Deputy Ó Snodaigh with respect. My party has a tradition of tending to start meetings with a minute's silence. I find it personally correct. It is something I am used to, and I think it works. I sometimes think we could use it here. Rather than the Ceann Comhairle saying he is going to throw someone out, throwing in a minute's silence every now and then might be a useful way of breaking down some of the confrontational moments we have here. I would welcome the Committee on Procedure being given the chance to look at different ways in which we might start the day.

There is a compromise solution. There is a throwback to the foundation of the State in the wording of the morning prayer. While I can stand up and listen to it - as I have said, I find it fine - I would fully respect it if someone were to sit down. I do not think that would be in any way inappropriate. It may be difficult for the person who has to sit down, but I do not think we should disrespect someone who does not believe in it. We should be very flexible in how we do this now. As I recall it, that was what was coming out of the Committee on Procedure, even if there was not universal agreement on it. We tried to take a kind of compromise or consensus approach when we proposed that we would have a period of reflection as well as the original prayer. We were trying to satisfy various different needs.

One of the things that has worked well in the Dáil reform committee, and in the Committee on Procedure to a certain extent, has been the recognition of the need to be flexible. If this does not work, we can come back to it and change it again. We should not set it in stone. This debate is important and how we use our time and have moments of reflection is also important. That is why I am glad this matter was brought before both committees.

**An Leas-Cheann Comhairle:** Is amendment No. 2 being pressed?

**Deputy Aengus Ó Snodaigh:** Yes.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 4 May 2017.

**Deputy Ruth Coppinger:** What about amendment No. 1 in my name and amendment No. 3 in the name of Deputy Joan Collins?

**An Leas-Cheann Comhairle:** The Deputy knows the custom. They cannot be dealt with until after we have disposed of amendment No. 2.

**Deputy Ruth Coppinger:** I thought they had to be mentioned now.

**An Leas-Cheann Comhairle:** No. The Deputies might have an opportunity to move their amendments on Thursday. If amendment No. 2 is carried, the other amendments will fall. If amendment No. 2 is not carried, amendments Nos. 1 and 3 may be moved.

The Dáil adjourned at 10.30 p.m. until 2 p.m. on Wednesday, 3 May 2017.