



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Máirt, 20 Meitheamh 2017

Tuesday, 20 June 2017

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: Last week in my speech on Deputy Varadkar's election as Taoiseach, I raised the question of the appointment of the former Attorney General, Ms Máire Whelan, as a judge to the Court of Appeal. I said then that if the Taoiseach wished to do more than just talk about changing politics, he had an opportunity to do so in the context of this squalid appointment. I asked that the Taoiseach address the controversy and explain to the Dáil what and when he knew about it because this appointment was the first in nearly a quarter of a century that a former Attorney General was appointed in such a manner.

It was without precedent since the enactment of the 1995 Act. In fact, it circumvented that Act and as the editorial in the *Irish Independent* today stated, "Whatever about the letter of the law ... the spirit of the law certainly wasn't adhered to." The former Attorney General attended the Judicial Appointments Advisory Board, JAAB, meeting in May and knew from that meeting that the essential criterion was that the person to fill that vacancy should be a High Court judge with experience in such high level judicial matters. The former Attorney General never indicated to JAAB that she had an interest in the vacancy; she should have. There was no documentation in advance of the Cabinet meeting and no notice to Ministers that such a controversial appointment was to be made. It was slipped in at the last minute of the last meeting of the outgoing Cabinet. Incredibly, the former Attorney General failed to absent herself from the meeting when her appointment was proposed by the outgoing and incoming Tánaiste, who was central to all this. The meeting, apparently, burst into applause. This was an insider appointment and it stinks to high heaven. The controversies in which the former Attorney General was involved, particularly that relating to the damning findings made in the Fennelly report, were ignored in the consideration of the applicant's suitability.

No one was told by the Tánaiste that three High Court judges had applied. Who were they? Were their applications considered seriously? No, they were not. To add insult to injury, the Taoiseach decided on Sunday evening, with indecent haste, to instruct the President to appoint the following morning to pre-empt accountability to the Cabinet. Two Ministers had indi-

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cated that they wanted a review, namely, the Minister for Transport, Tourism and Sport, Deputy Shane Ross, and the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten. The Taoiseach also did it to pre-empt accountability to this House. In so doing he arrogantly dismissed the concerns of his Cabinet colleagues and arrogantly ignored the imperative on him in terms of accountability to the House in this appointment. Prior to making it, the Taoiseach also failed to respect those who had facilitated his election as Taoiseach.

I have some specific questions for the Taoiseach which I will put quickly.

An Ceann Comhairle: The Deputy is out of time.

Deputy Micheál Martin: When was the Taoiseach told specifically that this appointment was to be made? Did the Tánaiste alert him, as incoming Taoiseach, that she was bringing forward this appointment? He said yesterday that he had regrets. Why did he not stand up and resist the appointment at the time it was put to him and in the manner it was so put? Would he do it all over again?

The Taoiseach: First, I refute absolutely any suggestion that I instructed the President to do anything of the sort. I understand there was a story in one of the newspapers this morning that is not true and is without foundation. The arrangements made for the appointment of Ms Justice Whelan were made by officials in accordance with the long-standing procedures to confirm three judges, one being Ms Justice Whelan and the others being two judges of the High Court. There was no question of any pressure being placed on the President to make the appointment on a specific date. My only involvement was to indicate availability in my diary to attend the ceremony. As Deputies will know, over the years it has been commonplace for judges to be confirmed by the President, sometimes within days and usually within a week or two.

Ms Justice Whelan is uniquely qualified for the role she now holds. She is a barrister with decades of experience. She was Attorney General for six years across two Governments. She was across some of the most complex cases ever dealt with by any lawyer, including the unwinding of the FEMPI Acts, the legislation required to provide for marriage equality and to deal with the X case, as well as the Protection of Life During Pregnancy Bill. I do not think there is any controversy about her qualifications for the job she now holds.

There is controversy about the process followed. As I have said, the process is lawful and provided for in the Constitution, specifically Article 13. There are precedents for it and I will go through some of them, if Deputy Micheál Martin so wishes. Correct procedure was followed and all expressions of interest were forwarded to the Minister for Justice and Equality who considered all of them, as well as the possibility of an expression of interest from the Attorney General. The Minister determined that the Attorney General was the stand-out candidate for the post and, therefore, made a nomination of one person to the Cabinet. That is standard practice: if there is one vacancy, there is one nominee and if there are two, there are two. It has never been the case that the Cabinet considers shortlists or lists of six or 12 people who are deemed to be less suitable or unsuitable. It was all done in line with normal procedures.

In terms of precedent, I draw the attention of Deputy Micheál Martin to some other cases that are not the same but bear similarities. For example, Frank Clarke was appointed to the High Court without going through the Judicial Appointments Advisory Board. As barristers, Adrian Hardiman and Donal O'Donnell were appointed directly to the Supreme Court, but they did not have the experience of being Attorney General. They were actually appointed di-

rectly to a higher court than the Court of Appeal. Of course, John Murray was appointed to the European Court of Justice, moving from Attorney General to a high position in the European Court of Justice and, to the best of the information we have available, no application process was followed. I do not criticise these appointments. They were all good appointments. The people concerned are all very well qualified, but the appointments all had one thing in common: Deputy Micheál Martin was around the Cabinet table when they were made.

Deputy Eamon Ryan: The Taoiseach told us about it as if he did not have much to do with it.

Deputy Micheál Martin: Let us be clear. None of the three people was ever in the position of Attorney General. With the greatest of respect to the outgoing Attorney General, Máire Whelan-----

Deputy Regina Doherty: What about John Murray?

Deputy Micheál Martin: I am not talking about him. Máire Whelan is no Frank Clarke, no Adrian Hardiman and no Donal O'Donnell.

Deputy Frances Fitzgerald: Excuse me-----

(Interruptions).

Deputy Paul Kehoe: That is chauvinist.

Deputy Patrick O'Donovan: It is desperate.

Deputy Frances Fitzgerald: Come on.

Deputy Micheál Martin: The Taoiseach strains credibility by putting her in the same league as the individuals he has named. I did not want to raise that but it is factually the position.

An Ceann Comhairle: Can we have order, please?

Deputy Regina Doherty: A Cheann Comhairle-----

Deputy Micheál Martin: I also put to the Taoiseach, and may I say to Deputy Doherty she is not Leader.

Deputy Regina Doherty: What Deputy Martin has just said about a lady of eminence is outrageous. She is not even here to defend herself. It is not fair.

Deputy Timmy Dooley: You will get your turn.

Deputy Bernard J. Durkan: Deputy Martin should withdraw the remark.

Deputy Frances Fitzgerald: It is an outrageous comment.

An Ceann Comhairle: The Minister, Deputy Doherty must allow Deputy Martin have his say.

Deputy Micheál Martin: It is an important point. Suitability to office is important. It is very important to make the point. I am not going to take a cosy consensus or some insider consensus from people who want to ordain it otherwise.

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Deputy Jack Chambers: Hear, hear.

Deputy Micheál Martin: I do not wish to do that. The precedent here is to remind the Taoiseach that Máire Whelan was Attorney General. Since the 1995 Act, no Attorney General was appointed in such a manner as she was appointed. Would the Taoiseach please accept that truth? He should stop trying to play fast and loose with the rules. People who play fast and loose with the rules get sent off the pitch sooner rather than later.

Deputy Regina Doherty: Oh, God, look who is talking.

Deputy Bernard J. Durkan: Easy, now.

Deputy Micheál Martin: That is the bottom line. I put it to the Taoiseach that this did not adhere to the 1995 Act in terms of how the appointment was made. The Attorney General should have alerted the JAAB to her interest in the vacancy.

An Ceann Comhairle: Deputy, you are way over time. Please conclude.

Deputy Micheál Martin: I asked the Taoiseach a specific question. When was he told that this appointment was going to be made? He is the incoming Taoiseach. He is about to appoint Deputy Frances Fitzgerald as the incoming Tánaiste. She is also the outgoing Tánaiste. Could he give us a simple answer? When was he told about this?

The Taoiseach: First, I had understood up until now that Deputy Martin's difficulty was with the process, not the qualifications of the candidate.

Deputy Frances Fitzgerald: Hear, hear. Now you play the woman. It is a disgrace.

Deputy Patrick O'Donovan: Deputy Martin has let himself down.

(Interruptions).

The Taoiseach: It is not a good thing for this House that it is now discussing whether an individual who is now a judge is competent to hold that office. I would argue that she is equally competent to somebody like John Murray, who was appointed directly from being Attorney General to the European Court of Justice-----

Deputy Patrick O'Donovan: Discussing a person. It is a new low.

Deputy Barry Cowen: Answer the question.

Deputy Micheál Martin: It would be different if you had followed proper procedure but you have not.

Deputy Timmy Dooley: They skipped the procedure.

Deputy Frances Fitzgerald: Face your own past.

Deputy Patrick O'Donovan: It is an own goal.

The Taoiseach: Like other line Cabinet Ministers, I saw the memo on the morning of the Cabinet meeting but I was aware the evening before that it might be a possibility, given that there was a vacancy in the Court of Appeal. I did not have any role in putting the memo before the Government.

Deputy Barry Cowen: That it might be a possibility?

Deputy Micheál Martin: Could the Taoiseach be a bit more transparent?

The Taoiseach: The evening before.

Deputy Gerry Adams: I want to raise the fiction of new politics with the Taoiseach. A week ago, he was elected by 57 Deputies while 50 Deputies voted against him. Some 44 Fianna Fáil Deputies abstained in keeping with that party's supply and confidence agreement with Fine Gael, of which we have just seen lots of evidence. The Taoiseach represents 36% of the Dáil. He has no popular mandate. That is the new politics according to him and the Fianna Fáil leader.

Since his election, the Taoiseach has been at the centre of controversy over the appointment of former Attorney General, Máire Whelan, to the Court of Appeal. I cast no aspersions on the ability of the former Attorney General. My issue is with the process or lack thereof. Yet the Taoiseach has defended the appointment and the process. He stands over it and, indeed, pressed ahead and requested that the President ratify Ms Whelan's appointment yesterday morning. Now there are reports that he has decided to have the process of this appointment reviewed.

This controversy has overshadowed the Taoiseach's appointment of three super junior Ministers when he is permitted to appoint only two. This is more new politics. Super junior Ministers are paid an extra €15,829 for attendance at Cabinet meetings. In the past, a brand new allowance was invented to top up the salary of the former Chief Whip, Deputy Regina Doherty, to attend Cabinet meetings. When Deputy Paul Kehoe was Chief Whip he was paid a bonus for this privilege. Clearly, where there is a will, there is a way, but it is hardly new politics. In his republic of opportunity, I am sure the Taoiseach will look after his new super-duper junior Minister, Deputy Mary Mitchell O'Connor. Meanwhile, last month there were 8,154 citizens on trolleys in our hospitals, which is a 25% increase on the figures for last year, 92,000 families languish on local authority waiting lists, there are almost 5,000 homeless adults and 2,708 children are in emergency accommodation. What is new about the politics that creates this inequality and stress in the lives of citizens? What is new about Fianna Fáil's fake outrage? What is new about the soldiers of destiny marching up to the top of the hill, their brass necks glistening in the sun?

Deputy Timmy Dooley: I think the Deputy did that for a long a long time.

Deputy Gerry Adams: When it comes to the crunch, of course, they simply roll over. The hard undeniable reality is that this Government remains in power because of Fianna Fáil-----

Deputy Barry Cowen: Has the Deputy a question?

Deputy Gerry Adams: What is that all about? Is it not cynical and self-serving?

An Ceann Comhairle: Thank you, Deputy.

Deputy Gerry Adams: It is not about ending poverty and homelessness, creating decent public services, uniting Ireland or facing up to the challenges of Brexit; it is about sustaining the *status quo*. Does the Taoiseach agree that these new politics are a sham?

The Taoiseach: I think we may need to amend Standing Orders to allow for an additional part to Leaders' Questions where the Deputy and the leader of Fianna Fáil can question each

other. To answer the questions the Deputy put to me, the mandate I have comes first from the people in Dublin West, the people who voted for me and allowed me to be a Member of this House, then from my party and then from this Dáil. Every Taoiseach in the history of the State has been elected by the Dáil. That is the system we have in this country. In due course this Government will seek a popular mandate but for the foreseeable future we will focus on getting the business of Government done and improving people's lives.

The Deputy and his party also have a mandate. His party had very successful elections to the Northern Ireland Assembly and it elected seven MPs to Westminster. I would ask the Deputy to consider validating his mandate by doing all that he can to ensure the Northern Ireland Executive is back up and running and the assembly is sitting and to consider using the mandate he has at Westminster to influence the outcome of Brexit. It seems Sinn Féin is very keen on elections. There were elections in Northern Ireland, there were elections for Westminster and the Deputy's party wants elections here as well, but what it does not want is responsibility. It does not want to be in government. I appeal to the Deputy to honour the electoral mandate he has by ensuring his party members take up their positions in the Northern Ireland Assembly and in the Executive.

(Interruptions).

The Taoiseach: Let me be very frank about the controversy around the appointment of Máire Whelan to the Court of Appeal. This is definitely not the issue I would like to have dominated my first week as Taoiseach. I do not want there to be any further controversy while I am Taoiseach about any judicial appointments in future, so things will change.

Deputy Timmy Dooley: The Taoiseach did more than enough about that.

The Taoiseach: First, we will prioritise the judicial appointments Bill. That Bill will be brought into the Dáil next week.

Deputy Thomas Byrne: The Government will not have to comply with it.

The Taoiseach: If the Dáil and Seanad have to sit into July and into the recess-----

Deputy Thomas Byrne: The Taoiseach is now saying he is allowed to ignore that.

The Taoiseach: -----we will do that in order to get this Bill passed so that-----

A Deputy: How many more Garda stations will be reopened-----

The Taoiseach: -----we change this process in order that any judge who wants to apply for a higher court will have to go through Judicial Appointments Advisory Board, JAAB, which is currently not the case.

Deputy Micheál Martin: So the Taoiseach got it wrong.

The Taoiseach: We will make these changes and make sure there are no future controversies about judicial appointments.

The Cabinet secretary will carry out a review of Cabinet procedure so that we minimise the number of occasions on which a memo is brought to Government at very short notice.

Deputy Thomas Byrne: Minimise the number of strokes.

Deputy Gerry Adams: If I may say so, that is in some way an acknowledgment that the process that was used was inappropriate. It makes a change for a leader of Fine Gael to accuse Sinn Féin of being in favour of elections, a rather interesting turn of phrase. I want to find out more about these new politics. The Taoiseach said that the North and Brexit would be his Government's priorities. He went to Downing Street yesterday and I understand he was thrilled.

A Deputy: About sliding down the bannisters.

Deputy Gerry Adams: He informed us, as he and Theresa May spoke on the way in, that he told her that it reminded him of that scene in "Love Actually" where Hugh Grant did his dance down the stairs. It is not exactly in keeping with the spirit of Michael Collins. The Taoiseach went on to tell us he was very reassured by Theresa May that any agreement between the Conservatives and the DUP would not impact on the Good Friday Agreement. That is not new politics, that is nothing but the same old story.

An Ceann Comhairle: Thank you, Deputy.

Deputy Gerry Adams: The Taoiseach has no reason to believe any assurance from the British Prime Minister. A Taoiseach standing up to the British Government on all these issues on which it is currently in default - issues of equality, unity and rights, which the British Government is denying people - would really be new politics. Could the Taoiseach explain to the Dáil why he did not do this?

The Taoiseach: I know the Deputy does not like the fact that I made reference to "Love Actually" yesterday on my first visit to Downing Street.

Deputy Gerry Adams: I loved it.

The Taoiseach: I have not been there as often as Deputy Adams has. I follow him on Twitter and I am aware that he is more a fan of Richard Curtis's later works such as "About Time". If so, I suggest it is about time that power sharing was restored in Northern Ireland and that he went about making sure that was the case.

I had a very good meeting in Downing Street yesterday with the Prime Minister, Theresa May. We met *tête-à-tête*, just the two of us, and then we met in a group for almost an hour. We covered a large number of issues. One of the issues we covered in some detail was the agreement that she has not yet made with the DUP, but intends to make, around confidence and supply. She assured us that agreement would not impact on the impartiality or the co-guarantor arrangement as required.

Deputy Gerry Adams: I was not assured.

The Taoiseach: I have no reason not to believe her assurance.

Deputy Gerry Adams: She is in breach of guarantees now.

The Taoiseach: It is an assurance that we will have to hold the British Government to.

An Ceann Comhairle: I call Deputy Howlin.

Deputy Brendan Howlin: Last week the Taoiseach unveiled his new Cabinet. It included an unprecedented number of Ministers of State with the right to attend at Cabinet. Within 24 hours, it emerged that one of these four Ministers of State could not receive the corresponding

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allowance without a change in the law. The Labour Party made it clear that we would oppose any such legislation and others likewise, and it is abundantly clear that such legislation could not pass this Dáil.

Over the weekend the situation got worse. It has emerged that the payment of a third such allowance to the Government Chief Whip from last year was also unlawful. The Whip was paid an allowance of €15,829 for her role as Government Whip. No such position exists under law. It is clear from the documents released under freedom of information that the allowance was paid to the Government Whip on the understanding that the Government Whip was actually being paid for her responsibilities as Fine Gael Whip. This might seem like a technical and minor matter, however under the law no allowance can be paid to a party Whip, if that person is a Minister or a Minister of State. This means that one cannot pay such an allowance to the new Government Chief Whip. It also means that an illegal overpayment has been made to Deputy Doherty. This is a mess that was started by the Taoiseach's predecessor, but in seeking to create additional jobs for Fine Gael Deputies in this House, he has made it worse. Several simple questions arise. First, does he accept that an illegal payment was made to the Government Chief Whip over the last year and more? Second, does he intend to recover this overpayment, since this House is well aware of the Taoiseach's diligence in ensuring that people who are overpaid by the State make full recovery? Third, does he accept that only two of those he appointed as super juniors can be paid for that role? Finally, how is it to be determined which two of the four are to be paid such an allowance?

The Taoiseach: First, it is longstanding practice that the Chief Whip had a Chief Whip's allowance, just as there are allowances for the assistant Government Whips and there are allowances for party Whips. I do not accept that the payment of a Chief Whip's allowance or any allowances paid to Whips in this House is somehow illegal but I will examine the matter further -----

Deputy Brendan Howlin: The Taoiseach will find that I am right.

The Taoiseach: -----and make whatever changes or recoveries are necessary if what the Deputy says is correct. I am very pleased that the Minister of State, Deputy Mitchell O'Connor, will remain at the Cabinet table. She has been an excellent Minister in the time gone by and is enormously suited to the Department of Education-----

Deputy Timmy Dooley: Why did the Taoiseach drop her then?

The Taoiseach: She has experience as a school principal and a master's degree in education. My intention is that all Ministers of State who attend the Cabinet - four Ministers of State attend the British Cabinet, so it is not unprecedented - should-----

(Interruptions).

An Ceann Comhairle: May we have order?

The Taoiseach: My intention is that all Ministers of State who attend the Cabinet should be paid the same salary, but if this requires legislation, it will not be priority legislation.

Deputy Thomas Byrne: We will not vote for it; we will vote against it. Do not bother.

The Taoiseach: The priority legislation in education will be legislation such as the Technological Universities Bill, not legislation relating to payments for any politician.

Deputy Brendan Howlin: The Act is crystal clear. An allowance is payable to party Whips, but such an allowance is not payable - it is crystal clear in the Act - to someone who is a Minister or Minister of State. An allowance was payable to a Minister of State who may attend Cabinet separately, and two such allowances can be paid under separate legislation, but the Taoiseach has four Ministers of State attending Cabinet. In order to accommodate a third last year, his predecessor created this new Government Whips allowance which does not exist in law. That is the simple fact of the matter. Unfortunately, a significant overpayment is being made to a member of his Government. My simple question is whether he will ensure that the law is complied with and this overpayment recouped? Furthermore, is it his intention to then have four Ministers of State attending Cabinet, two paid an allowance and two not?

The Taoiseach: As I mentioned earlier, it has been a long-standing practice that the Chief Whip is paid a Chief Whip's allowance.

Deputy Brendan Howlin: Under the law.

The Taoiseach: That has been the case for many previous Governments-----

Deputy Brendan Howlin: When two were paid an allowance. There is a law-----

The Taoiseach: The assistant Government Whips, as the Deputy knows, also get allowances. However, of course we will comply with the law if there has been an overpayment. If so, yes, absolutely, such an overpayment would have to be recouped. I will have to examine the situation and understand it fully. The interest of the Ministers who sit around my Cabinet table is not in salaries and allowances, so I will not prioritise any legislation to afford an allowance that does not already exist. The focus of this Government will be on getting through legislation that matters to the people. I will not introduce legislation at an early stage to provide any additional allowances to any politician.

Deputy Catherine Connolly: A Thaoisigh nua, power is a privilege that should and must be exercised in a manner that is open, accountable and compliant with the democratic process, including the relevant legislation behind a given decision. That democratic process gave us the Dáil we have today, with no overall majority for either of the bigger parties and with the strong message from the electorate that they did not want more of the same empty promises, empty rhetoric and exercise of power for power's sake. Unfortunately, that is exactly what the Taoiseach nua has given us and the people: a decision to appoint a new judge to the Court of Appeal, to appoint the Attorney General and in circumstances surrounded by secrecy and a deliberate ignoring of the legal framework set up in 1995 because of a previous debacle to govern that appointment.

From what we know of the process, one name alone was brought to the Cabinet by the former Minister for Justice and Equality, and that name was unanimously accepted by the Taoiseach's colleagues both in Fine Gael and the so-called "Independent" Alliance, and all done in the presence of the applicant judge herself. Not only was there no objection from any member of the Cabinet to this procedure; what is appalling and alarming is the Taoiseach's contemptuous disregard for issues raised by the Opposition and by the people since then. He has been disingenuous, and when I say he, I mean he and his colleagues, with the information he has given us. The former Minister for Justice and Equality confirmed that the JAAB had nobody to recommend, no suitable candidate. While that may be true, there was an utter failure to place that statement in context and state the JAAB did not advise on the appointment of judges to

higher office. As well as that, there was a deliberate ignoring of section 18 of the legislation which had specifically been brought forward to avoid a debacle such as this. It allows for the Attorney General to go forward but he or she must make this known. There has been a deliberate ignoring of a conflict of interest on the part of the former Attorney General and a deliberate lack of information on the interest of three candidates in the High Court positions.

Under the Constitution the Taoiseach has the power to appoint judges. However, when it shows such contemptuous disregard for existing legislation and where the minimum requirement of the former Attorney General stepping outside the room was ignored, it is a cause for alarm. The Taoiseach has failed to give replies and obfuscated, evaded and confused by referring to qualifications, which were never an issue. The process he adopted was faulty. I ask him, on mature reflection, to acknowledge that it was faulty.

The Taoiseach: The appointment was appropriate. I am glad that the Deputy agrees that qualifications are not an issue in this case and that the former Attorney General is uniquely qualified for this important role. It is a controversy about the process followed. The process was lawful and is provided for under Article 13 of the Constitution. We have separate, independent legal advice, not legal advice from the former Attorney General, which states the appointment was lawful and that correct procedure was followed. The procedure is as follows: barristers apply to the JAAB which makes a recommendation. Other judges apply to the Attorney General and the information is then passed to the Minister for Justice and Equality who considers all expressions of interest and makes a recommendation. As is the case for all appointments, including judicial appointments and appointments to chair and sit on State boards, the Minister comes to the Cabinet with a recommendation. The Cabinet is not given a shortlist for any such position. We do not sit around the Cabinet table discussing the merits and demerits of six or seven people and why someone is the lesser candidate for any job. The normal procedure is that a Minister comes to the Cabinet table with a nomination - one nominee if there is one post, two nominees if there are two posts and so on. That procedure was followed. I acknowledge, however, that it is not the best way to appoint judges and it is something I want to change. That is why I have given a commitment in the House that we will fast-track the judicial appointments Bill.

Deputy Thomas Byrne: The Taoiseach fast-tracked the appointment yesterday.

The Taoiseach: The Bill will outlaw canvassing by anyone, including politicians, for people to be appointed as judges. It will require all judges to go through the JAAB. Currently, none of them does if they are seeking higher judicial office. It will also ensure the new board will have a lay majority and a lay chairman because if there is to be less political involvement in the appointment of judges, we do not want to have too much judicial or legal professional involvement. We want a majority of the board to be lay people, with a lay chairman. I have given a commitment to fast-track the Bill through the Houses and hope I will have the support of all parties in the House in doing so because we can resolve this matter once and for all by putting through this important legislation. I hope I will have the support of the House and the Seanad in so doing. We will, therefore, not have a situation where we will once again have a controversy about a judicial appointment in this way.

Deputy Catherine Connolly: I fully understand the cynicism of the public. Once again, the Taoiseach has refused to answer the question. He has obfuscated and talked about new legislation. The absence of legislation was not a problem in this case; there is legislation in place. The kernel of the issue is that the Taoiseach failed to comply with it and to give an explanation

as to why he had not complied with it and why section 18 of the 1995 Act, as amended, had not been acted on. It is a simple question: why was that provision not complied with? It is not a question of new legislation and it is despairing to think we need another debacle to force the Government to push ahead with new legislation. Will the Taoiseach acknowledge to the Chamber that he regrets what happened and that the procedure followed was not appropriate? Will he give an explanation as to why section 18 of the 1995 Act was not complied with? Finally, it is significant that when the Taoiseach made his first speech to the Dáil after being elected, he chose not to elaborate on any of this but he did make a significant point that he agreed with the token Opposition and the leader of Fianna Fáil that he would come to some agreement with him to silence the true voices of opposition in this Dáil.

The Taoiseach: First, I believe I did answer the Deputy's question and I can only answer it again. It is the prerogative of the Government and the authority of the Government to appoint judges.

Deputy Catherine Connolly: That is not what I asked.

The Taoiseach: To change that would require not just legislation but also a referendum to take away the power of the Government to appoint judges, as provided for in our Constitution, in Bunreacht na hÉireann, at Article 13.

Deputy Thomas Byrne: He could appoint his brother.

The Taoiseach: That is the power of the Government and to change that would require a referendum.

Deputy Micheál Martin: That is a terrible defence, a weak defence.

An Ceann Comhairle: Allow the Taoiseach to respond, please.

The Taoiseach: This appointment was entirely lawful, as I have said previously.

As regards section 18 of the 1995 Act, this relates of course to a meeting of the JAAB that occurred back in May. I cannot speak for Ms Justice Whelan, but it does stand to reason, to me, that perhaps back in May she was not interested in this position because she was still Attorney General.

Deputy Timmy Dooley: Deputy Varadkar was not interested in being Taoiseach back then.

The Taoiseach: How was Ms Justice Whelan, or Máire Whelan as she was at that time, to know when the former Taoiseach, Deputy Kenny, would step down, who would replace him and whether that person would want her to continue as Attorney General?

Deputy Thomas Byrne: The Taoiseach was the one pushing him out.

The Taoiseach: It is entirely reasonable for me to accept that, back in May, the Attorney General wished to continue as Attorney General.

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Appointment of Members of Government and Ministers of State

The Taoiseach: I beg leave to announce, for the information of the Dáil, that having informed the President that Dáil Éireann had approved my nomination of Deputies to be members of the Government, the President, on 14 June 2017, appointed them accordingly; that, on the same date, I nominated Deputy Frances Fitzgerald to be the Tánaiste and assigned the Department of Jobs, Enterprise and Innovation to her; that, on the same date, I assigned the Department of Defence to myself and the other Departments of State to the other members of the Government as follows: the Department of Finance and the Department of Public Expenditure and Reform to Deputy Paschal Donohoe; the Department of Education and Skills to Deputy Richard Bruton; the Department of Foreign Affairs and Trade to Deputy Simon Coveney; the Department of Justice and Equality to Deputy Charles Flanagan; the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs to Deputy Heather Humphreys; the Department of Health to Deputy Simon Harris; the Department of Agriculture, Food and the Marine to Deputy Michael Creed; the Department of Communications, Climate Action and Environment to Deputy Denis Naughten; the Department of Transport, Tourism and Sport to Deputy Shane Norris - my apologies, it is Deputy Shane Ross-----

Deputy Timmy Dooley: Norris would be a much better choice.

The Taoiseach: -----the Department of Children and Youth Affairs to Deputy Katherine Zappone; the Department of Social Protection to Deputy Regina Doherty; and the Department of Housing, Planning and Local Government to Deputy Eoghan Murphy. The old titles of those Departments remain until the legal procedures are made to change them. These assignments have been made pending the completion of the necessary processes for the establishment of the new Departments and for the transfer of functions that I announced in the House last week. I further announce that Deputy Michael Ring is a member of the Government without portfolio pending completion of these processes-----

Deputy Mattie McGrath: He is not in the post office anyway.

The Taoiseach: -----that, on 14 June 2017, the President appointed Seamus Woulfe SC as Attorney General; that, on the same date, the Government appointed Deputy Joe McHugh as Minister of State at the Department of the Taoiseach with responsibility as Government Chief Whip and at the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs with responsibility for Gaelige, Gaeltacht and the islands; Deputy Mary Mitchell O'Connor as Minister of State at the Department of Education and Skills with responsibility for higher education; Deputy Paul Kehoe as Minister of State at the Department of the Taoiseach and at the Department of Defence with responsibility for defence; and Deputy Finian McGrath as Minister of State at the Department of Social Protection, the Department of Justice and Equality and the Department of Health with responsibility for disability issues; and that, today, on my nomination, the Government appointed the following Deputies as Ministers of State to drive forward the Government's legislative programme:

Minister of State at the Department of Enterprise and Innovation, the Department of Employment and Social Protection, the Department of the Taoiseach and the Department of Justice and Equality with special responsibility for trade, employment, business, the EU digital single market and data protection - Deputy Pat Breen

Minister of State at the Department of Health with special responsibility for the national

drugs strategy and health promotion - Deputy Catherine Byrne

Minister of State at the Department of Foreign Affairs and Trade with special responsibility for the diaspora and international development - Deputy Ciarán Cannon

Minister of State at the Department of Health with special responsibility for mental health and older people - Deputy Jim Daly

Minister of State at the Department of Finance and the Department of Public Expenditure and Reform with special responsibility for financial services and insurance - Deputy Michael D'Arcy

Minister of State at the Department of Agriculture, Food and the Marine with special responsibility for food, forestry and horticulture - Deputy Andrew Doyle

Minister of State at the Department of Housing, Planning and Local Government with special responsibility for housing and urban development - Deputy Damien English

Minister of State at the Department of Transport, Tourism and Sport with special responsibility for tourism and sport - Deputy Brendan Griffin

Minister of State at the Department of Enterprise and Innovation and the Department of Education and Skills with special responsibility for training, skills, innovation, research and development - Deputy John Halligan

Minister of State at the Department of Rural and Community Development and the Department of Communications, Climate Action and Environment with special responsibility for community, natural resources and digital development - Deputy Seán Kyne

Minister of State at the Department of Foreign Affairs and Trade and the Department of the Taoiseach with special responsibility for European affairs - Deputy Helen McEntee

Minister of State at the Department of Public Expenditure and Reform with special responsibility for the OPW and flood relief - Deputy Kevin Boxer Moran

Minister of State at the Department of Finance and the Department of Public Expenditure and Reform with special responsibility for public procurement, open government and e-government - Deputy Patrick O'Donovan

Minister of State at the Department of Housing, Planning and Local Government with special responsibility for local government and electoral reform - Deputy John Paul Phelan

Minister of State at the Department of Justice and Equality with special responsibility for equality, immigration and integration - Deputy David Stanton.

Deputy Timmy Dooley: Did Deputy Dara Murphy get a judicial appointment?

Order of Business

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): Seo an tuarascáil chuimsitheach agus an clár ar ghlac an Coiste Gnó faoi choinne inniu, amárach agus Déardaoin. Tuesday's business shall be No. 8, motion re Renewal of Certain Provisions of the

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Offences Against the State (Amendment) Act 1998; No. 9, motion re Criminal Justice (Amendment) Act 2009; and No. 2, Health and Social Care Professionals Bill 2017, Order for Second Stage and Second Stage. Private Members' business shall be No. 111, motion re trade and foreign direct investment, selected by Fianna Fáil.

Wednesday's business shall be No. 14, pre-European Council statements; No. 2, Health and Social Care Professionals (Amendment) Bill 2017 - Second Stage (resumed); and No. 15, Planning and Development (Amendment) Bill 2016 - Report and Final Stages (resumed). Private Members' business shall be No. 112, motion re building standards, regulations and home owner protection, selected by the Social Democrats and Green Party Group.

Thursday's business shall be No. 2, Health and Social Care Professionals (Amendment) Bill 2017 - Second Stage (resumed if not previously concluded); and No. 16, Heritage Bill 2016 [Seanad] Second Stage (resumed). No. 10, Sláintecare report by the Committee on the Future of Healthcare, will be debated in the evening slot.

I refer Members to the first revised report of the Business Committee dated 15 June 2017.

In relation to this week's business, it is proposed notwithstanding anything in Standing Orders that any divisions to be taken this week shall be manual.

In relation to Tuesday's business, it is proposed that motions re Renewal of Certain Provisions of the Offences Against the State (Amendment) Act 1998 and Criminal Justice (Amendment) Act 2009 shall be moved and debated together but decided separately by two questions. The debate on the motions shall conclude within 40 minutes and speeches shall be limited 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, which shall not exceed five minutes each and all Members may share time. Any division demanded shall be taken immediately.

In relation to Wednesday's business, it is proposed that pre-European Council statements shall commence immediately after Taoiseach's Questions and be followed by questions to the Minister for Health and will conclude after 85 minutes. The statements shall be limited to a single round from a Minister or a Minister of State and the spokespersons of parties or groups or a Member nominated in their stead, which shall not exceed ten minutes each, with a five minute response from a Minister or Minister of State, and all Members may share time.

In relation to Thursday's business, the debate on the Sláintecare report shall adjourn, if not previously concluded, after two hours.

An Ceann Comhairle: There are three proposals to be put to the House. Is the proposal to have manual divisions this week agreed to? Agreed. Is the proposal for dealing with today's business agreed to?

Deputy Micheál Martin: It is not agreed. Given the fact that last week I asked that there be proper accountability to the House for the appointment of the former Attorney General, Máire Whelan, to the Court of Appeal and given the manner in which the Taoiseach and the Government decided to ram through the appointment yesterday morning in advance of the Dáil convening, I am of the view that the business of the House cannot proceed as originally agreed, particularly in view of the recent questions we put to the Taoiseach and the nature of his replies. For example, it is only today, a week later, that we were told he knew in advance, from the evening before, that the appointment was to be made. It was the first I had heard of it. In

fact, the impression is given in this morning's newspapers that the Taoiseach only found out on the morning of the Cabinet meeting, just like everybody else, but we now know that somebody spoke to him the evening before. Who was it? In short, I wish to ask the Taoiseach more detailed questions, as I am sure other Members of the House wish to do also.

An Ceann Comhairle: We cannot have the debate now.

Deputy Micheál Martin: I am giving the rationale for opposing the order as proposed, as I am entitled to do. It is also important to correct the record of the House regarding the former Attorney General, John Murray. He was appointed in 1992, three years before the 1995 Act was implemented. When I say this is the first time in nearly a quarter of a century that an Attorney General has been appointed in this manner, the Taoiseach knows quite well that I am referring to the period since the 1995 Act.

An Ceann Comhairle: We cannot have the debate now.

Deputy Micheál Martin: We must have honesty, frankness, less obfuscation and less clouding of the truth. All we seek is the truth. I propose, notwithstanding anything in Standing Orders, that at 5 p.m. other business be suspended to provide for statements on and questions concerning the nomination by the Government of the former Attorney General, Máire Whelan, to serve in the Court of Appeal. The order of speakers would be as follows: the Taoiseach and the Minister for Jobs, Enterprise and Innovation who would speak for 15 minutes each to explain the full details of the procedures applied in considering the nomination, including ensuring a fair process for other applicants and the content and intent of section 18 of the Courts and Court Officers Act 1995; and representatives of other parties and groups who would speak for 15 minutes. Following the conclusion of statements the Taoiseach and the Minister for Jobs, Enterprise and Innovation would answer questions for a further 45 minutes. At the conclusion of questions the House would vote on motions to refer the matter to the Select Committee on Justice and Equality.

An Ceann Comhairle: I might need advice on this, but it is my understanding the Deputy cannot introduce a motion of that nature. He can seek to vary the arrangements proposed, but I do not believe he can introduce such a motion.

Deputy Michael McGrath: It is just an amendment of the proposal.

An Ceann Comhairle: Okay, we will come back to it.

Deputy Mick Barry: We add our voice to the call for a debate on the appointment of Máire Whelan to the Court of Appeal. The controversy blew up since the last meeting of the Business Committee and gained momentum over the weekend. It is only right and proper that there be a full debate and an opportunity to ask questions in the House. It is not good enough that we go back and forth during Leaders' Questions. More is required. Men and women on the street see this as a case of jobs for the boys and girls. The Government should not be allowed to get away with having jobs for the boys and girls without there being a proper debate and an opportunity to put questions in the House.

Deputy Gerry Adams: Given that the leader of Fianna Fáil cannot move the motion he has outlined and that he has protested so much in the past about others doing this, the issue should be referred to the Business Committee.

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Deputy Mattie McGrath: I agree that we should have a debate this evening, if possible, and a vote on the matter. It might have suited Deputy Micheál Martin better to have discussed these matters before the formation of the Government, rather than talking about denying us and other Members speaking time. He seems to have become preoccupied with it and took his eye off the ball. However, he is not in a position to criticise Máire Whelan and others. Fianna Fáil was well used to appointing judges when it wanted as it did all the time.

(Interruptions).

Deputy Mattie McGrath: I am well aware of it. I was with Fianna Fáil long enough. I know the way it operates.

(Interruptions).

An Ceann Comhairle: With regard to Tuesday's business, two pieces of business have been proposed, motions regarding the Renewal of Certain Provisions of the Offences Against the State (Amendment) Act 1998 and Criminal Justice (Amendment) Act 2009 shall be moved and debated together. In order to deal with this particular issue, Deputy Martin needs to put forward not an entirely separate proposal but an amendment to this-----

Deputy Micheál Martin: Yes.

An Ceann Comhairle: What is the Deputy proposing to amend?

Deputy Micheál Martin: I propose to amend the Order of Business and that the sequence in which business is taken-----

An Ceann Comhairle: One cannot go against the Order of Business. Could I ask-----

Deputy Micheál Martin: I believe one can. On quite a number of occasions in recent weeks, we have amended the order as put forward by the Business Committee. It seems extraordinary to me now that an attempt is being made to suggest we cannot. I just wish to amend the order as proposed. The House is entitled to do this.

Deputy Michael McGrath: The House sets its own business.

Deputy Micheál Martin: The House sets its own business and it is entitled to do this. I am amending the Order of Business so we can take-----

An Ceann Comhairle: The House is quite entitled to order its business but the Deputy must specify. Does he want to take time from what is proposed in order to provide an alternative?

Deputy Micheál Martin: Yes.

Deputy Eamon Ryan: I support the amendment. It is very important. I acknowledge that Deputy Micheál Martin wants the time to be shared in the way he is suggesting because it is important that we hear from smaller parties. In this instance, it is particularly important that we hear from the Independent Alliance and that it have time to outline what it needs to say-----

(Interruptions).

Deputy Eamon Ryan: -----and also the Minister for Communications, Climate Action and Environment, Deputy Naughten, in respect of what has to be said in response to what the Tao-

iseach said earlier. The one difference between the examples he cited and the current example is that the appointment of Mr. Justice O'Donnell was discussed in advance of the Cabinet meeting with other elements of Government. The key issue on this occasion is that the other members of the Government did not have the faintest idea what was about to happen when they walked into the Cabinet committee meeting. They need to explain what they knew, when, where and how. That is the failing and that is why the precedents cited by the Taoiseach do not actually make sense.

Deputy Brendan Howlin: One of the pieces of business scheduled for tonight is the renewal for another year of the Criminal Justice (Amendment) Act 2009. Under the legislation, it is required that the Government bring a report on the operation of that Act. I do not want to take up too much time on this. In essence, that report amounts to four pages, double spaced, which, in fact, tells us no case was sent forward to the non-jury Special Criminal Court last year and no one was charged under the provisions. We need to have a debate on that matter rather than simply rubber-stamping this. I raised this issue last year. I ask that, instead of using the time to debate what is proposed tonight - I know it is time sensitive - the matter be referred to the justice committee so that we could have a debate tomorrow in regard to the matter. On the notion of our simply taking what is outlined as a rubber-stamping exercise, what I propose would free up the time tonight to have statements or questions on the matters raised by other Deputies.

An Ceann Comhairle: For clarification, Standing Order 27B states quite clearly: "The Government shall have the prerogative to determine the business to be taken in Government time." We are talking about Government time. It also states, "The Opposition shall have the prerogative to determine the business to be taken in private members' time". This is where our difficulty arises. Could I ask what the Government's position is?

Deputy Michael Healy-Rae: I indicated I wished to contribute.

An Ceann Comhairle: *Mea culpa.*

Deputy Michael Healy-Rae: On a point of order, why was this business not thrashed out by the Business Committee? That is what that committee is for.

Deputy Micheál Martin: The appointment was made on Sunday and nobody was consulted-----

Deputy Michael Healy-Rae: That is what the Whips are there for.

Deputy Micheál Martin: I was not consulted by the Government-----

Deputy Michael Healy-Rae: That is what the Whips are there for. This is eating into the time of Dáil Éireann and that is wrong. This should be sorted out before we come in here in a workmanlike way. That is what we want in order that, when we come into the Chamber, we know what we are doing and we know what the Order of Business is. That is why the Business Committee is there. An emergency meeting of the committee should have been called so as not to be addressing this inside the Chamber. I say that with the utmost respect to the Opposition and to the Government. This sort of nonsense should not happen inside the Chamber.

An Ceann Comhairle: I might also point out to Deputy Martin that "A motion to suspend or modify Standing Orders may only be moved by a private member during the time fixed for taking private members' business." That is Standing Order 200. I call the Taoiseach.

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The Taoiseach: Just to pick up on what was said earlier, I repeat that I did not know the appointment was going to be made until the morning of the Cabinet meeting when the memo-----

(Interruptions).

An Ceann Comhairle: Please, Deputies.

The Taoiseach: We are going to have a very long number of months and years if, every time I stand up, I am being interrupted half way through my first sentence. Just to say-----

Deputy Timmy Dooley: The Taoiseach keeps carrying on as he has for the last two days.

An Ceann Comhairle: Let us please conduct ourselves with a bit of decorum. We have asked the Taoiseach to respond in respect of Deputy Martin's quite reasonable proposal-----

Deputy Mattie McGrath: The Taoiseach is confused.

An Ceann Comhairle: He is not confused. Will the Deputy just give the man a chance to answer?

Deputy Michael Healy-Rae: He sounds it.

The Taoiseach: As I said, I did not know the appointment was going to be made until the Cabinet meeting when the memo was presented, but I was aware the day before or the evening before that it might be a possibility, because anyone who follows these issues would know that there was a vacancy at the Court of Appeal and a former Attorney General might be the kind of person to be nominated to that. That is no secret because it was in the newspapers last week. I think it was in *The Irish Times*, in fact.

Deputy Timmy Dooley: The Taoiseach has good contacts there.

The Taoiseach: Deputy Martin's proposal is not something that I can support-----

Deputy Micheál Martin: What is the Taoiseach saying? I do not understand.

The Taoiseach: -----for a number of reasons. First, I do not think it is right that the Dáil should be discussing judicial appointments. Judicial appointments speak to the separation of powers. I would ask that we get some advice from the Clerk of the Dáil-----

Deputy Thomas Byrne: It is the power of Government that is in question here and we are holding it to account. That is exactly our role.

The Taoiseach: -----or others on this as to whether it is a breach of the separation of powers-----

Deputy Thomas Byrne: It is the power of Government that is in question.

The Taoiseach: -----for us to be discussing an individual judicial appointment in this House.

With regard to Deputy Ryan's question as to who knew what, when, where and how, I again remind the House of Cabinet confidentiality. Even if they wished to do so, Cabinet Ministers are not at liberty to discuss what happens at Cabinet meetings or what happens when it comes to Government memos.

Deputy Timmy Dooley: They never have a problem if it is a journalist.

The Taoiseach: Unless we are ordered to do so, we are not in a position to breach Cabinet confidentiality and we are not going to do so.

Deputy Michael Healy-Rae: The Taoiseach was a good man for a leak, was he not?

The Taoiseach: There is obviously an opportunity in Private Members' time for the Opposition to discuss anything it wants. The Judicial Appointments Commission Bill will be discussed next week, which will be an opportunity for the House to discuss judicial appointments in general, but I would counsel against this House discussing an individual judicial appointment. We have two justice motions that are time sensitive and they do need to go through today.

Deputy Micheál Martin: The arrogance of the Taoiseach is quite astounding. He has now given the revelation as to why he rammed this through on Sunday.

An Ceann Comhairle: The Deputy is getting into and talking about-----

Deputy Micheál Martin: No, through the point I am making-----

An Ceann Comhairle: No, wait now.

Deputy Micheál Martin: I am going to come to the point.

An Ceann Comhairle: Sit down a second please, Deputy.

Deputy Micheál Martin: I will of course, a Cheann Comhairle.

An Ceann Comhairle: We are talking about a procedural process.

Deputy Micheál Martin: Yes, and I am going to come to procedure.

An Ceann Comhairle: We do not want to get involved in a debate about the substantive issue.

Deputy Micheál Martin: Of course. However, in talking about the procedure, I want to give the rationale as to why I am pursuing this. My whole purpose of tabling the amendment was in the context of an attempt being made to avoid accountability to the House with regard to the appointment of the former Attorney General to the Court of Appeal. That was the design all along. I said to the Taoiseach last week on the record of the House that he has an opportunity to do more than just talk about changing politics and that he should tell the House why this appointment was made, account to the House and explain to the House. That never happened last week. We had a full expectation that it would happen this week. Instead, what happened? There was an attempt to pre-empt that accountability by getting it sorted out on Sunday so that it was announced at about 6 p.m. that the Attorney General was to be appointed the following morning in order that the Dáil could never discuss it. The Taoiseach has the nerve and the arrogance to stand up and say that he would counsel against Members even discussing it because they would, what, embroil the Judiciary in controversy? With the greatest respect to the Taoiseach, he has embroiled the Judiciary in controversy by the manner of his appointment of the former Attorney General to the Court of Appeal.

Deputy Willie O'Dea: Hear, hear.

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Deputy Gerry Adams: No confidence?

Deputy Micheál Martin: Procedurally, we have no objection to giving up our Private Members' time to facilitate the Taoiseach and Tánaiste to make statements about this matter and to be questioned about it. I would accede to that.

An Ceann Comhairle: Is the Deputy proposing that this be taken in Fianna Fáil's Private Members' time this evening?

Deputy Micheál Martin: Yes.

The Taoiseach: The details must be worked out by the Business Committee.

An Ceann Comhairle: In order to be helpful in the matter, I suggest that as soon as this particular session is over, we would convene an immediate meeting of the Business Committee to make the necessary arrangements.

The Taoiseach: This is by no means arrogance on my part. There is a separation of powers in this State. There is a long-standing precedent that whatever about the general issue of judicial appointments, we do not discuss-----

Deputy Thomas Byrne: It is the Taoiseach's power we are questioning.

An Ceann Comhairle: I ask the Deputy to allow the Taoiseach to proceed.

(Interruptions).

An Ceann Comhairle: Can we let the Taoiseach answer?

The Taoiseach: There is a long-standing precedent that we do not discuss specific individual appointments in this House. I do not recall-----

(Interruptions).

The Taoiseach: It is impossible to have accountability if people are not allowed to speak. That is real arrogance.

An Ceann Comhairle: I do not think the behaviour generally is very edifying and I do not think the public looking in would be enormously impressed. Let us try to work clearly and calmly through the proposal. Deputy Micheál Martin has a proposal that he is now relating to his party's Private Members' time. We must take advice as to what may be appropriately taken by way of a motion. If Members are amenable, we will convene a meeting of the Business Committee, take the advice required and consider how to proceed.

Deputy Richard Boyd Barrett: When?

Minister for Justice and Equality (Deputy Charles Flanagan): On the matter of the forthcoming meeting of the Business Committee, I wish to advise the Ceann Comhairle and other Members of the order as proposed initially by the Government Chief Whip. I certainly do not question the bona fides of Deputy Howlin but there is an urgency regarding the matters pertaining to the Offences Against the State (Amendment) Act 1998. In fact, it is more than urgency. We have an obligation to discuss this issue in plenary session and that obligation is that this issue would be debated today. I would urge the Business Committee to take this into

due consideration.

(Interruptions).

An Ceann Comhairle: Let us not start the whole thing again.

Deputy Brendan Howlin: I raised this issue last year. I know there was a different Minister for Justice and Equality at the time. There is a legal requirement on the Act because this is a fundamental constitutional shift. I know it is due to be taken today but I am saying it should not be taken today. We need some debate in this House. Under the Act, a report is to be presented but it is not a report. A tokenistic four pages are presented that say nothing in substance. We need a proper debate on this matter, possibly next year if we cannot do it this year, so that we will not face a situation where there is a legal imperative to pass it and where there will be some chance for the Oireachtas Committee on Justice and Equality to properly look into these matters to ensure that we do not face a situation where the Act itself could be challenged in court.

Deputy Michael Healy-Rae: The only fear I have about this event is that if we give two hours to debating this issue this evening, the appointment will still stand but we will be interrupting very important business that is already-----

(Interruptions).

Deputy Michael Healy-Rae: The appointment will still stand. We will give over two hours to debating it and at the same time, the appointment will stand.

Deputy Mattie McGrath: I agree with Deputy Howlin but I believe we must go ahead with the Minister for Justice and Equality's request that the matter be taken this evening, as we always have done in the past.

An Ceann Comhairle: Subject to the business committee meeting at 4 p.m., is the proposal for dealing with today's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed. On proposed legislation, I call Deputy Martin.

Deputy Micheál Martin: In respect of University Hospital Waterford and the very sad and tragic event that took place over Sunday, I sympathise with the Power family after the tragic loss of Mr. Thomas Power. As the Taoiseach knows, a young farmer who had only got married last year was told on arrival at University Hospital Waterford that the cardiac care unit was closed at the weekend. He was taken by ambulance to Cork, but he did not survive the journey. The Taoiseach knows that the provision in Waterford of a cardiac catheterisation laboratory, cath lab, as a matter of urgency has been under consideration for over one year. The south east has a population of 500,000 people and needs a 24-hour, seven days a week, cardiac service. It is a year since the mobile cath lab was announced and it still has not been delivered. On the programme for Government, when will what has been committed to be provided?

Deputy Brendan Howlin: On the same issue, the Taoiseach will be aware of the genuine consternation in the entire south east, not only in the Waterford constituency but also mine, that a man lost his life over the weekend in Waterford because of the lack of a cath lab facility. It was our understanding that, pending the conclusion of the second review, a second mobile lab would be in place by the first quarter of this year, a commitment that has not been fulfilled. I ask the Taoiseach to indicate when the second mobile cath lab will be in place and when the full review of cath lab facilities in the south east will be concluded in order that we can have

permanent facilities on a 24/7 basis.

Deputy Mary Butler: As the Taoiseach is well aware, the provision of cardiology services in Waterford is time-sensitive. That means that from nine to five, Monday to Friday, we have a cath lab that is operational. It also means that from 5 p.m. to 9 a.m. the following day there is no service. There is no service either at the weekend. On Saturday Mr. Thomas Power who had been married for 12 months and whose wife is expecting their first baby presented in pain at University Hospital Waterford in blazing sunshine. He was transferred to Cork University Hospital but only got as far as Dungarvan where he died of a cardiac arrest. The consultant told his sister that if he had been attended to in a cath lab, he would still be alive. We cannot continue any longer to be classed as second-class citizens in Waterford and the south east. A man has died.

Deputy Bobby Aylward: I have raised this issue on numerous occasions through parliamentary questions and a Topical Issue as recently as two weeks ago. We fought it at election time. I am also from the south east - Kilkenny - and we have constantly raised this matter. We want services 24/7 in University Hospital Waterford but we are not getting them. This proves a point. We said it was going to happen and now it has. There is a family with a death on its hands, the cost of a service not being made available. Someone has to do something about it. We have a Minister of State who said he fought an election on it and that he would leave Government over it, but it is still not available.

Deputy Mattie McGrath: The recent death of Thomas Power was the direct result of the lack of a full-time cath lab. It was wholly preventable. It is the triumph of bureaucracy over honesty and freedom for patients. The Taoiseach has family connections in Dungarvan. I met them here last week and wish them well. I represent south Tipperary and it is where we are going to go if anything happens. If the cath lab is put in place, it will have to operate on a 24/7 basis because at the last count there were 870 patients waiting for treatment at University Hospital Waterford. We have to act and cannot have another death. It was a travesty.

The Taoiseach: I join colleagues and other Deputies in extending my condolences to the Power family on the death of their loved one. I understand he was a patient who passed away while being transferred between hospitals in Waterford and Cork. I do not want to comment on an individual case in too much detail because of confidentiality and other issues. It would be premature, in the absence of a clinical case review, an inquest or an autopsy, to say precisely what the cause of death was and whether it could have been prevented if certain clinical decisions had not been made or if certain facilities had been put in place. I have no doubt that there will be a clinical case review or an inquest, as appropriate, which will give us the answers we need.

In relation to the specific questions I have been asked about the second catheterisation laboratory, cath lab, the HSE has issued a tender for the provision of a temporary mobile cath lab. Obviously, tenders take a bit of time and it will depend on how many companies tender for it, etc. Given that it is now out to tender after various delays, it is anticipated that the second cath lab, the mobile cath lab, will be in place by September.

Separately, an additional €500,000 in funding has been provided to University Hospital Waterford to enable it to provide additional cath lab sessions every week as per Dr. Herity's recommendations and the cath lab will now be funded to provide 12 sessions, that is, 48 hours of activity per week. The Minister, Deputy Harris, has requested the HSE maximise the benefit

for patients from this additional funding in respect of both additional sessions at the existing cath lab and also temporary use of the second cath lab when it arrives for a specific period in order to improve waiting times at the hospital.

Deputy Gerry Adams: Last week the Government published the new National Traveller and Roma Inclusion Strategy 2017-2021. I remarked previously that the recognition of Traveller ethnicity on 1 March was an important symbolic gesture by the Government. Will additional funding be made available for the new strategy? Without additional resources, the inclusion strategy cannot hope to address issues such as poverty, inequality, institutionalised discrimination and the deficit in education that many Travellers suffer from.

It is also a fact that many local authorities fail to draw down funding available for Traveller sites. There is no penalty included in the new strategy. Can the Taoiseach confirm that this will be rectified and when will the Government publish the review of funding for Traveller accommodation due to be published this month by the Housing Agency?

The Taoiseach: I ask the Minister, Deputy Flanagan, to respond.

Deputy Charles Flanagan: In response to Deputy Adams, I acknowledge progress in this regard by my Department, in particular, by the Minister of State, Deputy David Stanton. I am pleased Deputy Stanton was reaffirmed in his position by the Government this morning. Of course, as part of that strategy, we will be seeking appropriate funding in the context of forthcoming Estimates. I wish to assure the House, in particular, Deputy Adams, that this is an initiative on the part of Government that will be receiving priority in my Department.

Industrial Relations (Defence Forces) (Amendment) Bill 2017: First Stage

Deputy Mick Barry: I move:

That leave be granted to introduce a Bill entitled an Act to permit access to the Workplace Relations Commission and Labour Court to members of the Defence Forces and their representative associations; to amend the definition of “worker” in the Industrial Relations Act 1990; to remove restrictions on representative associations associating with trade unions or members of the Defence Forces having trade union membership; and for these and other purposes to amend the Industrial Relations Act 1990 and the Defence (Amendment) Act 1990; and to provide for related matters.

This Bill was inspired by the success of the Garda Representative Association and the AGSI in winning the case brought on their behalf to the European Committee of Social Rights. There, despite opposition from the Government, after two years of a battle, the right of the Garda organisations to enjoy more of the bargaining rights enjoyed by trade unions, short of the right to strike, were upheld. The Government has indicated its acceptance of the Garda ruling and that legislation to give effect to it is due.

However, in the aftermath of that ruling, I immediately submitted an oral parliamentary question asking whether similar rights would be bestowed on the armed forces and their organisation, PDFORRA, or would they be forced also to take their fight to the European Committee of Social Rights in the teeth of Government opposition. Unfortunately, that is the case. It is emblematic of the fact that of all public sector workers, the armed forces stand out as the most

abused and exploited.

Further questions I have posed highlight, for example, that many armed forces personnel are prevented from taking their full annual leave entitlements. In 2015 alone, the denial of annual leave added up to €30 million in wage equivalent. There have been court rulings on disputes relating to conditions of work in favour of members of the Defence Forces that have not been acted on. They suffer unique discrimination in terms of pension entitlements. We saw the inaction over the hazardous working conditions in the Air Corps paint shop. The hours can be horrendous. Let me read out a posting from the Facebook page of Wives and Partners of the Defence Forces, which is a new campaign group which has organised a number of protest actions to highlight the situation. Troops were drafted in as part of the search for the body parts of the late Ms Patricia O'Connor in the Wicklow mountains last week, and this is what the post stated:

We left at 4.30am this morning to go to the Wicklow mountains to assist in the search. At 6pm we were given 25 sandwiches and cold soup to be shared between 35 troops. No other food throughout the day. We won't get home until 9pm this evening and have to go back out at the same time tomorrow morning to resume the search. Not only do we not get extra pay for this but the Defence Forces won't even feed us properly which is degrading and insulting.

We have no illusions about the Workplace Relations Commission and the various statutory industrial relations bodies but from the point of view of giving PDFORRA a proper platform to air in the public gaze the issues relating to pay and working conditions, the Workplace Relations Commission would be a significant step up from having to deal with the senior management in the Department of Defence. Our Bill provides for this but, furthermore, provides for allowing individual members of the Defence Forces to pursue grievances and disputes to the Rights Commissioner or the Equality Tribunal, if there is a discrimination dimension to the grievance.

Frankly, the fact that armed forces personnel tend to be more working class in their composition than, say, the gardaí is in large measure a reason for the official contempt in which they are held. A number of parties, including Fianna Fáil, have indicated a willingness to extend the rights enshrined in this Bill to the armed forces and I see no reason this Bill should not progress to Committee Stage. If it reaches Committee Stage, it is our intention at that Stage to introduce an amendment extending the right to strike and to have that debate.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): No.

Question put and agreed to.

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

Deputy Mick Barry: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Waste Reduction Bill 2017: First Stage

Deputy Eamon Ryan: I move:

That leave be granted to introduce a Bill entitled an Act to provide for a ban on single-use non-compostable cups and other tableware and for the introduction of deposit and return schemes for beverage containers.

This Waste Reduction Bill 2017 is a Bill which does what it says on the tin. It seeks to reduce waste and on that tin, which will be a recyclable tin, we as consumers could get a refund to help in that process.

This is a simple Bill. There are two key measures which we believe would be hugely beneficial in a number of different ways, introducing procedures that are at work in a number of other countries. It has been tried and tested and it is time that it is introduced here.

The first measure referred to is the introduction, as I stated, of a deposit back on sealed containers. It allows for amendment of the 1996 Waste Management Act to give the Minister powers in that regard. It is to reduce the amount of waste, in particular of plastic and aluminium cans which are currently being dumped rather than going into recycling.

People may be familiar with the broad statistics. Our use of plastics has risen from approximately 5 million tonnes per year globally in the 1950s to approximately 110 tonnes today, 8 million tonnes of which is ending up in the oceans, polluting the natural environment. It is the equivalent of a dumper truck of waste plastic being dumped every minute. It is projected that by 2050, the way we are going, there will be more plastic in the oceans than fish. That, in the end, is a disaster for everyone. For nature, and in terms of our consumption of the plastic through the system, this has to stop.

In Ireland, we are consuming approximately 200,000 tonnes of plastic per annum. Of that, 70,000 tonnes is in pet bottles - the simple plastic container bottles many of which are not being recycled. Only a small percentage, approximately 40%, are recycled currently. The remainder are ending up in landfill or are being dumped, and that is a huge problem.

Similarly, with aluminium, we are using approximately 7.5 tonnes of aluminium per year in cans which are not recycled. It amounts to approximately 460 million cans every year. Anyone who is involved in cleaning up their local environment also knows it. Anyone involved in a canal or river clean-up knows it. Anyone who goes down to the canal this week with the fine weather will see cans and bottles everywhere. In the case of my river, the Dodder, we do regular clean-ups. The major problem we have is collecting bottles and cans.

Under this scheme, we would introduce a deposit return of 10 cent. The proposals presented by Environmental Pillar, Voice of Irish Concern for the Environment and others back up the case and show that we can create approximately 3,000 jobs going towards the circular economy and do so in a way that is pro-recycling. A 10 cent deposit return would cost approximately €276 million but funding for that could come from a charge on the manufacturers, the people providing the cans. This costs the Exchequer nothing. It benefits the consumer and it benefits in terms of savings from lower landfill costs and higher effective recycling.

The examples from other countries where this has been introduced indicate that it works. In the Netherlands, those involved get approximately 95% of bottles back. In Sweden, the cor-

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responding figure is approximately 84%. This would have a major material effect on cleaning up litter, improving recycling and reducing the effects of pollution in our natural environment.

People will be aware that when we launched this scheme last week we went to the coffee dock in the LH2000 building – it was a simple measure. I want to thank Margaret, Jacinta and Charles, who provided us with the cups we go through in this House. We go through thousands of disposable plastic paper cups that are not recyclable. It is a disgrace that we allow that to continue. We need to do what France, San Francisco and Korea have done recently. We need to ban non-recyclable disposable cartons and cups.

An alternative is available that is made from a bio-plastic rather than an oil-based plastic. It is compostable within a matter of weeks. We can put this material in the compost bin and it naturally return to the environment. It has a lower carbon footprint. There is less of a problem in terms of litter. The current materials are staying in the environment for decades and, in some cases, centuries. We need to stop that and do this by sensible and intelligent regulation. These two regulations would have a major effect. They would be far bigger than the plastic bag levy, which was introduced some years ago and was hugely popular. These would be similarly popular.

We will be looking for support from other parties. I might make each party indicate whether they could support the Bill. I might create a matrix of cups or build a little pyramid of cups. For each party that adds their view in support of it, I will put the name of that party on the cup and put it up in the canteen. This will show who is in favour of these simple intelligent measures. They make economic and environmental sense and they clean up our environment.

I hope this Bill can be agreed by all parties. It is simple and clear. It does what it says on the tin. It reduces waste and saves money. It gives money back into the hands of the consumer. What is not to like about that?

An Ceann Comhairle: Thank you, Deputy Ryan. I take it the Bill is not being opposed, Taoiseach?

The Taoiseach: No.

Question put and agreed to.

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

Deputy Eamon Ryan: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Ceisteanna - Questions

Brexit Issues

1. **Deputy Gerry Adams** asked the Taoiseach when he expects to be in a position to publish the planned document that outlines the Government's approach to mitigating the impact of

Brexit on the economy and trade; and the current status of this document. [25889/17]

2. **Deputy Eamon Ryan** asked the Taoiseach if he will outline the Government's approach to mitigating the impact of Brexit on the economy, trade and jobs. [25982/17]

3. **Deputy Brendan Howlin** asked the Taoiseach to outline the status of proposals to be published by his Department to address the economic and trade implications of Brexit. [27241/17]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

Following the adoption by the European Council of the guidelines establishing the framework for negotiations with the UK on its exit from the EU, the Council of Ministers adopted a decision on 22 May authorising the beginning of the negotiations, which are starting this week. The negotiating directives under which the talks will be conducted reflect Ireland's unique concerns: to support and protect the achievements, benefits and commitments of the peace process; to avoid a hard border; and to protect the common travel area.

I have already spoken to Chancellor Merkel, President Macron and Prime Minister May. I will attend my first European Council this Thursday, when we will discuss migration, security and defence, jobs and competitiveness as well as the Brexit negotiations.

Seeking the best possible outcome from these negotiations is a priority for the Government. In addition, the Government intends to intensify its focus on the economic implications of Brexit. Extensive work is under way across several Departments on these issues, including ongoing analysis of impacts at a sectoral level. This reflects the five elements that will underpin the Government's approach. The first relates to sustainable fiscal policies to ensure capacity to absorb and respond to economic shocks, not least from Brexit. The second relates to policies to make Irish enterprise more diverse and resilient, diversify trade and investment patterns and to strengthen competitiveness. The third relates to prioritising policy measures and dedicating resources to protect jobs and businesses in the sectors and regions most affected by Brexit. The fourth relates to realising economic opportunities arising from Brexit and helping businesses adjust to any new logistical or trade barriers arising. The fifth involves making a strong case at EU level along the lines that Ireland will require support that recognises where Brexit represents a serious disturbance to the Irish economy.

These objectives will be the basis for work by the new Government and will build on many initiatives already in place. Decisions in support of these objectives will also be reflected in the annual budgetary process; the forthcoming national planning framework 2040; the new ten-year national capital plan; the review of Enterprise 2025; and sectoral policies and investment decisions in areas such as agriculture, enterprise, transport, communications and energy. In taking this work forward, the Government will continue to engage with stakeholders, including through the all-island civic dialogue process.

Deputy Gerry Adams: My question was about when the Government expects to publish the planned document that outlines the Government approach to mitigating the impact of Brexit. I also asked the Taoiseach to give us a sense of the current status of this document. He may have done that and I may have missed it, but I would like him to clarify it.

If I recall properly, the last - and probably the only - comprehensive document on the Brexit negotiations was a most unsatisfactory production. We were all called to a meeting. We did not have copies of the document. We waited for approximately half an hour for the Taoiseach

to join us. Then, given that we did not have a chance to read the document, the meeting was suspended.

The big issue is that the Brexit negotiations started yesterday. However, the Border issue, which was going to be one of the significant priority issues, has now been put into part of the dialogue under the authority of the co-ordinator rather than part of a working group. Can the Taoiseach tell us whether this issue is now being relegated to a status of lesser importance? Can he tell us what role the Government will have in this process? Given his statement that the North should stay in the customs union and the Single Market and that any customs checks should be on ports and airports rather than on land borders, can the Taoiseach tell us how he hopes this will be made manifest? Did the Taoiseach raise these issues with the UK Prime Minister, Mrs. May, in his telephone conversation last Thursday or in his meeting in London?

The Taoiseach: There is no date agreed yet for publication. That is for two reasons. I have appointed the Minister for Foreign Affairs and Trade, Deputy Coveney. He will have special responsibility for co-ordinating the whole-of-government response to Brexit. Our new people may need some days or a week or two to determine how exactly we are going to develop that document.

One of the difficulties in developing such a document is that we do not yet know the nature of Brexit. We have not yet decided whether we are going to predict what Brexit will look like and base the response for each sector on one particular outcome or whether we are going to take five or six or four or three potential Brexit outcomes and try to respond to each of those potential outcomes on a sectoral basis. That is difficult to do because Brexit with the absence of a free trade agreement is very different to Brexit that has a free trade agreement.

The United Kingdom has indicated that it still intends to leave the customs union and the Single Market. However, those involved seem to want to negotiate a new UK EU free trade agreement that would not leave them far off something not dissimilar to being in the customs union and in elements of the Single Market. We have to decide whether the document is going to predict what Brexit means and then have our sectoral response to it or whether we are going to have five or six different scenarios for what Brexit might mean and then have different sectoral responses to each potential outcome. That is a decision we have yet to make.

Deputy Eamon Ryan: I agree with Deputy Adams. I was deeply concerned yesterday when, effectively, we were told that the Irish issue was going to be one of the top three issues but it seems now to be second-tier in that regard. Furthermore, one concern I have expressed all along is that even when we were getting agreement to discuss the Irish Border issues, it was exclusively on the question of the common travel area. There was effectively no agreement. When Michel Barnier was here, he could not have made it clearer that there will be no discussions of cross-Border trade in Ireland in either goods or services. The Taoiseach is speaking as if we were completely removed from the talks and ineffective in our ability to steer what might happen. We need to be centrally involved in the issue of trade relations between Ireland and the UK, not just in the movement of people. It will have the greatest effect in terms of whatever deal is made. That there are to be no discussions until the autumn, when there will be a wider discussion of cross-Border trade issues for the Republic, is a further example of how we are losing our influence on the European side of this negotiation, whatever about the UK side. We need to start insisting that the trade issues in respect of Ireland and Britain, which are different from any others because of the land Border and the extent of trade between the two countries, be discussed today rather than in six months' time. We should direct Michel Barnier to do so

rather than just accept as a *fait accompli* that they will not talk about trade until later.

The Taoiseach: I can assure the Deputy that issues particular to Ireland are very much in the top tier of negotiations that are now ongoing. The Minister, Deputy Coveney, will meet with Michel Barnier in the coming days. I will be at the European Council later this week and will meet many of my fellow Heads of Government, including Chancellor Merkel and others. I will of course, once again, flag Ireland's particular concerns and attune my European colleagues to our particular interests.

I always think the common travel area is a misnomer. There is much more to it than travel. The terms I prefer to use are "effective common citizenship" or "reciprocity of civic rights", namely, the right of Irish and British citizens to live, work, study, and access welfare, pensions, housing and health care in each other's countries as though they were citizens of both. At our meeting yesterday, Prime Minister May and I reaffirmed our commitment to retaining reciprocity of civic rights. Trade is a European competence, as Deputy Ryan knows. It will not be the case that Ireland can remain a member of the European Union and have a bespoke trade arrangement.

Deputy Eamon Ryan: Will we go back to smog?

The Taoiseach: It is a European competence and is not one of the issues that will be discussed in the first part of the negotiations. The first part of the negotiations relates to the divorce, as some describe it - how much Britain will have to pay, the issue of citizens' rights and the issue of the Border in Northern Ireland and Irish issues in particular. It has been indicated by the negotiating team and the task force that if sufficient progress is made on those issues, we may be able to begin talks on the new trading relationship that will exist between the United Kingdom and the EU.

Deputy Brendan Howlin: I welcome the Taoiseach to his first Taoiseach's questions. The issue of Brexit will loom very large in our discussions in the coming weeks and months. Yesterday, the Taoiseach met Prime Minister May and we heard yet again the commitment to the maintenance of the common travel area and to a North-South Border that is as frictionless as possible. However, we also heard a reaffirmation that it is now the settled position of the United Kingdom to withdraw from both the Single Market and the customs union. As Commissioner Phil Hogan said today, that means a hard Brexit and a hard Border. That is his assessment.

It is almost a month since the meeting to which Deputy Adams referred, when the Taoiseach's predecessor undertook to have this economic analysis presented. I understand what the Taoiseach has said in respect of gaming out a number of possible outcomes. The previous Taoiseach, Deputy Kenny, also said at the time that there would be budgetary implications, however. There are issues about which we have to talk and think now, for example, investment in our ports and rail systems, the realignment of the European globalisation fund, and looking at the geographic and activity sectors that are most impacted upon. Has there been any movement on those issues?

On the Taoiseach's discussions with the Prime Minister yesterday, it is quite clear that we will not have a trade agreement in the timeline envisaged by Article 50. Is there a settled view in Britain that there will have to be transitional arrangements after the formal exit of the United Kingdom from the European Union, which may last several years?

The Taoiseach: I dislike the terms that are often used about the Border, such as "friction-

less”.

Deputy Brendan Howlin: Some people call it the Vaseline Border, it is so frictionless.

The Taoiseach: The latest term is “ultra-soft Brexit”, which I assume is softer than a soft Brexit. The phrasing that best reflects our ambition as a Government is ensuring that there is no economic border between Britain and Ireland or between North and South. There is a political border, of course.

Deputy Brendan Howlin: How is that to be achieved outside the customs union?

The Taoiseach: It will be very difficult. Any border that does exist, as I said yesterday, should be invisible. I was glad to hear Secretary David Davis use that term as well. It will be extremely difficult. Nobody fully knows anyone’s end position. I certainly cannot speak for the British Government in respect of its negotiating position or end position. It could yet reconsider leaving the customs union and the Single Market. Deputy Howlin will know that his sister party, which had a very successful election in Britain, wants to stay in the Single Market, as do pretty much all the other British parties, at least.

Deputy Brendan Howlin: Keir Starmer put forward a very interesting position yesterday.

The Taoiseach: I think it is fair to say this is still very much an evolving situation. We may find that if Britain leaves the customs union and the Single Market it may be still possible to negotiate a UK-EU free trade agreement that retains much, most or almost all of the elements of the customs union and the Single Market. For example, places like Switzerland operate such arrangements.

There could be budgetary implications, but again it depends on the nature of Brexit. One of the things I would envisage us having at some point is a transition fund for business, to allow business to adapt and change in reflection of the fact that Brexit will change the rules of trade. However, we cannot set up such a fund until we know the new rules of trade. That is the difficulty with all of these matters. We may need greater investment in some of our ports, such as Rosslare, for example, so that we can have better direct connections to continental Europe.

Deputy Brendan Howlin: That will take years. We need to be doing it now.

The Taoiseach: Again, it will depend on what Brexit means because it will all depend on the land bridge arrangements. If they do not disrupt trade, it will not be necessary. If they do, it will be.

To respond in full to the Deputy’s question, we did touch on the issue of transitional arrangements at the meeting yesterday. What Prime Minister May prefers to talk about is an implementation period. Whether there is a difference between “transitional arrangements” and “implementation period” that is more than language is yet to be determined.

Deputy Micheál Martin: I put it to the Taoiseach that the plan should involve all scenarios. We will need to publish the paper to which the Taoiseach alluded when it is drawn up. People get Ireland’s unique situation, challenges, difficulties and so on. However, we are still light in terms of solutions. The fundamental issue is trade. Trade will govern the North-South relationship, the east-west relationship and the UK-Europe relationship.

Notwithstanding the British election which, on the whole, could be positive and might be

an opportunity for a softer Brexit, the talk is still of exiting the Single Market and the customs union. Even the DUP's formal position is for exiting the customs union. One would hope there is a softer reality lurking behind that somewhere.

Trade will govern everything. I have argued for the past year and a half that we need a transition fund in place. We should be arguing with Europe that there will be a need for state aid considerations to be put aside or solidarity funding to be put aside to enable businesses to adjust. Already the agrifood industry has lost about €500 million in exports because of Brexit. British inflation will be heading above 3% shortly. The impact of Brexit is already here. While I accept we do not know the final shape of Brexit, we cannot wait until we see it to take steps to facilitate companies and businesses to adjust. My colleague, Deputy Stephen Donnelly, raised many issues pertaining to how Enterprise Ireland, the IDA and other State agencies could be enhanced in terms of their resources. The choice has been made not to do so up until now. We should be far more energetic in equipping our agencies to start working with other companies to get them Brexit-ready.

The Taoiseach: It is early days yet. The Minister, Deputy Coveney, and I will have to talk about this in more detail. My instinct is to produce a paper that allows for different scenarios. I am not sure we can cover all scenarios, given the number of different potential outcomes of Brexit. There are 20 or 30 but perhaps we can take the five most likely-----

Deputy Micheál Martin: I am referring to the big ticket items.

The Taoiseach: -----or the ones that most resemble other situations like Norway, Switzerland, a third country or Canada.

In regard to the harm that has been done already to agriculture and to the enterprise sector, primarily that has been because of fluctuations in the value of sterling. Sterling has gone up and down previously, separate from Brexit. We have had currency fluctuations many times in our history. That is not to say it is not a problem that does not need assistance, but it is different from the impact that may arise from Brexit as a result of a permanent change in the rules of trade.

I agree that a transition fund will be necessary, but we have to know what that transition is and we do not yet know that at this stage. It is difficult to see how we could put a transition fund in place not knowing what the transition is to and if it is to something.

Deputy Micheál Martin: We could put it in place in reserve.

The Taoiseach: We could, yes. That is an option and I am not ruling it out.

Regarding the agencies the Deputy mentioned, we have provided additional resources to IDA Ireland, Enterprise Ireland and Bord Bia to diversify Ireland's markets. Also, business is being provided with vouchers and tools to assess whether they are Brexit ready, but I agree we will have to ramp that up in the time ahead. I do not dispute that at all.

An Ceann Comhairle: We will move on to the second group of questions, Nos. 4 to 9, inclusive.

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Brexit Issues

4. **Deputy Micheál Martin** asked the Taoiseach if he will report on section E on Brexit in his Department's statement of strategy, in particular the way in which stakeholder consultation and engagement on an all-island basis as appropriate is taking place outside the national fora that have been held in Kilmainham and Dublin Castle. [24677/17]

5. **Deputy Gerry Adams** asked the Taoiseach if he has had engagement with the Irish Congress of Trade Unions in respect of Brexit recently. [25568/17]

6. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his engagements with the trade union movement and ICTU on Brexit. [25618/17]

7. **Deputy Stephen S. Donnelly** asked the Taoiseach if he will provide an update on sectoral Brexit response plans for Government Departments as outlined in Ireland and the negotiations on the UK's withdrawal from the European Union; if work has started on these plans; and if planning has not started, the expected start date of this planning process. [25706/17]

8. **Deputy Micheál Martin** asked the Taoiseach his Department's role in exploring the possible transition relationship between Ireland and the UK to form a stopgap between EU membership and full Brexit, to assist with mitigating economic damage between the two important trading partners and to possibly provide a legal basis for trade to continue between the two countries and between the North and South of Ireland; and the work that has been done to date. [25943/17]

9. **Deputy Joan Burton** asked the Taoiseach when the special paper on Brexit will be published. [25978/17]

The Taoiseach: I propose to take Questions Nos. 4 to 9, inclusive, together.

Sectoral consultations are a core feature of the Government's engagement and analysis on the impact of Brexit. Following the first plenary session of the all-island civic dialogue in November, the Government launched a series of sectoral all-island civic dialogue events in order to deepen our sectoral analysis. Led by Minister, these sessions are an invaluable opportunity to engage directly with stakeholders most impacted by Brexit, including on an all-island basis.

Seventeen all-island sectoral dialogues, across a wide range of issues, have been hosted by Ministers to date with over 1,400 industry and civic society representatives from across the island participating. Two have been held over the past month with one focused on the north west and the wider Border region and another on the equine and greyhound sectors. The next sectoral dialogue will take place on 3 July focusing on enterprise skills needs. A further programme of all-island sectoral dialogues is currently under development. In addition to the civic dialogue process, Government Departments are continuing to engage with a wide range of stakeholders on the implications of Brexit.

The former Taoiseach, Deputy Enda Kenny, attended a meeting of the Labour Employer Economic Forum, LEEF, on 28 February. This forum brings together the Irish Congress of Trade Unions, ICTU, business groups and Government. At the meeting on 28 February participants exchanged views on the potential impact of Brexit, including its implications for enterprise and workers, along with wider economic questions. The exchange was a useful and productive one and it was agreed that it would be followed up with further exchanges and

dialogue on a regular basis.

On 2 May, the Government published a comprehensive document setting out the approach of the Government to the forthcoming negotiations, following the successful campaign to have key Irish issues recognised in the EU negotiation position. Following on from this publication, work is now under way to prepare a further paper on the economic implications of Brexit. This will draw on the work to date across Departments, will build on ongoing cross-Government research, analysis and consultations with stakeholders, and will reflect the core economic themes already indicated by the Government in terms of prudent public finances, improved competitiveness and diversification, special attention on sectors and regions most at risk, economic opportunities and possible additional EU supports.

We want to maintain the closest possible trading relationship, based on a level playing field, between the European Union and the United Kingdom. The EU negotiation guidelines state that the EU welcomes and shares the UK's desire for a close partnership in the future. Ireland's economic interests lie firmly in a strong and well-functioning EU with continued and unfettered access to the Single Market for Irish goods and services. There is a lot of negotiation to be done around trading arrangements post-Brexit. Our contingency work is examining all scenarios and we cannot pre-empt the outcome at this stage. We are not under any illusions about the complexity of these negotiations and are engaged in detailed planning to prepare for these.

Ireland welcomes the start of discussions on the future EU-UK relationship, in a manner consistent with the phased approach set out in the EU negotiation guidelines. The Government has heard loud and clear the concerns of businesses and citizens on the need for certainty on day one of Brexit. Our EU partners share this concern and I welcome the fact that the guidelines acknowledge that the negotiations may need to determine transitional arrangements.

Deputy Micheál Martin: I have Questions Nos. 4 and 8 in this grouping and I will do my best to keep within the timeframe.

Deputy Richard Boyd Barrett: The timeframe is the timeframe.

Deputy Micheál Martin: Relax, Deputy.

It is accepted that in the next few years we will be dealing with one of the most complex challenges that has ever faced this country and the Irish public service. As I said earlier, we succeeded in getting our overall concerns recognised in the general guidelines. That has played to our traditional strengths as a country and to our public service. The next phase, which we have discussed, is the more difficult one of generating and promoting concrete solutions to our priorities across a range of technical discussions. That needs to be upped a gear significantly. It is one thing to say we have concerns here and there but what are we saying to our partners in Europe? These constitute a solution and solutions to the particular problems.

Last year, a review of staffing and roles concerning Brexit in the Department of the Taoiseach was promised but there has been no sign of it. The Minister might follow that up. It is a serious issue for us. In our view the level of dedicated staffing for Brexit is nowhere near where it is required.

On the Brexit transitional arrangements, there is almost no circumstance other than the UK remaining in the Single Market, where there will not need to be some form of transitional arrangements. It is absolutely going to happen. It may be that the new found flexibility shown

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by the British negotiators in Brussels yesterday means that they are now willing to seriously engage with the idea of transitional arrangements. That will require a continued budget contribution and some jurisdiction of the European Court of Justice, ECJ, during the transitional period. In our view, while the transitional agreements are likely for the overall UK-EU settlement, they should also play a significant role in the provisions for Ireland. In terms of the well-being of communities and businesses, the longer the period, the better.

Can the Taoiseach outline to the House his policy on this matter and what he said to Prime Minister May on this yesterday? Did he get a sense from her that she accepts the necessity for a transitional agreement to facilitate not only Ireland and Europe but British businesses and jobs, as the Chancellor of the Exchequer articulated, quite forcefully in recent times, the necessity for Britain to start getting real and pragmatic about it? From the Taoiseach's visit with the Prime Minister yesterday and from what he picked up, did he get a sense that the idea of a transitional agreement is now gaining far more traction than heretofore?

An Leas-Cheann Comhairle: Go raibh maith agat.

Deputy Micheál Martin: As I have two questions in this grouping, I do not know if I am entitled to two two-minute slots?

An Leas-Cheann Comhairle: I have allowed for that.

Deputy Micheál Martin: Am I allowed two two-minute slots technically-----

An Leas-Cheann Comhairle: No. The time is one and a half minutes per question.

Deputy Micheál Martin: -----given that Deputy Boyd Barrett was being awkward.

(Interruptions).

An Leas-Cheann Comhairle: Deputy Martin has two questions.

Deputy Richard Boyd Barrett: Deputy Martin has a lot to say.

An Leas-Cheann Comhairle: I call Deputy Gerry Adams.

Deputy Gerry Adams: Go raibh maith agat, a Leas-Cheann Comhairle.

Deputy Brendan Howlin: Are we banking the questions now?

An Leas-Cheann Comhairle: If we go over and back with every question, we will not get-----

Deputy Brendan Howlin: That is what we did with the last grouping of questions.

An Leas-Cheann Comhairle: Is that okay?

Deputy Brendan Howlin: Yes.

Deputy Gerry Adams: Tá a lán ama uaim. Tá a fhios ag an Teachta.

Deputy Brendan Howlin: The Deputy will get to start again from scratch.

Deputy Micheál Martin: Are we going to go over and back with the question and the re-

ply?

Deputy Brendan Howlin: It is better to do so.

Deputy Gerry Adams: An féidir liom leanúint ar aghaidh?

Deputy Micheál Martin: On a point of order, we started the proceedings by going over and back and we should continue to do that.

Deputy Brendan Howlin: And everybody was accommodated.

An Leas-Cheann Comhairle: Are the Deputies happy with that?

Deputy Brendan Howlin: Yes.

Deputy Richard Boyd Barrett: No, I am not happy.

Deputy Brendan Howlin: The Deputy does not have a question in this grouping.

An Leas-Cheann Comhairle: Deputies should remember that when the 15 minutes is up there will be a cut-off.

Deputy Brendan Howlin: And the injury time.

An Leas-Cheann Comhairle: I call the Taoiseach to reply to Deputy Martin's questions.

Deputy Gerry Adams: Níor chuir mé mo cheist fós.

The Taoiseach: I do not mind. I am in the Leas-Cheann Comhairle's hands.

To answer Deputy Martin's questions regarding staffing and roles, I will have to follow up on the issue of staffing and roles in my own Department. I have not yet had the opportunity to tour the Department and meet all the staff. I hope to do that on Monday. I had planned to do that this Monday but then the opportunity to visit London came up and I thought that was more important. I hope to do that on Monday, to examine where there may be gaps and where we may need to have additional staff support.

The meeting I had with Prime Minister May was only our first meeting. We had a phone call previously and we will have another meeting, hopefully *en marge*, later in the week in Brussels. I did detect that there is a willingness on behalf of everyone to have transitional arrangements if they are needed. As I mentioned, the term "implementation period" was used rather than "transitional arrangements", but I am not sure if there is a fundamental difference between the two. When it comes to Brexit, much of what is finally agreed to will come down to language. The situation is very much evolving, but I do not see how there could not be a transition period. I do not think we could have a sudden change in the rules; changes would have to be transitional.

Deputy Gerry Adams: The ICTU has set out its concerns for Irish jobs arising from Brexit. Has the Government discussed with the trade union movement the implications of Brexit for jobs? We already know from Bord Bia that Brexit will cost the Irish food and drink industry €570 million, as costed last year. Thousands of jobs depend on this sector. Similarly, the Joint Committee on Jobs, Enterprise and Innovation has warned about the dangers to the agriculture sector. Ms Patricia King has said the European Union's fiscal rules should be relaxed to allow for public investment. Has this been discussed with the trade unions or the European

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Union? Does the Taoiseach accept the criticism made by Mr. Liam Doran of the INMO who has claimed that the Department of Public Expenditure and Reform has shown no awareness of the impact of Brexit on the State's ability to retain health care staff. We are referring to three big sectors - food and drink, agriculture and health care. In the light of these concerns, has the Government discussed with the European Union the establishment of a hardship fund or a transitional financial arrangement to offset the economic consequences of Brexit?

The Taoiseach: I have had many engagements with the ICTU recently, but they have related to matters such as pension reform. I have not yet had any personal contact with it about Brexit other than at wider, multi-sectoral forums, but I have no doubt that I will have that opportunity very soon. The national economic dialogue will take place in the next two weeks and it will be a very good chance for me to engage with the ICTU and business representatives on a number of issues, including Brexit.

Bord Bia's forecast involves a worst-case scenario. It is the maximum impact a hard Brexit could have on Irish food producers and exporters. None of us is working towards that outcome. We are all working towards an outcome that will as much as possible maintain free trade between Britain and Ireland. That is something we are keen to do and which is achievable. I do not detect an enormous desire in London to reduce the amount of trade between the North and the South, east-west, or between Britain and the rest of Europe. Britain wants to be able to negotiate its own trade deals separately from the European Union in the belief it can have more, not less, trade. In my mind, it is hard to see how one can square that, but the position in Britain is not to shut down trade. It is not a position similar to that being taken in the United States where there are attempts to erect barriers to trade. Britain honestly believes that by leaving the European Union, it can have greater free trade with countries outside the European Union, but I do not know how that will manifest itself.

I recently saw an interesting statistic for health care staff. It suggested Brexit might benefit us in helping us to retain and recruit health care staff. As the value of sterling fell, the salary differential between Britain and Ireland looked very different. When one converts sterling to euro, salaries that looked better in Britain no longer are. I also understand there has been a decrease of 97% in the number of non-EU nationals going to work in the British health service because of uncertainty about its position. Perhaps a weaker sterling and Britain being less welcoming of migrants might be to our benefit in recruiting health care staff.

Deputy Brendan Howlin: My question also relates to the involvement of the Irish trade union movement in the preparations for Brexit. I do not believe trade unions that operate on a cross-Border basis and are intimately involved in assessing the impact of Brexit or any change in circumstances in jobs have been sufficiently involved. I ask the Taoiseach to address that issue. We have called for two measures, one of which is an early warning system, while the other is a regional forum because, as the ESRI has outlined, the impact will vary from region to region. Some regions such as Dublin will do better, while others will be adversely impacted on, including places as surprising as Waterford which is very dependent on the agrifood sector.

Most of the Taoiseach's answers and those of his predecessor have been almost chicken-and-egg in their nature, that we cannot act until we know, but we will not know for a long time. However, we need to start making preparations now. In some of the suggestions I have made we can not only seek out the problems and challenges but also, as Deputy Micheál Martin said, generate our own solutions that we can impose and push on others and perhaps identify opportunities that we can drive that will be of particular benefit to us. Will the Taoiseach look at

the greater involvement of the trade union movement which has a unique level of penetration of industry, North and South, and how he will involve it in the preparations for Brexit? Will he look at the idea of establishing regional forums to bring together all of the actors in each region in order to identify the regional impact?

The Taoiseach: I would welcome greater involvement by the Irish Congress of Trade Unions and the trade union movement generally, as well as the business community, in helping us to prepare for Brexit. I will take up that suggestion bilaterally, most likely in the national economic dialogue which will take place in the next week or two. I know that it is dialogue in which the Deputy took part when he was in government and it was very valuable.

Deputy Brendan Howlin: Yes.

The Taoiseach: It gave rise to the Labour Employer Economic Forum, LEEF. It is something that benefits the country and I will continue to pursue and build on the work done by the Deputy in that regard. He said we could not act until we knew. That is correct, but we can prepare for different scenarios. It is my intention that we should prepare for different but the most likely scenarios.

I would be loath to have Ireland proffer solutions that involve different forms of border. When I hear people talk about there being no hard border, it implies there will be a soft border. When I hear people say we will not go back to the borders of the past, that implies that there will be borders of the future. I would be reluctant for an Irish Government to proffer what a border of the future might look like because our preferred solution is something different, namely, that Britain reconsider leaving the customs union and the Single Market. We do not want it to leave. I told the Prime Minister, Theresa May, yesterday, that while respecting its decision, Britain was welcome to rejoin or reconsider should it wish to do so. If that cannot be done, we would like to see a transitional agreement or a UK-EU trade agreement or a wider agreement that would result in a new *status quo* that was not terribly different from what we already have in the customs union and the free trade area. I would rather work towards this than be in the business of making proposals to create a modern new border which I do not want and which I think this House does not want.

Deputy Stephen S. Donnelly: My question relates to the sectoral plans which were discussed. There has been a lot of diplomatic activity, but when it comes to work at home, with the business and farming communities, there has been considerable inertia on the part of the Government. For instance, IDA Ireland has hired one of the ten people it has been enabled to take on, while Bord Bia and the Health and Safety Authority have hired none. Enterprise Ireland has hired less than one third of its allocated staff. One of the things we need is a detailed response or contingency plans sector by sector. The words used by the Taoiseach were that “work is under way” and that we were “engaged in detailed planning”. We knew about Brexit a year ago. The vote happened in June 2016. If a multi-billion-euro corporation had found out a year ago that a massive threat was coming its way, it would have contingency plans in place by now. We are aware of some of its scale. The Department of Finance states 40,000 jobs might be at risk. In trade we lost €500 million last year due to currency fluctuations. As I noted, the State agencies are way behind in hiring the people they need. The business and farming communities and people living in Border regions are getting very scared and a year after the Brexit vote we are still waiting for detailed sectoral plans.

When can we expect to see those plans? When will the Taoiseach share them with the Dáil

and the sectors involved? When can we get involved in the detail and debate it to see if we can come up with solutions in working together?

The Taoiseach: I can only refer to the answer I gave, that is, we are working on contingency plans, but we must make a decision on whether any plan will set out five, six or seven potential outcomes in respect of contingencies pending one of the outcomes occurring, or whether we should try to predict what Brexit will mean. The Deputy is right to say it has been a year since the referendum, but a year on we are no clearer on what Brexit will look like. We have had the Lancaster House speech and the regulations as agreed by the European leaders, but we are not much clearer on what the outcome will be. Therefore, all we can do, as a corporation would do, is set out a risk register and potential contingencies and plan for them on a sectoral basis. That is the work that is under way.

Deputy Stephen S. Donnelly: Does the Taoiseach have dates or deadlines as to when we might see the sectoral plans?

The Taoiseach: I do not have a date for each. As I said, just last week I appointed the Minister, Deputy Simon Coveney, with responsibility for the Government's overall response to Brexit. He is in Northern Ireland dealing with the talks and I will be at the European Council for most of the week, but we will get it done as soon as we can. We will not long-finger it.

Regarding additional IDA Ireland and Enterprise Ireland staff, the updated position is that in budget 2017 we announced additional resources to recruit ten extra staff in IDA Ireland and 39 in Enterprise Ireland in response to Brexit. In IDA Ireland four of the staff have been appointed to date and the recruitment process for the other six is ongoing. IDA Ireland has undertaken a rigorous recruitment process across a wide range of channels to ensure the best candidates are identified for these roles. Of the 39 posts in Enterprise Ireland, 13 have now been filled and a further 21 have been advertised. The remaining five job specifications are being finalised with a view to advertising them in the immediate future. The position is, therefore, slightly better than that related by the Deputy.

Deputy Micheál Martin: It is shocking.

The Taoiseach: Recruitment is moving in the right direction.

Deputy Joan Burton: In the Taoiseach's recent manifesto for voters in the Fine Gael leadership election he referred to holding special day-long Cabinet meetings a number of times a year. Of all the issues we face on the island of Ireland, Brexit must be one of the most significant because of the implications for employment, not only in the North but also particularly in the South. In the case of the South, The Taoiseach has probably read the IBEC material, according to which, in certain cases, there could be very significant job risks, particularly in agri-related industries. As the new Taoiseach, a post in which I wish him well, has he arranged a day-long Cabinet meeting on Brexit to get his new Cabinet up to speed? It is set out in his manifesto that this is the way in which he will try to inject a little dynamism into what is a rather tired and jaded Government. The Government is replete with action plans with hundreds of points, but that is not the same as implementation plans that are acted on. In the Taoiseach's pitch to Fine Gael voters he pretty much acknowledged that he would bring a new dynamic. It is extraordinary that his predecessor had not published a White Paper on Brexit. That is not to say, as circumstances evolve, such a paper could not be modified or addenda and additions published to it. When will we see a White Paper?

On the different Departments, how is the Civil Service to operate if it does not have a mandate? Furthermore, there are quite a lot of distinguished people with huge European experience retiring from government service, particularly in the Department of Foreign Affairs and Trade, as well as former heads of the permanent representation in Brussels and so on. Will the Taoiseach give some consideration to retaining some of them? I also asked his predecessor about getting trade negotiators in to beef up Irish expertise.

An Leas-Cheann Comhairle: I call the Taoiseach to give a final response.

The Taoiseach: Deputy Joan Burton raised a number of matters and I think I jotted all of them down. The paper we have produced on Brexit, the Government's position paper, is a White Paper in all but name. Various decisions were made not to call it a White Paper. The White Paper produced by the British Government is very similar in content and format.

I did not actually produce a manifesto; it was an ideas paper. A manifesto is for an election, but this was an-----

Deputy Joan Burton: Courage to Take Us Forward by Leo Varadkar. I apologise - it was a paper.

The Taoiseach: I put forward two ideas in the paper I produced, both of which I intend to pursue. The first is that we have a number of one-day Cabinet meetings. This is not something we did when the Deputy and I were in government together, but it would be of value in that, rather than discussing important items as one of 15 or 50 items on the agenda, we could give them a thorough analysis and tease through the thinking of others and try to come to common thinking on the part of the Government-----

Deputy Joan Burton: Will one of the meetings be about Brexit?

An Leas-Cheann Comhairle: We are running out of time. We will not get to the next group of questions.

The Taoiseach: The first of the one-day Cabinet meetings will take place just after the recess next month and deal with climate change, the capital plan and budgetary matters. A subsequent meeting will concern Brexit, but I do not yet have a date for it. I would first like to see how the negotiations develop. One of the ideas in the paper concerns an examination of the model of the Scottish First Minister's committee on Brexit which is similar to what Deputy Joan Burton suggests, that is, taking people with experience in the European Union civil service who are Irish, taking people who are retiring from dealing with European and foreign affairs and having them involved in some way. I would like to pursue that idea also.

An Leas-Cheann Comhairle: We must adhere to the time allocated, that is, 45 minutes. There are two minutes left. All I can suggest is-----

Deputy Richard Boyd Barrett: On a point of order, may I suggest we not go ahead? It would make a travesty of the grouping of questions.

An Leas-Cheann Comhairle: There are 15 questions in the next group. If there is agreement on Deputy Richard Boyd Barrett's suggestion, we will not go ahead because otherwise we would not have time for supplementary questions.

Deputy Micheál Martin: Yes. We will let them go.

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Priority Questions

Action Plan for Rural Development Implementation

56. **Deputy Éamon Ó Cuív** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the progress made to date in 2017 in the roll-out of the action plan for rural development; and if she will make a statement on the matter. [27287/17]

Deputy Éamon Ó Cuív: I congratulate Deputy Michael Ring on his appointment as a senior Minister and look forward to many a joust with him in the coming months in that role. However, as he will be aware, I was underwhelmed when the action plan for rural Ireland was announced and I have not seen evidence of it making any difference on the ground since. There is no point in the Minister giving me information on CLÁR and other schemes because they all predate the action plan. What is new?

Minister without Portfolio (Deputy Michael Ring): I thank the Deputy for his good wishes which I appreciate. He held this brief for many years and I am delighted to be back in charge of it. I am pleased and honoured to serve in government. I am looking forward to working with the Deputy and I am sure we will have many battles on many issues in the coming years.

The action plan for rural development is one of the most significant initiatives undertaken by any Government to support the economic and social development of rural Ireland. The plan recognises that in the 21st century rural Ireland is modern and creative and forms an integral part of the economy through its enterprises, heritage and culture. The plan seeks to change the negative perception of rural Ireland and help it to realise its full potential. In that context, it contains more than 270 tangible actions across government which will support the economic and social progress of rural Ireland. A comprehensive monitoring structure has been put in place to ensure all of these actions will be implemented. Progress reports will be published every six months, with the first due to be published in July. A high level monitoring committee which I chair has also been established to oversee this process and ensure the actions will be delivered. The actions are being rolled out and beginning to make an impact. For example, we launched the 2017 town and village renewal scheme, with funding of €20 million over 15 months, to support the economic development of up to 300 rural towns and villages; €9 million has been approved for investment in 56 arts and culture centres across the country, with over 80% of the investment in rural areas; while I launched the 2017 CLÁR programme and the rural recreation infrastructure scheme, with combined funding of €16 million, to support rural communities.

Other Ministers and Departments have also delivered significant initiatives with clear benefits for rural communities. For example, the Department of Jobs, Enterprise and Innovation continues to deliver the regional action plans for jobs and more than three quarters of all employment created in the first quarter of the year was outside Dublin. The Department of Social Protection has created an additional 500 places on the rural social scheme. The Minister for Agriculture, Food and the Marine recently announced that €3.6 million had been allocated to 153 projects under the seven fisheries local action groups. These and other developments can be found in an interim progress report on the action plan for rural development which is available on a new dedicated website for rural development matters: www.ruralireland.ie.

Deputy Éamon Ó Cuív: It does not do the Minister justice when he starts reading Civil

Service scripts. That is not the Michael Ring I used to know, who used to be on fire on this side of the House, filled with indignation and going to change the world. He has read a script from civil servants which outlines all of the initiatives that were happening and has nothing new in it. He might have a negative perception of rural Ireland, but I have a hugely positive perception of it. It does not get fair play, which is a different issue. A total of 276 actions are mentioned in the action plan for rural development, many of these were being implemented before the plan was announced. Therefore, let us leave them aside. Will the Minister list three new actions or plans that were not in train and which have commenced as part of the roll-out of the action plan? What are their numbers in the action plan in order that I can read for myself what the three great new actions are?

Deputy Michael Ring: The Deputy referred to not having taken any action. The first action I took when I took office was simple. When the Deputy was Minister, he had the CLÁR programme up and running, but it was closed in 2009. I reopened it. That is one real action which has helped rural communities throughout the country. The programme has worked well and many rural schemes have benefited from it.

The Deputy also closed the rural recreation scheme. I reopened it last year and advertised it.

Deputy Éamon Ó Cuív: I did not close either scheme.

Deputy Michael Ring: There is substantial funding for the scheme this year.

The Department of Jobs, Enterprise and Innovation has the Action Plan for Jobs which has produced results. A total of 80% of the jobs created last year are in rural Ireland. I am a newly appointed Minister. I have to set up a new Department which, as the Deputy will be aware, takes time. I also have to get a Secretary General in place. However, I have many plans for rural Ireland. Like the Deputy, I am committed to and passionate about rural Ireland. What I really want to stop is the negativity about it, not from the Deputy but from other Opposition Members. We have some fine, intelligent people working for multinational companies in rural Ireland. In my county we have Allergan, Baxter and Coca Cola. They have fine, intelligent people. I want to stop Members being negative.

Deputy Éamon Ó Cuív: The schemes the Minister mentioned were not closed in 2009. I was Minister at the time and when he checks the record, he will find that is not true and that there were budget commitments in 2010 and 2011. The money was made available by us. Is it correct that the Minister was Minister of State with responsibility for rural and regional development?

Deputy Michael Ring: Correct.

Deputy Éamon Ó Cuív: Is it correct that only €2.76 million out of a total capital allocation of €67 million was spent by his Department in the first five months of the year? Will he confirm that virtually all of the €2.76 million, less €75,000, relates to the administration costs of Leader companies and that no money from this year's allocation has been spent on the ground in rural Ireland in the first five months of 2017? Will he also confirm how much of the €28 million he paid out to local authorities for work that was not done before the end of last year has been spent by them in the first five months of the year?

Deputy Michael Ring: The Deputy is correct that we paid local authorities upfront last December. To be fair to them, contracts have to be entered into under the rural economic de-

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velopment zones, REDZ, programme and the town and village scheme, but there has been a substantial improvement in the figures the Deputy received last February. I will provide further information for him through an update on the amount being spent in reply to a later question.

Deputy Éamon Ó Cuív: How much?

Deputy Michael Ring: I would like the local authorities to spend that money. I would also like more of the funding under the CLÁR, REDZ and Leader programmes and the rural recreation and other schemes to be spent. I will ring county managers this week to make sure that is happening, but there has been a major improvement in the spend in the past few months. They got that money in December and have been complaining that it was a bad time of year. Let us wait and see. We are getting a progress report from them to see what they actually spent up to May. I will give the Deputy a copy of that the minute I have it.

Deputy Éamon Ó Cuív: The Minister-----

An Leas-Cheann Comhairle: I am sorry, but we must move on. There can be no further supplementary questions.

Deputy Peadar Tóibín: I congratulate the Minister, Deputy Michael Ring, on his appointment and wish him the best of luck-----

Deputy Michael Ring: On a point of order, the Minister of State with responsibility, Deputy Joe McHugh, is to come in to take these questions shortly. The Minister, Deputy Heather Humphreys, is sick. I am taking the rural and recreation questions and would appreciate it if I could take just those questions. I ask for the permission of the House to do so.

An Leas-Cheann Comhairle: It is not possible unless we get the Members to agree. The information I have is that the next question to be dealt with by the Minister is Question No. 61 in the name of Deputy Joan Burton. She may well be waiting in the wings.

Deputy Éamon Ó Cuív: I think it is unfair. The problem is there could be Deputies waiting to come into the House in sequence who assume there will be five Priority Questions. It is unfair to suddenly jump to Question No. 61.

Deputy Peadar Tóibín: While we are waiting, I want to ask the Minister about the make-up of the Department. Will it be a shared Department or will there be a separate Department for rural affairs in the future?

Deputy Michael Ring: That is a very good question. There will be two separate Departments. A new, separate Department will be set up with its own Secretary General, a position which has to be advertised. It will be a full, brand new Department and I will only have responsibility for certain areas. I hope the Minister of State, Deputy Joe McHugh, will be here shortly to deal with the questions.

Deputy Peadar Tóibín: What is the estimated timeframe for the splitting of the Departments?

Deputy Michael Ring: I have to be honest and Deputy Éamon Ó Cuív knows this as he has been here long enough. I was given this role last week. Every other Minister walked into an old Department. This is the only new Department that is being set up. It is a new Department. We will have to get a new Secretary General and offices and get the Department up and running.

At present, I am using the old office but that will happen.

As I said, I am taking all the questions relating to rural affairs. The Minister of State, Deputy Joe McHugh, was to come to the House and I hope he will be here shortly.

An Leas-Cheann Comhairle: The Minister of State, Deputy Joe McHugh, is at the Business Committee. The House may consider agreeing that the Minister continue but the next question to him has been tabled by Deputy Joan Burton who is possibly of the view that there are four other priority questions to be taken first. I think, therefore, it would be unfair to her. There is a series of questions, such as Questions Nos. 66, 67, 69 and 71. Perhaps the Minister, if he has the files, might be prepared to continue until the Minister of State arrives.

Deputy Michael Ring: If the House wants, I can take this question.

An Leas-Cheann Comhairle: Deputy Peadar Tóibín should proceed.

Commemorative Events

57. **Deputy Peadar Tóibín** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when the next meeting of the all-party consultation group on commemorations will take place. [27895/17]

Deputy Peadar Tóibín: The Government got off to a very shaky start a number of years ago with regard to the commemoration of the 1916 Rising. We had the embarrassment of the video launch which was full of celebrities and individuals who had nothing to do with the 1916 Rising but was void of the ideals and characters of that Rising. We had the insults to the Irish language, the language of the cultural revolution, when it was Google translated. Then, we had the cap-tipping proposal that the British royals would come to oversee the commemorations. What has happened to the all-party consultation group on commemorations?

Deputy Michael Ring: The Minister is committed to re-establishing the Oireachtas all-party consultation committee on commemorations. She intends to put in place the practical arrangements to reconstitute the group very shortly. In the period leading up to the 1916 centenary commemorations, the all-party consultation committee on commemorations was instrumental in promoting an open, consensus-based and honest approach which allowed all narratives to be heard and ensured that the State reflected appropriately on all the major historical events as they unfolded. The work of the committee complemented the work of the expert advisory group on commemorations which also advised the Government on the approach based on the authentic history of the period.

The Government will continue to mark significant events throughout the second half of the decade of centenaries. This includes the Easter commemorations ceremonies to mark the Easter Rising and events to mark the progress of the First World War. For example, two weeks ago the Minister attended commemorations of the Battle of Messines Ridge at the Island of Ireland Peace Park in Messines, which were jointly led by the Governments of Ireland and the UK, in partnership with the Mayor of Messines. On the Sunday of that week, the Minister was honoured to lay a wreath on behalf of the Irish Government at the War Memorial, Armagh, in memory of the men of the 16th Irish Division and the 36th Ulster Division who fought side by side in that battle. Last weekend I attended a special ceremony to mark the centenary of the

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foundation of Leopardstown Park Hospital as a convalescent home and hospital for the treatment of soldiers injured in the First World War.

I believe that both the all-party committee and the expert advisory group have a significant contribution to make in regard to the second half of the decade of centenaries and I am looking forward to continued positive engagement and consultation with both groups over the coming period.

Deputy Peadar Tóibín: The Government is again on shaky ground, just as it was at the start of the 1916 rising commemorations. Not only has the Minister of State, Deputy Joe McHugh, not turned up for his first questions, but we have an answer from the senior Minister stating that, at the mid-point of the decade of commemorations, we will have something up and running fairly shortly. Given the fact the all-party consultation group on commemorations was the vehicle that actually put the Government back on the right path before the 1916 Rising commemorations, it is shameful that this consultation group is not up and running at this stage.

It seems there is a dissonance in Fine Gael with regard to the commemorations of the republican revolution. I asked why the commemoration committee on the republican revolution was not up and running. Perhaps the answer is in the question. There is a strong Redmondite wing to Fine Gael which has difficulty with some of the details of that decade of the Irish revolution. John Bruton articulated his views on the 1916 Rising and it seems his view was that the only decent Irish soldier that existed before 1922 was one in a British uniform.

I urge the Minister who is present to make sure he passes on to his colleagues that this issue must be grasped immediately and that the consultation group must be constituted as soon as possible.

Deputy Michael Ring: I will not debate with the Deputy about the Redmondites and John Bruton and we are not going to rewrite the history of this. However, it must be agreed the commemoration was a very successful event. Everybody has been complimented, including the Minister, the State agencies, the local authorities and the general public. The whole country and community responded and everybody agrees it was a major success.

I will pass on the Deputy's views to the Ministers. I am sure the committee will be reconvened. To be fair, it was an equal committee with representation from all sides. It was not controlled by anybody and everybody had a say. As I said, it was a tremendous event and a tremendous year, which worked very well for the country and the State.

Deputy Peadar Tóibín: I agree the commemorations were terrific and that they grasped the imagination of the nation at the time. As I said, however, the key to reorientating what was a catastrophe at the start was the all-party group. Commemorations are about events and this year, 2017, sees the anniversary of the by-election victories of the Sinn Féin candidates, Count Plunkett, WT Cosgrave and Eamon de Valera. I ask what the Department has done to commemorate these events.

Deputy Éamon Ó Cuív: There were four. What about Joseph McGuinness?

Deputy Peadar Tóibín: What has the Government done to officially commemorate these events? Some people say Sinn Féin tried to commandeer republicanism in this country. I am of the view that we do not own republicanism. However, the lack of interest of the Government towards commemorating these important republican events only leads me to believe the

Government does not have any interest in taking hold or taking ownership of these key events in the development and evolution of the Republic. I ask the Minister again to give us a date.

Deputy Michael Ring: We have to be fair. The Government was not afraid to deal with the commemorations over the last year and it did an excellent job. There was consultation with everybody and it worked out very well. The Deputy is correct that Sinn Féin, Fianna Fáil or anybody else does not own republicanism. I come from a very strong republican background. My grand-uncle was killed in 1921. He took the Free State side, of which I am very proud. Let nobody think they have ownership of the republican movement. This was not about the republican movement, it was about the State honouring the commemoration. I compliment the Minister, the Department, the State agencies and everybody. The celebrations that took place in this city on Easter Sunday were a credit not alone to Dublin but to the country and the world. The amount of people who wrote articles afterwards that complimented everybody involved showed we had grown up as a State and did very well as a country. The other commemorations will be honoured and will be done in a very detailed way. People will be consulted. That group will be established again. I hope it can be done as a mark of respect to everybody.

Arts in Education Charter

58. **Deputy Niamh Smyth** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs the steps she has taken to develop arts in education practices by professional artists in schools; if she has conducted an analysis of the value of arts education; and if she will make a statement on the matter. [27896/17]

Deputy Niamh Smyth: What steps have been taken to develop arts in education practices by professional artists in schools? Has analysis been carried out of the value of arts education? Will the Minister make a statement on the matter?

Deputy Michael Ring: The Creative Ireland programme which the Taoiseach and the Minister launched in December places a special focus on enabling the creative potential of every child. Building on the Arts in Education Charter, this will involve the development of an integrated plan, creative children, to enable every child in Ireland access tuition in music, drama, art and coding by 2022. Departmental officials continue to work with other Departments and stakeholders to develop this plan, with a launch timeframe of Autumn 2017.

I am pleased to say continuing professional development through teacher-artist partnerships is ongoing, and this July will see a significant increase in the number of courses taking place across 21 education centres throughout the country. In addition, the Arts Council-commissioned report, Arts and Cultural Participation among Children and Young People: Insights from the Growing Up in Ireland Study, which was published in September 2016, concluded that arts and cultural participation leads to a range of positive outcomes for children, both in terms of their cognitive development and their well-being. This study found that schools are important arenas for access to arts and culture, and school emphasis on culture has a positive impact on student engagement in these activities.

The creative children plan will build on work to date in implementing the Arts in Education Charter to include the delivery of arts-rich schools, making the arts a key part of school life across the country. The Department continues to work closely with the Department of Education and Skills, the Department of Youth and Children Affairs and the Arts Council to deliver

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the key objectives of the charter in the wider context flow of the Creative Ireland programme, to include non-mainstream education.

Arising from the significant increase of support of €5 million which was secured for the Arts Council as part of Budget 2017, the Minister is pleased that the Arts Council increased funding in this area for 2017 from €3.1 million in 2016 to €3.7 million this year. The Minister will also provide an additional €70,000 to the Arts Council to assist in the expansion of the teacher artist partnership this year. This funding is being provided under the Creative Ireland programme.

These initiatives demonstrate the overall commitment of the Government to deliver for children as we work in finalising the creative children plan.

Deputy Niamh Smyth: I thank the Minister. I know he has been thrown in at the deep end

Deputy Michael Ring: It was the first time I had read it.

Deputy Niamh Smyth: The Creative Ireland plan was launched with huge fanfare throughout the country. A specific and important pillar is to deliver arts in education throughout the country. I have asked the Minister on umpteen occasions to explain explicitly how she will implement arts in education in schools. A chapter is dedicated to lovely talk and language about how we aspire to having arts in education flourish in our schools. I would like to know three tangible actions that will be taken whereby we will see this implemented in our schools.

The Minister spoke about ongoing summer courses for teachers whereby artists come and work with them. This is fantastic, but what we really need are these artists going into schools. It is not enough to expect the teachers in the schools to take this on board. It is wonderful and fantastic, but there is an opportunity and we are not tapping into the skills set of the artists who are hungry to get into schools and deliver proper professional arts in education. I ask the Minister to tell me how it will be implemented.

Deputy Michael Ring: That is a fair question. There are five pillars in the programme, one of which is that every child in Ireland will have access to the arts by 2022. The Arts Council has increased its funding for Creative Ireland. It is at an early stage. There will be a launch of the arts in education initiative in the autumn and the launch will include details explaining how it will be rolled out. The Deputy asked very fair question. I cannot give her an answer today, but when the initiative is announced in the autumn how it will be rolled out to every child and every school will be explained. It is a good programme for which the Arts Council has provided funding. It is important that every child in every corner of the country going through education has an opportunity, because all children have something artistic in them. They deserve the same opportunity as others, which they might not get. The scheme itself is very good. The details of the scheme will be announced in the autumn and the details on how it will be rolled out will be given.

Deputy Niamh Smyth: I should have said I congratulate the Minister on his elevation to the Cabinet.

As the Minister is not here herself to answer questions, in the launch that will be held in the autumn, which is some time away, I request, as I have on a number of occasions, the use of the local arts in education partnership, with which the Minister is completely familiar and which was run as a pilot scheme by Cavan Monaghan Education and Training Board. We have been through all of this. We have identified how ETBs are one of the primary delivery or imple-

mentation sources throughout the country. There are only 16 of them and they can work with the local authorities. I ask the Minister to deliver the message loud and clear to the Minister, Deputy Heather Humphreys, that I hope as part of the launch in the autumn she will roll out the local arts in education partnerships. They are part of what was written down in black and white a number of years ago in the arts in education charter. This was the aspiration in 2013. It is now 2017 and we have not seen anything tangible. I was involved in the pilot scheme in Cavan and Monaghan. We know it works. It is a no-brainer. Until responsibility to deliver it has been designated to somebody it will not happen. It is all meaningless talk and huff and bluster. I want to see this as part of what the Minister rolls out in the autumn and I ask the Minister to carry the message back to her loud and clear that the local arts in education partnerships are to be delivered. Until the Minister tells me otherwise, I suggest and recommend the ETBs, with the local authorities and local arts in education officers, are best placed to deliver it.

Deputy Michael Ring: Part of the programme will be to bring artists into schools and this is a good idea. I know about the scheme because I have heard the Deputy speak about it in the House and I listen to her. She spoke about the pilot programme in Cavan and Monaghan. Every scheme will be looked at and the best of everything will be taken, including what local authorities have to offer, what the private sector has to offer and what artists themselves have to offer. We hear people speaking about artists and, to be fair to them, some of them find it hard to make a living. It would be great if we gave some of them an opportunity and give them a payment to go to schools and let them show what they have to offer and give children an opportunity to see how real artists work. I will pass on the Deputy's question to the Minister. It is happening. Every scheme is being examined and we are looking at their good parts. When the plan is launched in the autumn it will outline exactly what will happen. With regard to the point raised by the Deputy about artists, it is great. The Government has been looking at many schemes. When I had responsibility for rural development we looked at schemes to see whether we could have a social welfare scheme for artists to give them help and assistance and they would not have to sign on every week. This might be an opportunity to give some artists a bit of work and give them an opportunity to show what they do and give children an opportunity to see real artists at work. It is a great initiative. I will ask the Minister to look at all of the issues raised by the Deputy because she has consistently raised the pilot scheme in Cavan and Monaghan. We will take the best parts of every scheme up and running at present and try to complement them with the scheme we will run in the autumn.

An Leas-Cheann Comhairle: I remind Members that the Minister of State, Deputy Joe McHugh, is at a meeting of the Business Committee. He was due to take these questions and the Minister is merely obliging him by being in the hot seat.

Film Industry Tax Reliefs

59. **Deputy Bríd Smith** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if her attention has been drawn to film companies availing of section 481 relief that are recruiting workers as trainees on film sets but providing no training to these workers; and if she will make a statement on the matter. [27565/17]

Deputy Bríd Smith: Has the Minister's attention been drawn to film companies availing of the section 481 relief of the Taxes Consolidation Act 1997? These companies are recruiting workers as trainees on film sets but are providing no training to the workers.

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Deputy Michael Ring: The Government supports the Irish audiovisual industry through the Irish Film Board and through section 481 of the Taxes Consolidation Act 1997 - the film tax relief scheme. This twin approach of direct funding and tax expenditure measures maximises the benefits of the Government's support to the audiovisual industry.

The Irish Film Board is the national development agency for Irish film making and the Irish film, television and animation industry. Screen Training Ireland is part of the Irish Film Board and is the national training and development resource specifically created for Ireland's film and television industry. Screen Training Ireland works with national and internationally recognised industry professionals to identify, design and deliver training for Irish professionals. Training programmes are offered to enhance expertise in film, television, animation and interactive screen content.

Section 481 is an incentive to film and television production in Ireland. One of the requirements for receipt of the tax relief is the employment of trainees by the producer company. Specifically, the project must employ a minimum of two trainees for each €355,000 of corporation tax credit claimed, up to a maximum of eight trainees.

The Irish Film Board and the Broadcasting Authority of Ireland have commissioned a report on the skills needs of the audiovisual industry in Ireland, which is currently being finalised and will make recommendations on the operation of section 481 as it applies to skills development. The Department will consider any recommendations contained in the report, in consultation with the Irish Film Board, once the report is published.

It should also be noted that the Department has commissioned an economic analysis of our screen based creative industries, in partnership with the Departments of Communications, Climate Action and Environment and Jobs, Enterprise and Innovation. Last month, as part of this process, the Minister hosted a successful media production workshop at the Royal Hospital Kilmainham for stakeholders in the film, broadcast, animation and gaming industries. The recommendations of the economic study will inform the development of Government policy and a plan envisaged under the Creative Ireland programme for the overall development of the audiovisual sector in Ireland.

Deputy Bríd Smith: The concern is not about the large number of tax breaks that are given to the film industry but about the way the scheme is being used. Recently, many companies have been using specific clauses in the legislation that are meant to encourage the training of workers in the industry but are not training them. There is evidence of false training schemes, with no curriculum, no start, middle or end dates, no accreditation and no promise or prospect of jobs at the end of the training period. There are also many examples of fully qualified, trained and skilled workers in the industry being offered posts on film productions only as trainees, despite the fact that they are already trained and qualified. At the same time they are being told the posts are being filled. The generous nature of section 481 means there has been approximately €7 billion in tax rebates over 15 years. The companies must employ two trainees for every €355,000 corporation tax allowed. There is a generous scheme in place but my question is not about the generosity of the scheme but about whether it is being used in the way it was intended to be used and whether there is evidence for that. We have evidence that it is being used to undercut fully qualified people in the industry. Various claims are being made about people employed in the industry. What is the Department's comment on that issue?

Deputy Michael Ring: I can outline the number of projects certified for film tax relief from

2013 to 2017. There were 66 in 2013, 66 in 2014, 65 in 2015, 76 in 2016 and 21 in 2017 to date. To be fair to the Deputy, she raises this question in the context of concern about taxation. The Department is anxious to know if somebody is misusing the scheme. If the Deputy can give such information to the Department, it will certainly investigate it to ensure the scheme is not abused. These tax schemes are in place to support the industry, not for people to misuse or abuse them. If the Deputy has any information that would be helpful to the Department or the Revenue Commissioners, they would be delighted to receive it. The economic study points to the issues. We will be happy to address the issues the Deputy raises if she can provide us with any information or assistance in that regard.

Deputy Bríd Smith: I do not wish to be accused in any way of not supporting the development and enhancement of the arts and the film industry. The Revenue Commissioners guidelines state:

The Minister, in considering whether to give Revenue an authorisation in relation to a film, will:

- examine the professional capability (creative and technical) of the producers and creative collaborators;
- examine the anticipated net contribution that the s.481 Scheme and other State Aid Schemes will make to the project; and
- consider those opportunities provided by the project for quality employment and training.

I am alleging that it is not providing quality employment and training, but is being used in a spurious way to displace professional and qualified operatives in the film industry. I welcome the Minister's suggestion I provide him with that evidence. I will do so immediately after this. However, I seek a further comment on the matter. It appears the questions we should be asking relate to what type of training modules these companies are engaged in, what type of certification they are giving to the people who complete the training and whether their training systems have a start, middle and end or are simply open-ended recruitment to replace professional jobs.

Deputy Michael Ring: I accept that the Deputy raises this question in the best interest of the industry. The Deputy wishes to support that industry, as does the Government. We do not wish to see people being displaced as a result of initiatives that are in place. This is to help and support people into the industry and to get the industry to take on trainees and support and train them. I appreciate and accept the Deputy's offer. She might let the Department know about the issues in this regard and the Department will certainly deal with them. I thank her for that.

National Monuments

An Leas-Cheann Comhairle: Question No. 60 is in the name of Deputy Maureen O'Sullivan. Permission has been given to Deputy Éamon Ó Cuív to take it.

60. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs when she will bring the memorandum to Cabinet relating to the report of the Moore Street consultative group; and if she will make a statement on the matter. [27357/17]

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Deputy Éamon Ó Cuív: The Minister will be aware that there was much controversy about the Moore Street site. A committee was established and it made recommendations in March on how Moore Street should be developed in the future. The Minister has now set up a new committee. Has she brought a memorandum to the Cabinet, or when is it proposed to bring a memorandum to Cabinet, in order that a decision can be made by the Government on foot of the Moore Street report prepared by the previous committee and so this issue can be brought forward?

Deputy Michael Ring: I have already recorded in the House my sincere appreciation to the members of the group for the report entitled, The Moore Street Report - Securing History, that it presented to me at the end of March.

The Moore Street consultative 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. In this regard the group 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. That extensive programme of work culminated in the series of recommendations contained in the report.

It is welcome that the report is seeking a way forward based on consensus. I believe its recommendations can help breathe new life into the area, while at the same time 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 the surrounding area that 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 place in the life of our capital city.

The report examines carefully all these elements, and I am pleased that it signals the potential for a 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 that we can progress to the next stage and see tangible results on the ground. Critical to this has been the establishment of the new advisory group, which the report itself identifies as the most effective way to move forward with its recommendations. As the Deputy is aware, I have now proceeded with the setting up of this group under the chairmanship of Dr. Tom Collins. The group has already met and embarked on the task of looking at how best to implement the recommendations. I am happy that this ongoing process represents the best approach to achieving an optimal outcome for the Moore Street area. This will involve extensive discussion, negotiation and agreement with, and actions by, a variety of public and private bodies. The process is being supported by my Department, and I am looking forward to seeing positive outcomes from the interactions between the various parties.

Deputy Éamon Ó Cuív: When I was a Minister and a draft reply was telling a Deputy what he already knew, I put a line through it and said it was not what the Deputy was asking about. I said the Deputy was looking for information and was entitled to get it in the House. I am not blaming the Minister but just giving him a little bit of advice for when he moves to his new Department. Deputy Maureen O'Sullivan, no more than myself, and Deputies Peadar Tóibín and Joan Burton were on the committee. We know all about the committee and the report. As we actually were involved in writing the report, giving us a long spiel about what was in it and

what the committee did and did not do is dodging the issue.

I accept that the Minister set up a new committee but what we want to know is whether the Government has accepted the recommendations in the report. What will it do about them? Will the Minister bring a memo to the Cabinet to have a formal decision endorsing the report? Is it intended to transfer responsibility for 14-17 Moore Street, the national monument, from the Department of Arts, Heritage and the Gaeltacht to the OPW?

Deputy Michael Ring: The Minister does appreciate the Deputy's support in this. He has been very helpful in regard to what is happening at Moore Street. The report, as the Deputy knows, has been published on the Department's website for everybody to see. The new group has been set up and it is chaired by Dr. Tom Collins. I am told the progress to date has been very positive. The committee will examine how to bring this to a conclusion. The Deputy knows this is very complex. Everybody had to be talked to and brought on board. The Deputy knows this is a very sensitive issue. It is one on which a lot of progress has been made. The Minister has set up the group and has consulted the Deputy and everybody else. I am sure that at a later stage, she will fill the Deputy in on exactly what is happening. All I can say for now is that the Minister set up the working group. It is in place and we have to await its recommendations.

Deputy Éamon Ó Cuív: I do not know what to say because it is quite funny to hear the Minister telling me what the committee did. Three of us here were on the committee and we know what we did. What we want to know is what the Government will do. The Minister might just give one little, simple piece of information today. I accept that the Minister is standing in. I see the Secretary General of the Department is present. She might be able to slip the Minister a note. Will the Minister tell us whether a decision has been made to transfer responsibility for 14-17 Moore Street from the Department to the Office of Public Works which normally handles heritage and national monuments? I seek a simple "Yes" or "No" answer.

Deputy Michael Ring: I will get the Department to drop the Deputy a line on that matter. As he knows, I have only filled in for the Minister.

Deputy Éamon Ó Cuív: The Minister is doing a great job.

Deputy Michael Ring: I will get the Department to drop a line to the Deputy this evening.

Deputy Éamon Ó Cuív: I accept that it is unfair to ask a rural Minister about something in Moore Street in Dublin.

Deputy Michael Ring: No, but I believe it is unfair to be handed the files two minutes before coming in.

Message from Select Committee

An Leas-Cheann Comhairle: The Select Committee on Jobs, Enterprise and Innovation has completed its consideration of the Hallmarking (Amendment) Bill 2016 and made no amendments thereto.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Eamon Scanlon - to support disabled people's parking facilities for dementia and Alzheimer's disease sufferers; (2) Deputy Seamus Healy - the need for additional inpatient beds at South Tipperary General Hospital; (3) Deputy Seán Crowe - the impact of the new EU joint defence fund on Irish neutrality; (4) Deputy Willie O'Dea - the proposal by Irish Cement to burn toxic waste at its plant in Limerick; (5) Deputy Peadar Tóibín - the possible inclusion of Kells, Navan and Trim as rent pressure zones; (6) Deputy Thomas Byrne - the need for the Government, in its capital plans, to provide for an upgrading of the N2 from Kilmoon to Ashbourne in County Meath to dual carriageway standard; (7) Deputy Mary Butler - the need for the Minister for Health to make a statement on the death on Sunday of a patient from cardiac arrest while being transferred from University Hospital Waterford to Cork University Hospital; (8) Deputy Martin Ferris - home help hours at weekends; (9) Deputy Michael McGrath - to ask the Minister for Education and Skills the up-to-date position regarding the provision of a permanent school building for Rochestown Educate Together national school, County Cork, and to confirm the temporary accommodation arrangements that will be place for the school for the 2017-18 school year; (10) Deputy Jonathan O'Brien - to discuss the urgent matter of the appointment of the former Attorney General as a judge on the Court of Appeal; (11) Deputy Thomas Pringle - the urgent need to extend the deadline for GLAS hedgerow planting due to unforeseen circumstances potentially affecting farmer payments; (12) Deputy Niall Collins - to review the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994; (13) Deputy Sean Fleming - the construction of an electricity sub-station at Coolnabacca, County Laois, by Eirgrid; (14) Deputy Pearse Doherty - the need for the Minister for Agriculture, Food and the Marine to urgently reform the aquaculture licensing process to safeguard coastal communities from poorly planned and unsustainable aquaculture developments; (15) Deputy Michael Healy-Rae - visa application processing times; (16) Deputy Carol Nolan - to discuss the cuts to home help hours in County Offaly; (17) Deputy Donnchadh Ó Laoghaire - the need for light rail in Cork city; (18) Deputy Mick Wallace - to discuss the appointment of Ms Justice Máire Whelan to the Court of Appeal; (19) Deputy Jackie Cahill - the impact of new application procedures in the rural development/Leader programme 2014-2020; (20) Deputy Eamon Ryan - the continued alarming increase in new HIV infections in Ireland, especially amongst men who have sex with men, and the continued delay in a decision to make pre-exposure prophylaxis available to those at risk; (21) Deputy Joan Collins – whether the Minister will make a statement on his comment yesterday that he will not be implementing the commitment that all families will be removed from hotel or B&B emergency accommodation by 1 July; (22) Deputy Mattie McGrath - the need for the Minister for Health to provide an update on cardiac care cath lab facilities at University Hospital Waterford; (23) Deputy David Cullinane - to ask the Minister for Health to outline the plans for a second cath lab for University Hospital Waterford in light of the tragic events this week that saw a young man lose his life while in an ambulance, having been sent to Cork because the cath lab in Waterford was closed; (24) Deputy Richard Boyd Barrett - Ireland's being ranked fourth in the world in terms of youth suicide; (25) Deputy Clare Daly - to discuss the appointment of an individual (details supplied) to the Court of Appeal; and (26) Deputy Joan Burton - to ask the Minister responsible for housing the implications of the recent apartment fire in Dublin 15 and the recent tragedy at Grenfell tower in London and the implications for safety of apartment dwellers.

The matters raised by Deputies Eamon Scanlon, Seamus Healy, Seán Crowe and Willie O’Dea have been selected for discussion.

Ceisteanna - Questions (Resumed)

Other Questions

Deputy Peadar Tóibín: We get an opportunity once every six weeks to ask a Minister questions and to hold a Department to account. It is the small opportunity we get in an open democracy to determine whether we can obtain the truth concerning the areas we represent. I understand that the Minister, Deputy Michael Ring, is filling in and doing his best in this scenario. Surely, however, someone has gone to the office of Minister of State, Deputy Joe McHugh, and told him about this. We are half an hour, or nearly 40 minutes into questions. The Minister of State has a responsibility to sit in this Chamber and answer these questions. He is a newly minted Minister of State. That he is not here on the first occasion presented is a disgrace. It is a poor sign of politics. We may have to wait until the end of July or even September before we get another opportunity to ask questions. The Minister present does not have the information and it is not his fault. Is there any way the House can ask Minister of State to attend?

An Leas-Cheann Comhairle: If there is somebody listening to me in the Chief Whip’s office, perhaps we can send a message that the House is anxious that he take the remaining questions that do not concern the Minister in attendance, Deputy Michael Ring. There are quite a few, namely, Nos. 62 to 65, inclusive. Question No. 61 is to the Minister. In the meantime, perhaps somebody in one of the offices might send a message to the Minister of State.

Post Office Network

61. **Deputy Joan Burton** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if she will report on her Department’s work with An Post and the Irish Postmasters’ Union regarding the implementation of point 20 of the Action Plan for Rural Development; and if she will make a statement on the matter. [27513/17]

Deputy Joan Burton: I congratulate Deputy Michael Ring on being appointed to his ministry. I recall a very heated debate not too long ago when the subject of who was responsible for the post offices at the Cabinet, at the level of Minister or Minister of State, exercised a particular passion on the part of the then Minister of State, Deputy Michael Ring, and the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten. Obviously, today’s question arises after some Cabinet changes. First, Deputy Michael Ring is now to be Minister for community and rural affairs. What is his responsibility for the post offices now? Presumably with the rural affairs brief being transferred from the Minister for Arts, Heritage and the Gaeltacht, Deputy Heather Humphreys, as we understood from the statement this morning of the Taoiseach, Deputy Michael Ring is now to be responsible for the post office network. Part 20 of the action plan for rural development states, “Oversee and monitor the implementation of actions to support the Post Office Network, arising out of the report of the Post Office Renewal Board and the Post Office Hub Working Group”. The question is very simple. The

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leading executives of the post office network - the leading management of the post office network - have produced a plan for hundreds of post office closures. Under the Government of which I was a member, there were almost no post office closures. What is the Minister going to do about it?

Minister without Portfolio (Deputy Michael Ring): I thank the Deputy very much for her good wishes. I am glad to be back on questions that I understand.

A Programme for a Partnership Government made a number of commitments in regard to the post office network that were assigned to my Department. The commitments in question have now been completed or are significantly advanced. Following an extensive deliberations process, I presented the final report of the post office hub working group to the Government in March. This report examined the potential for post offices to act as hubs of economic and social activity, particularly in rural communities, and recommended that a project to test the concept of shared-value co-located post offices should be piloted, initially at four locations.

There have been a number of developments in relation to postal services generally since A Programme for a Partnership Government was agreed last May, including the commissioning by An Post of a root and branch review of the company. By and large, this has overtaken the work of the post office network renewal board, which reported its findings to An Post in December last year.

Overall responsibility for the postal sector, including the governance of An Post, falls within the remit of the Minister for Communications, Climate Action and Environment and, in light of developments in the sector, it has been agreed that all aspects of the postal services, including the post office network, should transfer to the Minister for Communications, Climate Action and Environment. It will be a matter for that Minister's Department to oversee the future direction of An Post and the post office network. However, my Department will continue to work closely with the Department of Communications, Climate Action and Environment where necessary to support the post office network in rural communities.

Deputy Joan Burton: When the Minister transferred responsibility for the post office network back to the Minister, Deputy Denis Naughten, notwithstanding the fact that he is now the Minister responsible for rural affairs, he washed his hands of the post office, other than to say God speed and that he will watch how the progress goes. We know from the Kerr report that half the post offices in this country are not commercially viable. The Minister is talking about a study or a pilot with regard to, as I understand it, four post offices. The Minister is known, fairly, I think, as somebody who is quite truthful, honest and open in his answers. Can we get some serious honesty in terms of what is happening to the epayment account? The problem is that many people who use post offices have no form of current banking as referred to in European plans and in Irish plans over a long period of time. What about the motor tax services in the post office? Has the Minister had a chance to discuss that with his colleagues around the Cabinet table? What about the Minister's own four hub pilots? Can he tell us a little bit about what that is going to mean, in particular for hard-pressed rural communities? When I was Minister for Social Protection, I ensured that the social welfare business stayed with the post office as did Deputy Eamon Ó Cuív when he was Minister, even though Fianna Fáil presided over many closures. What is being proposed to the Government is catastrophic.

Deputy Michael Ring: Above anybody else, the Deputy knows how Government works.

She was long enough in government. She knows about delegated orders, responsibility and what happens when somebody is given a task. As a Minister of State, I was given the role of looking at the post office hub working group which I chaired. I made a recommendation to Government. I was delighted that the Government accepted that recommendation. What was accepted was that we would have a pilot scheme run in four post offices to be rolled out to 150 post offices. We needed the pilot scheme first. I could talk to Deputy Éamon Ó Cuív about rural Ireland and I will in a minute. I will tell the Deputy what he did for rural Ireland when he was there.

An Leas-Cheann Comhairle: The Minister will not have a minute.

Deputy Michael Ring: As I said, the report was accepted by Government. My Department is going to pay the cost of that, which is €100,000. We hope to have services put in, like a peace commissioner service, a one-stop shop for communications, ICT training, expert advice services, collection of motor taxes and so on. In the private sector we have already seen somebody else taking one on in Kildare. When we get these pilot schemes up and running and if they are successful, we will roll them out in 150 post offices. Overall, the responsibility is with the Department of Communications, Climate Action and Environment. It has responsibility for An Post.

Deputy Joan Burton: Everybody knows that one of the weakest links in the chain of the protection of rural Ireland is the future viability of post offices. I think we are all agreed on that issue.

Deputy Éamon Ó Cuív: I agree with the Deputy, as well as on the issue of fibre broadband.

Deputy Joan Burton: I worked might and main to ensure that only a very small number of post offices closed during the period when the Labour Party was in government. The Minister has still not answered the principal question. The view has been given by post office management and by the Kerr report that half the post offices in the country are not commercially viable. That means that up to 500 post offices or more could close over a period of time. Of course, I welcome the Minister's pilot initiative, but I question if that is enough to maintain the post office network, or if the demand of many of the elements within the Fine Gael Party to privatise and outsource as much as possible is actually the dominant the philosophy. I acknowledge that the Minister's own philosophy is not that.

Deputy Éamon Ó Cuív: Action 20 in the action plan for rural Ireland states, "Oversee and monitor the implementation of actions to support the Post Office Network". It lists the responsible bodies as the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, An Post and relevant Government Departments. We are beating around the bush too long on the whole post office issue. My question to the Minister is this: is he going to start making decisions? There are a fair number of people in post offices - the truth is told in rural Ireland - who are hanging on and wondering what the Minister is going to do. Let us be straight about it. Some of those would like to get a package and get out because they know there is not a living in it.

It is a favourite topic of people in Dublin that the only thing in rural Ireland is post offices. To be quite honest, for many people fibre broadband outscores the post office network. I hate to say it, but that is the reality and I live in the real rural Ireland and not in some leprechaun rural Ireland. When is the Minister going to start making decisions? Anybody who tells me that it would have been viable to keep every post office that was there for 20 years open is talking

tommyrot.

Deputy Michael Ring: I accept what Deputy Joan Burton said about no closures of post offices. There have been very few in the lifetime of this Government. Deputy Éamon Ó Cuív's Government nearly closed more post offices than there are post offices now. I do not have the figures but I will have them for him the next time.

Deputy Éamon Ó Cuív: Is the Minister telling me-----

Deputy Michael Ring: Wait a minute-----

An Leas-Cheann Comhairle: The Minister to continue, without interruption.

Deputy Joe McHugh: Ciúnas, Éamon.

An Leas-Cheann Comhairle: I will chair the meeting.

Deputy Joe McHugh: Fadhb ar bith.

Deputy Éamon Ó Cuív: Tá Teachta McHugh anseo. Tá fáilte roimhe. Tháinig sé ar deireadh.

Deputy Joe McHugh: Sin an scéal.

Deputy Éamon Ó Cuív: Tá sé cineál deireanach. Thosaigh muid ag a cúig tar éis-----

An Leas-Cheann Comhairle: The Minister to continue, without interruption. He has one minute.

Deputy Michael Ring: Deputies Joan Burton and Éamon Ó Cuív, who were both senior Ministers in government, know about semi-State companies and that An Post is a semi-State company that is now doing a root and branch review of the whole post office network. I have done my report to Government on the hub. We are now waiting for An Post to come to the Government with whatever proposals it will come with. Therefore, we cannot do anything until the proposals come.

Deputy Éamon Ó Cuív is quite correct and I will be honest as well as him. We have many post offices. Some of them have a very bright future and some of them have very serious difficulties. I saw some of the transactions that were taking place in some of these post offices. I will be honest. Some of these post offices are not going to survive. We have to make sure that we strengthen the ones that survive and get them whatever they need to assist and help them. However, I cannot interfere with the process of An Post, which is a semi-State company. As previous Ministers, both of the Deputies know that semi-State companies are independent of the Government.

Commemorative Events

62. **Deputy Aengus Ó Snodaigh** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs her plans to reinstate an Oireachtas decade of centenaries committee under the auspices of her office, as was the practice before (details supplied). [22975/17]

Deputy Aengus Ó Snodaigh: Is ceist an-simplí í seo. I do not know which of the two

Ministers are in charge now. This question was submitted over a month ago. When will the Minister reinstate the Oireachtas decade of commemorations committee which has operated in some form or other since 2006?

An Leas-Cheann Comhairle: Sula bhfreagraíonn an tAire Stáit, tá súil agam go bhfuil sé ag iarraidh leithscéal a dhéanamh agus míniú a thabhairt don Teach os rud é go raibh an oiread sin gearán idir an dá linn.

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): Tá brón orm fá dtaobh de sin, a Leas-Cheann Comhairle. Níl an tAire sinsearach, Teachta Heather Humphreys, ábalta bheith anseo inniu. Tá brón orm fá dtaobh de sin.

Ar dtús, ba mhaith liom mo bhuíochas a ghabháil le Teachta Ó Snodaigh as an gceist. Ba mhaith liom mo fháilte mhór a chur roimh a chomhghleacaí, Teachta Peadar Tóibín, an fear a bhí ag tabhairt amach trí bliana ó shin, in 2014, nach raibh Gaeilge ag Joe McHugh ag an am. Tá mé ag súil go mór leis an díospóireacht am éigin i dTeach Laighean idir an Teachta agus mé féin trí Ghaeilge.

I refer the Deputy to my earlier reply to Priority Question No. 2. I am committed to re-establishing the Oireachtas All-Party Consultation Committee on Commemorations. The Minister intends to put in place the practical arrangements to reconstitute the group very shortly.

In the period leading up to the 1916 Centenary commemorations, the All-Party Consultation Committee on Commemorations was instrumental in promoting an open, consensus-based and honest approach, which allowed all narratives to be heard and ensured that the State reflected appropriately on all of the major historical events as they unfolded. The work of the committee complemented the work of the expert advisory group on commemorations which also advised the Government on the approach based on the authentic history of the period.

The Government will continue to mark significant events throughout the second half of the decade of centenaries. This includes the Easter commemorations ceremonies to mark the Easter Rising and events to mark the progress of World War I. For example, two weeks ago, the Minister attended commemorations of the Battle of Messines Ridge at the Island of Ireland Peace Park in Messines, which were jointly led by the Governments of Ireland and the United Kingdom in partnership with the mayor of Messines. On the Sunday of that week, she was also honoured to lay a wreath on behalf of the Irish Government at the war memorial in Armagh in memory of the men of the 16th Irish Division and the 36th Ulster Division who fought side by side in that battle. Last weekend, the Minister attended a special ceremony to mark the centenary of the foundation of Leopardstown Park Hospital as a convalescent home and hospital for the treatment of soldiers injured in World War I.

I believe both the all-party committee and the expert advisory group have a significant contribution to make with regard to the second half of the decade of centenaries and I look forward to continued positive engagement and consultation with both groups in the coming period.

Deputy Aengus Ó Snodaigh: It is a pity the Minister is not here. In fact, this question and Question No. 70 were originally put to the Taoiseach but for some reason, they were bounced to the Minister. I was asking about which events the Taoiseach attended. Given that most of the events seem to be bye or bye, there has been no decade of centenaries committee meeting since last year despite the fact that this is supposed to be a decade of commemorations covering the whole range of events. The members of the old committee were not informed about or

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invited to the events mentioned by the Minister of State which relate to World War I and there was no planning for major key events that took place in that period. We are talking about 1917, a year in which there were four by-elections which had a major effect on the future War of Independence. That year also saw a hunger strike and the death and funeral of Thomas Ashe but to my knowledge, there has been no planning for a State event to mark that. Other major events include the Sinn Féin Ard-Fheis in 1917 or the IRA convention, which had a major impact on the progress of war thereafter.

If we are to have the same success the nation experienced with regard to events celebrating and commemorating the events of 1916 or even the First World War, the Government must plan for it but there has been no planning involving the centenaries committee in this House since the last meeting in Easter 2016.

Deputy Joe McHugh: One thing the Minister has been exceptional at is her work on the 1916 commemorations. We are still within that space - the decade of commemorations. When one thinks about what has done for this country, not just in terms of acknowledging the past but also opening so many doors and windows to the past through the Irish language and when one thinks that primary schoolchildren see the tricolour flying high outside their schools and the all the effort and work that went into the commemorations, one can see that there was a lot of thought and partnership went into it. The Deputy rightly pointed out that the Department of the Taoiseach has been involved, as has different personnel in the Department of Defence. There has been such a combined effort to get it right and do it not just in a poignant way but a very sensitive way. I record my thanks for the work the Minister and her team have done in contributing to opening up such a rich window of heritage, language, history and culture which is not just having an impact down South but also in Northern Ireland.

Deputy Aengus Ó Snodaigh: I have no problem with what the Minister of State said but one of the key lessons we have learned to date in the decade of commemorations is that there needs to be planning. There needs to be a timeframe. Regardless of whether it is planning to commemorate the ending of World War I in 18 months' time or the major event that was the Westminster elections of December 1918, they need to be planned. Even the museum needs to be asked to put on an exhibition in either case. For a museum to put on a proper exhibition, it needs a three-year lead in. That support has not been granted to it. There is a range of issues. If the Government wants to engage local authorities, the Department, the Minister and the committee should be instructing them at this stage. We successfully managed to put together a range of events quite quickly. We could have had a lot more. It was very successful and I believe this success should have continued. I asked the Minister last year and a few times since then when this decade of centenaries committee will be formed because that can be the mechanism to stimulate planning for major events that founded the State and other major international events that happened during that revolutionary period between 1917 and 1921 that related to Ireland.

Deputy Joan Burton: As a member of the Fine Gael-Labour Party Government, with others in the Labour Party, I expressed in government very strong support for all the different mechanisms of the decade of centenaries and a very significant capital budget in respect of the renewal of key capital cultural institutions in this country. Can the Minister of State tell me whether this moribund committee will be reinvigorated? He did not say that. In addition to what Deputy Aengus Ó Snodaigh said, the 1918 election saw the first votes for women and Countess Markiewicz's election as the first female Member of Parliament, which is a unique distinction in these islands. The period also saw her appointment as the first female Minister in government and the democratic programme, which was subsequently superseded by de Valera's

Constitution but which was a far more democratic programme. Now that Fine Gael is in alliance with the Independent Alliance, many of whose members are from a Fine Gael background, as are many Independents, Fine Gael could be racing away from this shared history. Can the Minister of State tell us whether this committee will be reinstated with the capital programme?

Deputy Joe McHugh: Yes, it is. The Minister is very focused on it and her vision is to have it reconstituted. She is working on that issue. When we consider what has happened in the past few years in terms of the approach to commemorations, I was at an event in Glasnevin with Jeffrey Donaldson. I would never have imagined that ten years ago. I was in Derry a couple of Sunday's ago with Deputy Aengus Ó Snodaigh's colleague, Martina Anderson, MLA, and different politicians. I take the Deputy's point in terms of remaining focused and vigilant and I understand what he is saying. My job today is to convey that message. I can tell the Deputy that the Minister is committed and focused. Many lessons would have learned in the past few years. I will certainly convey the Deputy's strong words to the Minister.

Deputy Aengus Ó Snodaigh: I agree with Deputy Joan Burton, particularly in respect of the major events. I can give a huge list which includes the revolutionary period. The counter-revolutionary period also needs to be considered. Even though we have said it covers a decade, I have always argued that we should not stop at 1921 - one of the biggest failures in the State - that we should look beyond it and at the international effect the outcome of the First World War had on small nations. We have an opportunity to enrich young people, in particular, with an understanding of where we stood and stand in the world. If we do not plan, we will lose that opportunity. Outside of everything else, anybody who was involved in any of the projects saw the tourism potential for local communities in their local history. There is a huge opportunity for us, but it will be lost unless we sit down and agree on a list of State commemorative events, a list for which we want local authorities to start planning. The fund helps to invigorate them and local communities. Without it, we would have been much the poorer in the commemorations last year. It should not be down to just that, however, but it was a help and there was a successful programme. We will definitely need much of the fund in the next few years to enable people to understand. We will not agree, but we might understand our history better.

Deputy Joe McHugh: There is nothing in what the Deputy said with which I would disagree. He is right, that we should not stop at 1921 and that it should not stop with the ceremonies. I remember being at an event on Banna Strand to remember Roger Casement. Prior to that event I had start to learn much more about him and the impact he had had in the Leas-Cheann Comhairle's county and mine with reference to Coláiste Uladh in Gort an Choirce. He was imprisoned in England but still sent money back to national school children on Tory Island and in Gort an Choirce. All of that history has opened up so much for us and we have to think cleverly and creatively about how we can develop it in the Department of Education and Skills also. I agree that there is much more we could do and know that the Minister, Deputy Heather Humphreys, is very conscious of this. Even the name of the Department is up for discussion - that is where officials start to get nervous about what Ministers say - but I know that she is very focused on culture, while I am very focused on the Gaeltacht.

Wild Fires

63. **Deputy Bríd Smith** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs her views on the loss of nests and food stores of birds and other wildlife caused by

the recent gorse and heather fires that were started illegally in some mountain areas; and if she will make a statement on the matter. [27567/17]

Deputy Bríd Smith: Before I ask the question which relates to forest fires, I express the sympathy of my party and I am sure of everybody in the Dáil to the people of Portugal who have suffered a severe loss in forest fires in the last couple of days. My question relates to the loss of wildlife and the nests and food stores of birds and other wildlife in the recent gorse and heather fires started illegally in some mountain areas. I ask the Minister of State to make a statement on the matter.

Deputy Joe McHugh: I thank the Deputy for raising this important issue. Significant environmental damage is caused by wildfires. The issue has become more acute in recent years, as evidenced by the spate of fires in various parts of the country, including a Coillte-owned site of some 4,000 ha in County Galway in recent weeks. Wildfires are not a natural phenomenon in Ireland and can have a local impact on species that cannot escape or that lose breeding habitat as a result. Such impacts are generally short-term but could be very serious for species already in decline such as the curlew. Some plant and moss species may be temporarily lost or greatly reduced.

I take the opportunity to strongly condemn the recent spate of wildfires and appeal to members of the public to be conscious of the dangers posed by fire on open ground. The primary responsibility for firefighting lies with the fire service and the Department of Housing, Planning, Community and Local Government. The prosecution of those responsible is a matter for the Garda. My Department is one of a number of agencies represented on the interagency gorse fire group that explores issues surrounding such fires. An Garda Síochána is also represented on the group and leads any criminal investigation. My Department co-operates fully with Garda and other investigations that may be initiated by other statutory bodies.

Deputy Bríd Smith: What I really want to get at is that the burning of vegetation is forbidden in certain months but takes place regardless of the restraints. What we need to know is the extent of the damage and the scale of the impact of recent fires on wildlife because only then can we gauge the damage the Minister, Deputy Heather Humphreys' Heritage Bill might do. In case people do not know, the Bill proposes to allow burning in the months of March and September. It is illegal from April to August. Extending it to March and September would have a huge impact on wildlife. I want to read something about the extinction of wildlife. Birdwatch Ireland states species at risk in upland habitats were burning to occur in March, April and May would include the hen harrier, the merlin, the golden plover, the dunlin and the breeding curlew, which, as we know, is already on the brink of extinction. We need a commitment from the Minister of State's Department that it will assess the damage to wildlife in order to assess the damage the proposed new Heritage Bill might do.

Deputy Joe McHugh: I have worked with the officials in the Department and I am glad to be back working with them again. I know just how focused they are on the issue. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs has responsibility for monitoring controlled, not illegal, burning. The Deputy mentioned a couple of incidents. In my county, on the Inishowen Peninsula, the people who responded first were the members of the fire service but there was also a phenomenal response and intervention not just by members of the community but also by specific sectors. Some members of the farming community used their slurry tankers to put out the fires by putting water into them. There is a groundswell of support for the Deputy's proposition that people support the protection of wildlife, fauna and flora. There

is certainly no shortage of dedication within my Department. There are other issues to do with common sense and taking specific responsibility, but I will certainly convey the Deputy's message to the Department.

Deputy Peadar Tóibín: Gabhaim mo chomhghairdeas leis an Aire Stáit, an Teachta Joe McHugh, mar gheall ar an bpost nua atá aige. Tá súil agam go n-éirí go geal leis ina phost. Ní raibh gearán ar bith agamsa mar gheall ar an gcumas Gaeilge a bhí ag an Aire Stáit ag an am. Ba é an gearán a bhí agam, agus a bhí ag go leor san earnáil Gaeilge ag an am, ná gur ainmnigh an Rialtas duine gan Ghaeilge le haghaidh na Gaeltachta. Is am cinniúnach é mar gheall ar an nGaeilge agus tá súil agam go dtreiseoidh an tAire Stáit an Ghaeilge agus an Ghaeltacht as seo amach. Déanaim mo chomhbhrón freisin le muintir na Portaingéile a fuair bás sa tine sin.

It is very important to realise when we talk about this issue that under the current legislation, only one application was made last year for a licence to engage in controlled burning. That means that Government practice, as it stands, is irrelevant and failing farmers and the environment miserably.

Deputy Joan Burton: I express my condolences to the people of Portugal on the dreadful loss of life, habitat and forests in the big fires. I think everybody has been extremely upset by the fires in Ireland. I hope what has happened constitutes an opportunity for the Minister, Deputy Heather Humphreys, to think twice about extending the dates within which burning is allowed. What has happened this year has been an environmental and ecological disaster which will affect the promotion of tourism and the amenity use of forests, as well as their viability. We present this as a green Ireland to ourselves and the world at large in the promotion of both tourism and the food sector. The sight of uncontrolled burning, with damage being done to wildlife and habitats, is an enormous tragedy for the country. I hope the Minister will let go of the current plans she has to extend the burning seasons.

Deputy Joe McHugh: Ar dtús, mar fhreagra ar an Teachta Peadar Tóibín, chuala mé a theachtaireacht. Gabhaim buíochas leis as an fháilte. Táim ar a thaobh féin maidir le na rudaí tábhachtacha sa cheangal idir an oidhreacht agus an pobal, mar shampla, seirbhísí éigeandála. Bhí mé ag caint faoi na rudaí a bhí ag dul ar aghaidh i mo chontae féin i gContae Dhún na nGall. Tá sé thar a bheith tábhachtach go mbeadh na rudaí nádúrtha ar an talamh fite fuaite sa chomhoibriú chun na rudaí a choimeád, chomh maith leis an bpobal agus na daoine áitiúla atá ina gcónaí ann a choimeád sábháilte. Tá mé ar aon taobh le na Teachtaí maidir le sin.

Deputy Joan Burton raised issues around technical aspects about timing. I certainly will convey them to the Minister.

Acting Chairman (Deputy Bernard J. Durkan): Does Deputy Bríd Smith have a final supplementary?

Deputy Bríd Smith: These fires, whether started illegally or naturally, cause considerable damage to wildlife, in particular, at the time of year to which the Minister, Deputy Heather Humphreys's Bill proposes to extend the provision, when birds and other forms of wildlife are beginning to make their homes, nest and mate and then to breed their young throughout that season. With the cutting of the hedging, it is lethal to the protection of wildlife.

The Bill has been dubbed the anti-wildlife Bill and that describes it well. It makes no sense at all for us to increase the length of time allowed for burning, in particular when the Minister of State says only a small number of applications were made to allow the burning. That implies

that most of the burning is illegal.

A Bill or measures that enforces what already exists should be brought in rather than extending the potential for further burning and possible destruction to wildlife. Ultimately, there is a significant cost to the Exchequer of this burning but there is a bigger cost to nature and to the quality of all our lives by losing these habitats.

Deputy Joe McHugh: At the risk of repeating myself, which I do not want to do, I re-emphasise the separation in terms of the Department's responsibility around controlled burning. There are issues outside of the Department's control. We will continue to work in close collaboration with the Garda, the emergency services and the local authorities.

When we talk about habitat, nature and all things relating to wildlife, none of the people I meet on a daily basis in my constituency is against this debate but we must also have a debate around the co-existence of communities and habitat. It is a co-existence. In terms of sustainability, we have to work closely with communities because many of the communities have the answers. I am grateful for the officials in the Department who work on a regional basis also and who feed those community concerns back.

National Monuments

64. **Deputy Joan Burton** asked the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs if she has brought the Moore Street advisory group report to Cabinet with a view to prioritising the proposals to conserve and restore the historic properties in Moore Street associated with the Rising and adjacent areas of lanes and the proposals to improve and expand the market trading in Moore Street and the situation in which the traders are working; and if she will make a statement on the matter. [27510/17]

Deputy Joan Burton: I am not quite clear which Minister will respond, although either would be welcome, but I ask about the extensive report, The Moore Street Report - Securing History, on securing the future of the battlefield areas beside the GPO, rebuilding Moore Street as a trading and food market for Dublin and for visitors to Dublin, and reinvigorating the area. I am shocked the Minister has not yet brought this report to Cabinet because there has been a broad hard-working group working on this at the Minister's request.

Deputy Joe McHugh: I refer the Deputy to Priority Question No. 60, to which the Minister, Deputy Michael Ring, replied.

The Minister, Deputy Heather Humphreys, already recorded in this House her sincere appreciation to the members of the group for the report, entitled The Moore Street Report - Securing History, the group presented to her at the end of March.

The Moore Street consultative 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. In this regard the group 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. That extensive programme of work culminated in the series of recommendations

contained in the report.

The Minister, Deputy Heather Humphreys, welcomes the fact the report is seeking a way forward based on consensus. She believes its recommendations can help breathe new life into the area, which Deputy Joan Burton attested to as well, while at the same time 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 the capital city.

The report has looked carefully at all these elements and the Minister, Deputy Humphreys, is pleased 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. The Minister is fully supportive of this collaborative approach and she wants to see the work already done being continued in order that we can progress to the next stage and see tangible results on the ground.

Critical to this has been the establishment of the new advisory group that the report itself identifies as the most effective way to move forward with its recommendations.

Additional information not given on the floor of the House

As the Deputy will be aware, the Minister has now proceeded with the setting up of this group under the chairmanship of Dr. Tom Collins. The group has already met and embarked on the task of looking at how best to implement the recommendations.

I am happy that this ongoing process represents the best approach to achieving an optimal outcome for the Moore Street area. This will involve extensive discussion, negotiation and agreement with, and actions by, a variety of public and private bodies. The process is being supported by my Department and I am looking forward to seeing positive outcomes from the interactions between the various parties.

Deputy Joan Burton: If the Minister of State cares to take a walk down Moore Street and the lanes running between the GPO and Moore Streets, he will note that it is an area in total crisis in which Moore Street, as a vibrant street market, and the traders who have traded inter-generationally there are on their last legs. A great deal of work was done by a diverse group, ranging from relatives of the 1916 leaders to those with an interest in the architecture and in the revitalisation of this important part of the city, and all the public bodies and authorities.

As a former Tánaiste, I find it shocking that this report has not been brought to the Cabinet. That is what my question is about. For instance, the new Taoiseach has not seen this report. Maybe he has read about it in the newspapers but he certainly has not seen it, as an outgoing member of the Cabinet and the incoming Taoiseach.

We have to take our opportunities. In Donegal the Minister of State, Deputy Joe McHugh, has to do so in relation to tourism, commemorations, etc. There is enormous scope for the development of the whole Moore Street area in a way in which other cities across Europe have done that combines history with a vibrant agricultural and produce market and that gives a future to the traders also. However, that will start with not only those who wrote the report but the Cabinet having ownership of the report.

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Acting Chairman (Deputy Bernard J. Durkan): We are running short of time. I will take a supplementary from Deputy Peadar Tóibín.

Deputy Peadar Tóibín: The consultative forum was an excellent idea. It was one of the best things Fine Gael and the Independents did on this issue. However, that forum highlighted a number of actions that need to be taken and those actions place responsibilities on Ministers concerned. That is why Deputy Joan Burton is correct in stating that it is necessary that it gets the full stamp of the Department so that it not only remains in the ether but is physically accepted as Government policy.

There needs to be co-operation between the developer and the forum. We need to ensure 14-17 Moore Street are taken into OPW hands and that a preservation order is placed on 10-25 Moore Street. The Government needs to look at how 10-25 Moore Street can come into either Government use or ownership. I would not be prescriptive about it but I would like to see Irish language groups, for example, locate there rather than be scattered around the town or city. In that way, cultural and language organisations could realise critical mass in that part of Dublin.

Deputy Joe McHugh: I believe we are all in agreement that this is something of value. Moreover, we want to hold on to what we have and develop it further. The committee will look at how to bring the recommendations forward. I will take the message back.

Progress to date has been positive. For information purposes, the report has been published on the Department website. A question was asked about bringing the matter to the Cabinet. I will follow up on that to see what processes are involved.

As a young boy in the late 1970s and early 1980s, my first introduction to Dublin was to Moore Street and the traders there. I came up to do the Christmas shopping with my mammy, brothers and sisters on John Joe Boyce's bus. It is a valuable part of the social infrastructure and legacy of Dublin. It is something of which the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Deputy Heather Humphreys, is conscious. Not only does she want to protect it but she wants to develop it also. Knowing the Minister as I do, I am confident that she is open to different ideas and suggestions from different groups.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Parking Regulations

Deputy Eamon Scanlon: Before the Minister and the Ministers of State leave, I congratulate everyone who was reappointed.

Dementia is a deeply distressing condition for those suffering from it and for their families. It presents a significant and growing challenge to health and social services. As our population ages, the number of people with dementia will increase. Progressive increases in investment towards support for people with dementia and Alzheimer's disease will be required in the years ahead.

Supporting the provisions of disabled persons' parking cards, also known as European parking cards or disabled parking badges, for dementia and Alzheimer's disease sufferers would make such a difference to their lives.

The World Health Organization has described dementia as one of the most serious social challenges facing the world today. Currently, a total of 55,000 people are living with dementia in Ireland and over 5,000 people have early onset Alzheimer's disease. Many more of them still drive, thankfully.

The Alzheimer Society of Ireland has made the point that the majority of people with dementia, over 63%, live in the community and wish to continue to live at home as a first option.

Insufficient provision for home help and home care packages channel people to long-term care causing the institutionalisation of people with dementia. However, people with dementia prefer to remain living at home for as long as possible. With the right supports, this is possible for the majority of the people concerned.

We should not underestimate the difference we can make by implementing simple measures, such as issuing parking cards, that would make life easier for those struggling as the illness takes hold. The proposal is simple but practical. It would be a step in the right direction and Ireland could be a world leader for dementia care and support. Everyday challenges differ for people with Alzheimer's disease and dementia. Small things can make a major difference. People are living longer and will need more supports as they age.

In 2014, the National Assembly for Wales passed the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2014. The regulations allow those with a cognitive impairment, that is, people who cannot plan and follow the route of a familiar journey, to be eligible for a blue badge as of January 2015. The regulations do not give automatic entitlement to a blue badge. According to the blue badge scheme criteria in Wales, a person needs to provide a letter of support from a relevant health care professional explaining the diagnosis.

I am calling for a change in the criteria such that people with dementia can be eligible to apply for the disabled person's parking card based on an assessment by their general practitioner to verify the need. This will help to resolve the difficulties faced by people with dementia and their families in carrying on activities of daily life. Activities that many of us take for granted, like visiting the shop or attending GP appointments, can become physically challenging and the associated journeys can be daunting for people with dementia and Alzheimer's disease. I hope the Government will consider this change in order that people are able to continue doing the things they enjoy and maintain their independence for far longer.

People with dementia have the right to maintain their independence and to remain and be active in a familiar environment linked to their communities. To do this, they need access to supports that reflect the complex and changing needs of the condition.

The disabled parking permit scheme was born out of a basic necessity to maintain independence for people in Ireland living with a permanent disability, medical condition or severe mobility difficulties, as well as for people who are registered blind, whether they are drivers or passengers. A person with a disability requires access to a disabled parking bay because of access to amenities and facilities. Accessible parking bays are located near amenities for people to access work, education, public transport, post office, shops, banks or social events as well as hospital appointments.

I am aware of a lady who dropped her husband off at the door of the hospital while she went to park. Her husband suffers from dementia. When she got back to the hospital door, her husband was missing. Luckily, with the help of the Garda, she found him a mile and a half away. The man could have walked out in front of a lorry or car. He was simply not capable of managing on his own.

The value of these cards cannot be underestimated. Their availability supports people's right to inclusion. European parking cards can be used by disabled people within the European Union and are recognised in the United States and Canada also. This means when people travel abroad, they can bring their cards with them. Extending the scheme would ensure independence dignity and choice for people with dementia and Alzheimer's disease, as well as their carers.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank the Deputy for his kind remarks. I congratulate him on bringing forward this subject. I am sympathetic. I am not going to grant his wish today but I think he has made a good case for what he has put forward. The matter is probably somewhat more complicated than the Deputy has said but I take it that the issue is brought up a sincere fashion and the case the Deputy has made is undoubtedly a strong one.

The provision and use of the disabled parking permit scheme is set out in section 35 of the Road Traffic Act 1994 and the Road Traffic (Traffic and Parking) Regulations 1997, SI 182 of 1997, as amended.

The scheme is administered by the Irish Wheelchair Association and the Disabled Drivers Association of Ireland. The disabled parking permit is available to people living in Ireland whose mobility is severely and permanently restricted, whether they are drivers or passengers, and to people who are registered blind. The permit is designed in accordance with EU legislation and is recognised in all EU member states. The permit is valid for two years from the date of issue.

In 2010, the Department conducted a review of the disabled parking scheme in consultation with various stakeholders. One of the issues looked at was eligibility for the scheme. Disability groups were unhappy at the fact that some people were being issued with disabled parking permits because they had a particular condition rather than a mobility impairment. For example, cardiac conditions that can severely limit mobility entitled people to a permit at that time. However, not all sufferers of the condition have a mobility impairment. As a result of the review, the scheme was revised such that permits are now given based on the level of mobility impairment rather than diagnosis of a particular condition.

The medical criteria for issue of the permit are strict and only persons whose mobility is severely and permanently restricted qualify. Therefore, people living with dementia and Alzheimer's disease would not necessarily qualify for a permit unless their mobility was severely and permanently restricted.

The primary legislation for the purposes of EU parking permits defines a disabled person as a person with a permanent condition or disability that severely restricts the ability of the person to walk. This definition was introduced into the Irish regulations by the Road Traffic (Traffic and Parking) (Amendment) Regulations 2011, SI 239 of 2011. Primary medical certificate holders are considered to qualify having already met the criteria and are only required to submit a copy of their certificate with the application form. Similarly, those who are visually impaired

are only required to submit confirmation that they are registered blind with the application form. For all other applicants, a medical practitioner must complete the medical section of the application describing the applicant's level of mobility and certifying the accuracy of same.

My Department remains in ongoing contact with the Irish Wheelchair Association and the Disabled Drivers Association of Ireland. Due to arguments made by the Deputy and others, I remain open to considering improvements to the scheme that may be needed in the future.

Deputy Eamon Scanlon: I thank the Minister for his response. However, I am a little disappointed because while people with dementia and Alzheimer's disease are not disabled in one way, that is to say, physically, they are certainly disabled mentally. Their carers have great difficulty. In the case of the lady who dropped off her husband at the hospital door, it was very fortunate that the man was not killed walking down into Sligo town, a mile and a half from the hospital. These are the problems people face when trying to get loved ones to appointments or even when going about their daily business. The person with dementia or Alzheimer's disease might be sitting in the car while the carer, husband, wife or whoever goes off to do a small bit of shopping. It is a serious concern. They worry that the person might leave the car. Access to disabled parking would be helpful for the people concerned. The Minister should give serious considerations to this matter. It would be a step in the right direction to make life easier for those who care for loved ones with Alzheimer's disease and dementia.

Deputy Shane Ross: I thank the Deputy for his response. I know that he is disappointed. I am disappointed myself that I cannot do this at this stage. The overriding criterion is mobility. Until we change that criterion, to grant it to other cases, however deserving - I do not dispute for one moment how deserving they are - would be changing the criteria back to when they were changed to their current form in 2010. I can guarantee the Deputy that he is not the only one who has made representations on this matter, not just in respect of Alzheimer's disease and dementia but also in regard to other diseases, a diagnosis of which it has been suggested should qualify people to use disabled parking spaces. I will keep it under review. The numbers the Deputy mentioned are huge. To open it up to everybody suffering from diseases which are not mobility-affected would be impossible to implement. There just would not be enough spaces. The case the Deputy has made on behalf of those two particular groups is something I will look at again in the next few months.

Hospital Accommodation Provision

Deputy Seamus Healy: There is a huge bed capacity deficiency at South Tipperary General Hospital. Put very simply, there are not enough beds to cater for the demand for services at the hospital. This has been accepted in recent years by local hospital management, HSE regional management and the management of the south-south west hospital group of which South Tipperary General Hospital is part. The preferred option for a medium-term solution to this bed deficit is a 40-bed modular or hotel-type accommodation. In October of last year, the senior Minister, Deputy Simon Harris, visited the hospital and described the conditions there as utterly unacceptable. He further said that solutions must be found. He promised that a decision would be made before the end of the year. We are now six months into the following year and we still have no decision on this very urgent and immediate problem.

As the Minister of State knows well, the hospital is a progressive hospital, forward looking and very efficient. Despite the best efforts of staff, there is horrendous chaos almost on a daily

basis, with significant numbers of trolleys on the corridors. The month of May saw a huge number of trolleys and we have had as many as 31 trolleys in the corridors in the current month of June. If this is the case in May and June, what will the situation be like in the coming autumn and winter?

Patients on trolleys have no dignity or privacy and lack access to adequate bathroom and washing facilities. Staff are run off their feet and are struggling to provide a safe service in a highly pressurised atmosphere. South Tipperary General Hospital has been effectively in crisis for more than five years. It has experienced savage budget cuts to funding and staffing while, at the same time, it has increased hospital activity at emergency department, outpatient and inpatient levels. The hospital is bursting at the seams, operating at 130% capacity. The medical department is at the even higher rate of 150% capacity. I remind the Minister of State that full occupancy is defined as 85%. As a priority, the hospital needs 40 additional beds immediately. I ask that the Minister for Health, Deputy Simon Harris, fulfil the promise he made when he visited the hospital nine months ago to approve and fund a 40-bed inpatient extension to ensure the hospital can deal reasonably and well with its patients on a daily basis.

Minister of State at the Department of Health (Deputy Finian McGrath): On behalf of the Minister for Health, Deputy Simon Harris, I thank the Deputy for raising this matter and giving me an opportunity to update the House on the current position on South Tipperary General Hospital. I acknowledge the work of the Deputy on this matter and health matters generally. As the Deputy mentioned, the Minister visited South Tipperary General Hospital last year and is aware that there are capacity challenges at the hospital. However, work is under way to address this issue.

The HSE identified that the most immediate and effective response to alleviate pressure at the hospital is through the fit out of additional space for 11 trolley bays on the first floor. Accordingly, this work was prioritised for funding and has been completed recently. A recruitment process is under way to provide additional staff for this new area. Subject to a successful recruitment initiative, it is anticipated that this additional capacity will open in September 2017.

Another option under consideration is the use of the national framework for alternative accommodation at hospital sites to provide additional surge capacity through a temporary inpatient solution at the site. This will receive further consideration in the context of the Estimates of 2018.

The Minister is advised that the south-south west hospital group, recognising that bed utilisation in the hospital has increased significantly in recent times, is conducting a capacity review. This review which is nearing completion will inform the precise level and nature of any additional capacity required to meet current and future needs. The Department of Health's national capacity review will also help identify service requirements and inform resourcing priorities. It is noted too that the hospital group is preparing a brief for the procurement of a master plan for the hospital campus. The master plan will provide for the orderly development of the South Tipperary General Hospital campus, and ensure the site is not compromised in any way.

Looking beyond acute services, the Minister had asked the HSE to explore what additional supports Our Lady's Hospital, Cashel, could provide to alleviate pressure in south Tipperary. I understand the HSE has recently submitted a proposal for future service provision which is focused particularly on the development of the Cashel health campus to deliver integrated care for the population of south Tipperary through the collaborative efforts of the south-south west

hospital group and community healthcare organisation 5. The proposal will have additional resource requirements including specialist staffing and will therefore need to be considered in the context of the Estimates of 2018.

The Department of Health and the HSE are engaged in a process to commence winter planning for next year and to achieve an improvement trajectory in emergency department performance. Alongside this process, the HSE's special delivery unit continues to work closely with hospitals to identify improvements that can be made to support patient flow, reduce trolley numbers and improve patients' emergency department experience.

On behalf of the Minister, I can assure the Deputy that there continues to be a very strong focus on reducing emergency department overcrowding both in south Tipperary and across the country.

Deputy Seamus Healy: This reply is desperately disappointing and unacceptable. It is effectively kicking the can down the road to the Estimates of 2018, which means there will be no movement on this until 2018 at the very earliest. It is condemning patients to life on trolleys in huge numbers over the next autumn-winter period. A trolley bay of 11 has been provided and while it is helpful it is not a solution. It is effectively hiding away the problem in a trolley bay and, worse still, it is robbing Peter to pay Paul because this trolley bay area was already identified for day procedures and minor surgery, so that is also being affected.

I understand a senior medical professional from the South-South West hospital group did a forensic analysis of the bed capacity requirements at the hospital recently. That official has confirmed that 35 to 40 additional beds are needed at the hospital. The report on
6 o'clock this has been with the HSE for some time and is being held up at a very senior level in the HSE. Will the Minister of State confirm that this report, which is now with the HSE, will be published and when it will be published? Will he immediately request the senior Minister, Deputy Harris, who made a commitment and a promise in regard to this last October, nine months ago, to approve and provide funding for the 40 additional beds that are needed in this hospital?

Deputy Finian McGrath: I thank the Deputy for raising this issue. I agree with him that the trolley bay is effective but I also strongly agree with him that it is a temporary measure and not a long-term solution. I respect the fact that there is an issue regarding patients on trolleys and the Minister, Deputy Simon Harris, and myself would never find that acceptable. I give the Deputy a commitment that I will bring the issues he raised, particularly the bed capacity issue and the report indicating that 35 to 40 beds are urgently needed, to the attention of the Minister. I will follow up on that report and I will ask the Minister, Deputy Harris, about that issue. It is also important to realise that we have difficulties with staffing, nursing and other issues that are all out of our control. In the broader context of inpatient beds at South Tipperary General Hospital, I will convey all the Deputy's concerns to the Minister, Deputy Harris, and, hopefully, we will have action on them soon.

Military Neutrality

Deputy Seán Crowe: In what is seen as a massive step towards the creation of a standing EU army, the European Commission has stated it will now spend €1.5 billion a year on joint defence spending. This will be financed from the annual EU budget. It is the first time that

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money from the EU's budget will be directly used to buy military equipment and on joint defence capabilities.

People are aware of the need to improve domestic security considering the recent attacks in Paris, London and Manchester, but the creation of this external force is an extra financial burden and is not needed. The EU says it has no spare money for positive social and economic programmes such as youth unemployment projects, community regeneration, and improving public services like health care but it has €1.5 billion a year to spend on regressive military projects, especially considering the same budget will have a €10 billion hole in it when Britain leaves the Union.

I want to see Irish taxpayers' money being spent on health care services, on ending the trolley crisis, on making education more accessible, or on creating good quality jobs in urban and rural areas and on housing and not spent on weapons and creating a standing EU army.

This is a political decision. It comes at a time when NATO bosses fear the USA's long-term commitment to the alliance and at a time when Britain is to leave the EU. NATO is a Cold War relic that should be disbanded.

The original declaration on this huge annual spend stated that it was for research and development of military products in member states and to facilitate the buying of new military technologies. However, the Commission and the European External Action Service added in a Reflection Paper on the Future of European Defence, launched on Wednesday, 7 June, that the fund could in future form part of the bloc's "common defence and security". They said that member states' defence forces could one day "be pre-positioned and be made permanently available for rapid deployment on behalf of the Union". In simple terms, this is clearly the establishment of a standing EU army. The paper also said that "the EU would provide the framework within which the 27 member states after Brexit - 21 of which are NATO allies - would collectively strengthen their defence and address existing shortfalls", whatever that means.

The aim is clearly to develop an aggressive EU army, able to intervene militarily and conduct war supposedly independent of NATO and the USA. Yet we have not heard one word of concern, unease or criticism from the supposedly neutral Irish Government.

Any EU policy which aims to increase EU militarisation is a potential danger to Irish neutrality. It is particularly worrying that an EU defence policy would be also designed to be complementary to NATO. Ireland's membership of this will in effect be NATO membership through the side door.

The creation of a permanent EU force available for deployment on EU missions, as imagined by the Commission, would also make it impossible for any EU member state to maintain a policy of neutrality. What is the Minister of State doing to oppose these plans and to protect Irish neutrality? He is signing off on this while a large proportion of the members of our Defence Forces are reliant on lousy wages, on social welfare top-ups and substandard accommodation. Many cannot even afford the petrol costs to drive to work. Yet the €1.5 billion can be found, no problem, for supposedly weapons development and a standing EU army.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I thank the Deputy for raising this matter.

The College of Commissioners adopted the European Defence Action Plan on 30 November

last. The aim of the plan is to explore how EU policies and instruments can ensure that the EU's industrial and skills base will be able to deliver required defence capabilities in view of current and future security challenges. As part of this plan, the Commission issued a communication on 7 June proposing the establishment of a European defence fund. The purpose of the fund is to promote research and innovation and contribute to the strengthening of the European defence technology and industrial base, and to further stimulate the development of key defence capabilities for the Common Security and Defence Policy, CSDP.

For many countries the defence industry is a significant element of their economy and a significant employer. As the Commission moves to apply Single Market principles to the defence industry sector, access to Commission instruments in support of consolidation and increased efficiencies in the sector, including EU research and development funds, come into play.

The focus of the plan is not specific to the arms industry but focuses on the development of new research and technology in the defence sector in its widest sense. This includes the application of commercial and civilian technologies within the defence sector.

The fund will co-ordinate, supplement and amplify national investments in defence. By pooling resources, it is proposed that individual member states can achieve greater output and develop defence technology and equipment that may not be feasible on their own. The fund will also foster innovation and allow economies of scale which will reinforce the competitiveness of the EU defence industry.

To achieve this, the fund has two strands, or windows, which are complementary and are being gradually deployed, a research window and a capability window which will focus on the development and acquisition of capabilities. In the research window, it is proposed that the EU will offer direct funding grants for research in innovative defence products and technologies, fully financed from the EU budget. The capability window deals with development and acquisition. Member states will pool financial contributions to jointly develop and acquire key defence capabilities. The EU proposes to offer co-financing from the EU budget on the development phase through the proposed European defence industrial development programme. The EU also proposes to support member states' collaborative efforts in helping them deploy the most suitable financial arrangements for joint acquisition with a view to incentivise cooperation and leverage national financing. Until 2020, the Commission is proposing to allocate €590 million to the European defence fund. As of 2020, the Commission is proposing to allocate at the minimum €1.5 billion per year. The fund is not designed to substitute member states' defence investments, but to enable and accelerate their co-operation. The proposals presented by the Commission are the first step in a long process of negotiation that will take place with the involvement of the member states. These proposals will be discussed at a number of EU working bodies and will require EU Council and Parliament approval before the defence fund can be adopted. As part of these negotiations, member states will have differing views on the fund and also to the potential impact on the content and nature of EU research and innovation programmes, in particular in relation to the successor to the Horizon 2020 research programme. Moreover, the funding proposed will have to be dealt with in the context of the negotiations for the multi-annual financial framework post-2020.

The proposals under the defence fund will fully respect the EU treaties and the Lisbon treaty protocols and they pose no challenge to Ireland's traditional policy of military neutrality. The voluntary nature of participation in the proposed fund is very much a feature of this initiative and fully acknowledges and reaffirms that defence remains a member state prerogative. Deci-

sions about expenditure, military capabilities, research and technology are and remain matters for individual member states in the first instance. Ireland would be in full control in relation to what type of project it wanted to participate in and with whom. The proposals for the establishment of a defence fund raises no issues in relation to Ireland's traditional policy of military neutrality.

Deputy Seán Crowe: I quote from the reflection paper from 7 June which the Minister of State may not have seen. We have our priorities all wrong regarding Europe. When I and my colleague, Deputy Ó Snodaigh, brought forward a Bill to enshrine neutrality into Bunreacht na hÉireann, we were repeatedly and wrongly told that the Constitution already protects Irish neutrality. In that debate, the Minister of State himself stated that there were no proposals to create a standing EU army and we are not, and will not, become part of any alliance of permanent military formation but that is clearly the direction in which the Commission and the European External Action Group wish to move us. Why has the Irish Government not vetoed this latest step to create a standing EU army? The Commission has been totally dismissive of the democratic will of states and their citizens. When it comes to military integration, Jean-Claude Juncker's Commission has adopted an attitude of "when" rather than "if". An Irish Government should be able to tell the Commission that it will not accept this latest step and neither does the Irish people who actively support Irish neutrality *en masse*. The Commission's stated aim of achieving a security and defence union by 2025 marks a shift in EU policy which undermines national sovereignty.

As we have seen in Iraq and Libya, military intervention only worsens and prolongs conflicts. The focus of the EU and its member states should be on increasing international co-operation which improves democracy, human rights and development and not a militaristic foreign policy which will exacerbate instability. While Europe fails to adequately provide for refugees fleeing war and conflict, it is shocking to most people that the Commission would prioritise an increase in military spending. These priorities are all wrong and that is the view of most Irish people.

Deputy Paul Kehoe: I would not accept Deputy Crowe's assertion on that. Ireland recognises that for certain EU member states, defence is a significant contributor to their economies and represents an industry of €100 million, with 1.5 million people employed directly and indirectly. As I have previously told the House, for Ireland to have well-equipped and capability-driven defence forces, we must support funding for defence research. That is exactly what this is about. Ireland may not have a defence industry but it does not stop Ireland tapping into funding through our well-established companies in the dual use, product and technology sectors. Under the development and acquisition strand of the proposed defence fund, Ireland welcomes that a proportion of the overall budget proposed for projects involving cross-border participation of SMEs. This may give Irish industry and opportunity to participate in this proposed programme. Ireland's position will continue to develop through the interdepartmental group established to examine the implications of the defence fund for Ireland and to ensure a consolidated position on the proposals before us. The defence industry development programme proposed under the capability window will now be referred to the EU Parliament and Council for their consideration and the Commission hopes that this programme will be agreed and in place for the period 2018-2019. On the 2017 preparatory action under the research window, my Department is working closely with the Department of Jobs, Enterprise and Innovation and Enterprise Ireland to ensure Irish industry and academia are well informed about opportunities that may arise from this programme. This has no influence whatever on our policy of neutrality.

Waste Disposal

An Ceann Comhairle: The fourth and final item is one which Deputy O’Dea wishes to discuss. It concerns the proposal by Irish Cement to burn toxic waste at its plant in Limerick.

Deputy Willie O’Dea: I thank the Ceann Comhairle for allowing me to raise this matter. I thank the relevant Minister, Deputy Denis Naughten, for coming in. I raised this previously and on that occasion it was dealt with by the Minister for Education and Skills who was standing in for him. I am glad he is here that I can bring it to his personal attention.

Irish Cement Limited has plans to burn initially 90,000 tonnes of toxic waste at its plant in Castlemungret, Mungret, County Limerick. There are 25,000 living in the immediate vicinity of that plant on the south side of Limerick city. This particular plant has an appalling safety record. There have been regular malfunctions and blow outs over several years and especially in recent months. In that context, my constituents are naturally very reluctant to accept any assurances coming from Irish Cement Limited.

I have had meetings with Irish Cement Limited on this matter. We have listened to what its spokesman have had to say. Its argument is that of the four cement plants on the island of Ireland - one is across the Border - three have moved from burning fossil fuel to burning industrial and toxic waste so what is the problem with a fourth one doing so? It also argues that this process is widespread throughout Europe and other parts of the world and that it has worked well, particularly in Germany. That argument leaves out a number of factors. First, it leaves out the extra filtration and mitigating equipment used in Germany, which is not proposed to be used here. More crucially, it also leaves out that fact that since various countries allowed this process, in accordance with rules formulated to cover it, science has moved on. In several European countries where this process takes place, particularly Spain, they have realised the danger it constitutes to public health and there has been a storm of protest. We cannot just swallow the argument that because they are there and they operate in accordance with the rules in operation when they applied. That does not mean they are not killing people or damaging them.

There is a wealth of scientific evidence that shows a very close connection between various forms of cancer and respiratory diseases and proximity to this type of operation. I am advised by people who know a lot more about this than I do, that the burning of toxic waste in a cement plant is infinitely more dangerous to the environment than a traditional incinerator. Irish Cement Limited have also claimed that burning this so-called alternative fuel, namely industrial waste, will reduce the carbon footprint. It will do nothing of the sort. I do not have time to illustrate why this statement is another sham but even if it did reduce the carbon footprint, it would still be counterproductive because it results in an increase in the toxins and fluorines released into the atmosphere. Limerick City & County Council, in its wisdom, has given planning permission for this plant to go ahead. The case is on appeal to An Bord Pleanána. Then it will be a matter for the EPA. I know my time has run out, but what I am asking the Minister is whether we cannot get this delayed until we review at least how the EPA is operating. He will be aware that there are numerous complaints about the EPA. It needs additional resources, additional ground rules and additional expertise. Seeing that science has shown us the dangers to public health of these operations elsewhere in the world, why should we allow one to go ahead here? The usual practice of the EPA is to give the go-ahead, the licence, if planning permission is granted, which calls into question, incidentally, what the EPA is for in the first place.

Minister for Communications, Climate Action and Environment (Deputy Denis

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Naughten): I am glad to take this Topical Issue. I apologise that I was not in a position to be present the last time when the Minister, Deputy Bruton, took the issue on my behalf.

Deputy Willie O’Dea: That is okay.

Deputy Denis Naughten: I firmly endeavour, in so far as I can, to be physically present for debates such as this.

It is understood that the facility to which the Deputy refers has submitted a proposed amendment to its licence to use certain waste materials as part of its fuel mix as raw materials in the manufacture of cement.

Industrial emissions installations are subject to a range of regulatory controls under national legislation, including the conditions attached to a licence issued by the Environmental Protection Agency on the operation and management of such sites. The Minister has no function in monitoring or enforcing the conditions attached to such licences and is precluded from exercising any power or control in respect of the performance by the Environmental Protection Agency, in particular in circumstances of a statutory function conferred on the agency. An application for a licence or an amendment to a licence must satisfy the EPA that the activity will not cause environmental pollution when carried out in accordance with the licence conditions.

The role of the Minister in respect of waste management is to provide a comprehensive legislative and policy framework through which the relevant regulatory authorities, such as local authorities and the Environmental Protection Agency, operate. The Government waste policy is set out in A Resource Opportunity - Waste Management Policy in Ireland and is predicated on the waste hierarchy whereby the prevention, preparation for reuse, recycling and recovery of waste is preferred to the disposal of waste.

Thermal recovery activities, where the use of waste is to produce energy in the form of fuel, heat and power, sit on the recovery tier of the waste hierarchy and have a role to play in reducing our dependence on the disposal of waste to landfill. The State has made real progress in this regard. Landfill of municipal solid waste has decreased from 92% in 1995 to 41% in 2012.

In terms of national policy, the production of solid recovered fuel, SRF, from municipal waste and its use in thermal recovery is a better alternative to burying it in the ground, which is not only detrimental to the environment in terms of managing the resultant leachate and greenhouse gas emissions, but also detrimental to the creation of jobs and energy through the development of recycling and recovery processes.

Regarding cement production, the recovery of SRF and other specified waste streams under strictly regulated conditions can replace our reliance on imported fossil fuels, reduce our greenhouse gas emissions and help our transition to a more circular and resource-efficient economy.

As I stated earlier, the operation and monitoring of the facility is a matter for the relevant statutory authorities, including the Environmental Protection Agency, and I am satisfied the plant is subject to the proper regulatory controls.

Deputy Willie O’Dea: Is the Minister satisfied? Is he aware of the criticisms of the EPA, namely, that it is insufficiently staffed, has insufficient expertise and operates a kind of self-regulation system whereby companies, such as Irish Cement Limited, monitor their own omissions and report occasionally to the EPA? He will find that when the emission levels are shown

to have been exceeded, often the sensors are blamed and it is cited that they are contaminated. I have seen this myself. How many prosecutions have resulted from investigations by the EPA? Has a licence granted ever been withdrawn? I want answers to these questions and I want to know whether the Government has any plans to up the performance of the EPA.

Can the Minister offer any comfort whatsoever to my constituents? So far, 2,500 people have objected to the issue of the EPA licence. People are very scared. I am dealing with them regularly. We have had a number of large public meetings. I have walked around some of the estates in the immediate vicinity of the cement plant and I have seen the physical consequences: the white dust on cars, etc. I found it difficult to breathe after walking around the estate immediately adjoining the cement plant one day. People tell me constantly that while the EPA is pretty busy and while its representatives come up when contacted, etc., nothing is happening. The same things keep recurring. Now we are in the process of moving from burning fossil fuels to burning this industrial toxic waste, and people are scared out of their wits. Can the Minister say anything to me that will enable me to go back to these people and reassure them to some degree?

Deputy Denis Naughten: The Deputy raises a number of matters. First, it is not industrial or toxic waste; it is solid recovered fuel, which is material from municipal waste across the country. I wish to be quite clear about that. Toxic waste must be dealt with outside of this country.

To come to the other specific points the Deputy has raised, I understand where he is coming from regarding the issue of policing but the reality is that the EPA has issued enforcement proceedings against a number of businesses. I do not have the figures off the top of my head but I will get them for him. It has forced the closure of a particular business in this country because of the impact of its operations on air quality, so yes, it has used its teeth. However, the primary focus of the EPA is to make an operation compliant rather than close it. Nonetheless, it has closed operations in the past.

As well as the monitoring of individual premises, we are now doubling the number of air quality monitoring stations across the country. Therefore, it will be possible not only to look at the individual site but also to see the trends regarding air quality right across the country. This information will be available on the EPA website.

I have listened to what the Deputy has said and I will pass on a copy of the transcript of this debate to the EPA and ask it to respond directly to the concerns he has raised in the House. As he knows, while the EPA is under my authority, I cannot direct it on this matter. It is not within my competence to do so because the legislation as set out and passed by the Oireachtas is that the EPA is entirely independent of the Department and I am constrained under the provisions of subsections 79(3) and 86(5) of the EPA Acts from becoming involved in any way in the licensing of installations. Nonetheless, I will ask the EPA to respond directly to today's debate.

Offences Against the State (Amendment) Act 1998 and Criminal Justice (Amendment) Act 2009: Motions

Minister for Justice and Equality (Deputy Charles Flanagan): I move the following motions:

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That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences Against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2017 and ending on 29th June, 2018.

That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2017 and ending on 29th June, 2018.

These motions seek the continuation in force of important provisions in the law aimed at tackling terrorism and organised crime. Given the nature of these provisions, the Houses of the Oireachtas has decided that they should be routinely reconsidered. The Minister for Justice and Equality is required to lay reports before the Oireachtas on the use of the relevant provisions in the two Acts and reports covering the past 12 months up to 31 May 2017. These were placed before the House on 9 June. I know there has been comment previously on the brief nature of the reports that are placed before the Houses.

They have been traditionally brief to focus clearly on what is required by the Acts - to report on the operation of the provisions in question. I am, of course, fully open to considering suggestions Members might have as to how the reports might be enhanced and I heard Deputy Brendan Howlin's comments earlier. I should caution, however, that there are clear constraints on the detail of what might be included in the context of ensuring there would be no danger of prejudice to the investigation or prosecution of crime or the security of the State.

The Offences Against the State (Amendment) Act 1998 was passed in the aftermath of the atrocity in Omagh in August of that year. That bloody outrage was an affront to humanity and democracy and lingers long in our memory. A robust response to the paramilitary group that had carried it out and to its like was essential and these Houses put in place the 1998 Act with that aim in mind. The Act was focused on the Northern Ireland-related terrorist threat. Regrettably, there remains to this day a real and persistent security threat from those same paramilitary groups which have set their faces against peace on this island. We need only look at the attempts made to kill PSNI officers in Northern Ireland and the Garda and PSNI successes in seizing firearms and explosives to see the reality of this threat. We must continue to bear down on these groups to seek to put them out of business. That remains an absolute priority for the Government, to which I am honoured to have recently been appointed.

Many provisions of the Offences Against the State Acts could have application to the international terrorist threat we have witnessed recently in shocking attacks in London, Paris and Manchester. Sadly, the nature of that threat means that all open democracies now face it. In the time available, I will not go through all of the relevant sections in detail. The report laid before House does so and also details the instances in which the various sections have been used in the reporting period. Sections 6, 12 and 17 were not used during the period. It is the case that not every section is used every year but this does not undermine the rationale for the powers being available as part of the legal framework for combating terrorist groups.

The report also notes the clear view of the Garda Commissioner that the Act continues to be an important tool in the ongoing fight against terrorism. The Garda authorities have stated the provisions of the Act are used regularly, as is evident from the report laid before the House. In the circumstances, I must conclude that the provisions continue to be required and that they should remain in operation for a further 12 months.

Section 8 of the Criminal Justice (Amendment) Act 2009 is also the subject of a motion. It refers to a small number of serious, organised crime offences set out in Part 7 of the Criminal Justice Act 2006. Section 8 of the 2009 Act makes these offences scheduled offences for the purposes of Part V of the Offences Against the State Act 1939, that is to say, trials for these offences are to be heard in the Special Criminal Court subject to the power of the Director of Public Prosecutions to direct that the offences be tried in the ordinary courts. The purpose of this provision was to guard against the possibility of interference with jury trial by ruthless criminal gangs. As the report laid before the House shows, no trials in respect of the offences have taken place in the Special Criminal Court but that does not invalidate the reasoning for having the provision in place and available for use whenever it is deemed appropriate. Rather, it serves to highlight the very considered approach taken by the Director of Public Prosecutions in exercising discretion to direct that cases be tried in the ordinary courts where possible. We greatly value trial by jury and must protect it but we cannot ignore the threat posed to the criminal process by criminal gangs in the community.

The view of the Garda Commissioner is set out clearly in the report, that this provision will be required for some time to come. As Minister for Justice and Equality, I must have full regard for the views of the Garda authorities. No Member could be in any doubt about the pernicious nature of the activities of serious organised criminals in this city and across the State who have no regard for the damage they cause in and to communities. They have nothing but disdain for the rule of law and have no hesitation whatsoever in the use of extreme violence and murder in pursuit of their aims. It is my view, therefore, that section 8 should continue in operation for a further 12 months. Accordingly, I commend the motions to the House.

Deputy Jim O’Callaghan: I wish to share time with Deputy James Lawless, to whom I will give my final minute.

Deputy Brendan Howlin: That is very generous.

Deputy Jim O’Callaghan: I congratulate Deputy Charles Flanagan on his appointment as Minister for Justice and Equality. It is a significant role, in which I wish him well. I will be happy to work with him on the important issues going through his Department. We worked well with the previous occupant of the office. However, I hope he will bring his own independent viewpoint to bear on issues on his desk in the next while and have an input into them rather than being a prisoner of what the Government and the previous Government agreed to.

It is not appropriate that these important motions are being put through in such an expedited and speedy fashion. The House is required to consider important issues. The Minister has mentioned that this is done routinely each year but it should not become routine for Members to come to the House, review what they said last year, repeat the same comments and on it goes. I revisited what I said last year and the debate must only have taken approximately 20 minutes. I have a great deal of material with me but I have only five minutes in which to contribute. Notwithstanding that, Fianna Fáil will support the motions which seek an extension of the operation of 12 sections of the Offences Against the State (Amendment) Act 1998 and section 8 of the Criminal Justice (Amendment) Act 2009. A number of provisions in the former relate to certain criminal offences and there are a few provisions in the latter but at the heart of the Acts is the use of the Special Criminal Court. An objection to it is raised on an annual basis. Juries should be used as much as possible. The Constitution guarantees individuals the right to trial by jury for serious offences. However, it also recognises that there may be offences which cannot be properly adjudicated on by a jury because of the threat posed to the State and individual jurors.

As the Minister said, dissident republicanism is still a threat. There is still a group of people who believe the way to achieve unity is to blow up Protestants in the North to convince them to join a 32-county republic but that is short-sighted. These people exist and we still need legislation to ensure that if they are brought before the courts, juries will not be intimidated by them.

Gangland crime is another serious issue. A number of individuals have been involved in serious criminal offences and do not have any respect for the legal system or jurors. For example, it was not possible to have juries sworn in for cases in Limerick in the past because of the fear members of the juries felt about making decisions in the serious criminal matters involved, and because of this it is necessary to agree to the motions to extend the provisions relating to the Special Criminal Court. As I said during last year's debate, it is incumbent on Members who say we should not have this court to come forward with examples of miscarriages of justice. I have not seen any legitimate claim relating to a miscarriage of justice in that court in the recent past. If people are to oppose its existence, they should identify such miscarriages of justice.

Deputy James Lawless: As Deputy Jim O'Callaghan said, we support the legislation and the review. There are various Acts on the Statute Book of a similar nature relating to theft and firearms offences, the misuse of drugs, surveillance and the proceeds of crime. What all of these instruments have in common is that they provide for sanction without a finding of fault against an individual or without a conviction. The presumption of innocence is a valuable pillar of the justice system and we do not intrude on it lightly. These measures are necessary and proportionate but the review process could be improved by paying more than lip service to the exercise through having a brief debate and also by improving consistency across the multiple Acts in the space. Some provide for a review of documents laid before the House, while others provide for a judicial review every number of years. A number of Acts are subject to review in the Chamber, while some are not subject to review at all. The standardisation of approach across all of the legislation would benefit us hugely.

The UN committee against torture is due to review the Irish system in July. In the review, it will examine the powers of detention. It may be timely to investigate what review system could be put in place in that context. In a scenario where the British Prime Minister talked about tearing up the UN Convention on Human Rights during a recent debate, it is important that we be vigilant and protect the criminal justice system from every eventuality.

Deputy Jonathan O'Brien: The continuing spate of gangland-related murders in Dublin and the fear within communities most directly affected by the activities of violent organised criminals requires a sustained and focused response. To properly confront the threat of organised crime and the wider corrosive impact it is having on our society, the Garda and the criminal justice system require the tools to do their job effectively. In this regard, a comprehensive review of the emergency legislation in advance of its renewal next year is required and should focus on how to modernise the criminal justice system to make it responsive to the needs of Ireland in 2017.

Sinn Féin believes we need new legislation repealing the outdated emergency Acts currently in place and replacing it with legislation providing for new courts to deal with these particular cases. The Garda and the criminal justice system need to be equipped to effectively and relentlessly target organised crime bosses, their operations and their assets. Sophisticated, organised, well-resourced and murderous threats to citizens require a focused and rigorous response. Any strategy to counter the threat posed by crime gangs with a huge international reach needs to be multilayered, and one of those layers needs to be at community level. We need targeted and

substantial investment in community development, education and employment, particularly in areas where organised crime gangs are recruiting members and where their malign influence is having a devastating effect on social cohesion.

Those at the upper echelons of the crime syndicates are well known to the authorities and are clearly deploying the huge resources at their disposal to avoid prosecution. This requires the State to prioritise and adequately resource intelligence gathering and intelligence-led operations against key organised crime organisations. It also requires full co-operation between the Garda and police services abroad, especially in countries where crime syndicates directing organised crime in Ireland are based. The Garda must have the ability to respond rapidly to violent incidents and threats, and to deploy highly trained armed units.

We need the courts to be resourced so they can effectively expedite criminal trials and demonstrate that justice can be delivered fairly and swiftly. While always supporting, defending and promoting the judicial norm of the right to a jury trial, only in very special circumstances should we deviate from this in order to protect the judicial process. Currently, hearings at the family court are held *in camera* while the drug treatment court is a specialised court operating within the legal system.

Sinn Féin's position on the use of special courts in dealing with organised crime has been seriously misrepresented by our political opponents and elements of the media. The reality is that the Garda and the courts are facing 21st-century challenges with 20th-century legislation, and this needs to change. The current outdated criminal justice system does not act as a deterrent to organised criminals; in fact, it is being exploited by them.

The Special Criminal Court was first established under the Offences against the State Act during the Second World War to counter what the Government at the time claimed was a threat to the State's neutrality from the IRA. Its current incarnation dates from May 1972, following Bloody Sunday in Derry and given the escalating political conflict in the North. The reality is that the Offences against the State Act and the Special Criminal Court are ineffective relics of a conflict era which have failed to deal with the new threats posed by organised crime.

Under the terms of the Good Friday Agreement, the Irish and British Governments have a responsibility to work towards the normalisation of policing and security matters. That means ending the state of emergency under which the Offences against the State Act operates. An academic debate about the merits or otherwise of the Special Criminal Court during the political conflict will not make communities in 2017 any safer from the activities of organised crime. That needs to be the focus of us all.

The current threat to the administration of justice, including jury intimidation, emanates from the rise of ruthless, organised criminal gangs, principally involved in drug-related and violent crime. Sinn Féin recognises that there are certain criminal cases which are more difficult to prosecute given the nature of organised crime today. The opportunity for well organised and well funded criminal enterprises to influence juries or tamper with evidence or intimidate witnesses is greater than in the vast majority of criminal cases. Therefore, Sinn Féin does not oppose special courts to deal with the very specific circumstances of violent organised criminal gangs which present serious threats to the security of the State and communities when the ordinary courts are prevented from securing the effective administration of justice. In fact, the Constitution provides for this. The objective is to minimise the capacity for those on trial to interfere with or influence the outcome of such cases by engaging in jury or witness intima-

tion. Sinn Féin has called for a proper examination of the option of juror anonymity and other special arrangements to protect those involved in cases dealing with organised crime.

I hope in the 12 months from now until the renewal of this legislation we can all work together to have a comprehensive review.

Deputy Brendan Howlin: I congratulate Deputy Flanagan on his appointment as Minister for Justice and Equality. We worked together in government but also for a long period in dealing with issues in the justice area as our respective party spokespersons. I regard the Department of Justice and Equality as being one of fundamental importance to the State and a challenging Department. I know the Minister is well up for it.

The motions before us are as follows:

That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period beginning on 30th June, 2017 and ending on 29th June, 2018.

That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 30th June, 2017 and ending on 29th June, 2018.

First, it is clear from the terms of the motions that they do not have to be taken today, despite what was said this morning, since they only come into operation on 30 June. Second, I strongly believe the issue should have been referred to the joint committee for a report and recommendation. We made the same point last year and I had hoped there might be a change in the intervening 12 months.

We are asked to resolve that the ordinary courts in the State are inadequate to secure the effective administration of justice and the preservation of public peace and order. These are very big asks of this House. That our courts cannot adequately administer criminal justice is a strong assertion to make. To curtail the right to a jury trial can be justified in circumstances but those circumstances would normally be an element of crisis or an emergency in the affairs of the State.

What is involved is the Oireachtas making a factual judgment in order to justify what otherwise would be unconstitutional, and that factual judgment should be evidence-based. My contention is that the real risk is that the courts may be asked to look behind our assertion. If the courts discover that the Oireachtas arrived at a conclusion with no evidence, inadequate evidence or out-of-date evidence being proffered, I think we are in trouble. The law could have been set out in order to leave it to the Minister to make that assertion but it did not. Instead, the law states that the two Houses would make that assertion.

The Act requires the Minister to prepare a report to inform the Houses before such a determination is made. The four-page, double spaced, typed report is not in fact a real, comprehensive report, which I think the Minister would objectively accept. The report says nothing at all, good, bad or indifferent, about the state of the ordinary criminal justice system yet we are asked to declare as a fact that our criminal courts cannot administer justice. We have not been given any adequate factual basis to come to a real conclusion. I believe that if we rubber stamp this process year after year, then any defence counsel in the Special Criminal Court can argue that the Act cannot validly be extended without an evidence-based determination. While I do

not intend to second guess the Minister, it does fall to this House to make that determination because that is what the law states.

My party will not obstruct the passing of these motions, which we will support because we are concerned that there are in our midst criminal gangs that can intimidate jurors, which is a reality for our State of which we must be cognisant. However, we should also be cognisant of the law and the real and important job of work that these Houses have to do. We should have a proper debate about these matters. We should have evidence-based analysis placed before us that we can parse and analyse as Houses of the Oireachtas rather than, quite frankly, a very inadequate one that, I believe, does not measure up to the legal requirements on which each of us speaks for five minutes on this important issue on an annual basis. I hope the new Minister will do it differently next year.

Deputy Bríd Smith: I agree very much with the previous speaker on the idea that we can, without a full evidence-based debate in the House, state the ordinary courts are not working and are not adequate and that we must continue and endorse the Offences Against the State Act. As a new Deputy speaking to a new Minister, I have to say in earnest it is a high and tall ask of us and of many other people in the House. There is no evidence-based reason for the continuation of this aged legislation, which was introduced at a time the State could have argued there was a threat of terrorism against it. That does not exist now, and to continue it is to undermine the existence of the criminal courts. If the criminal courts cannot adequately deal with the threat of crime, then they need to be looked at and the system needs to be looked at, rather than maintaining an Offences Against the State Act which was introduced for different purposes from what the Minister argues it should be used for now. There is not the crisis or emergency that would justify us continuing it. I support the idea that endorsing it again this evening is absolutely wrong. It does not do justice to the Minister as a new Minister, to me as a new Deputy or to anybody else in the House to endorse it willy-nilly, rubber-stamp it and let it continue as it always has done. It needs full scrutiny and proper debate. Therefore, I argue for a vote against it.

Deputy Mick Wallace: I congratulate the Minister on his new job. Perhaps we will get on better than we expect. Once again we are having an inconsequential debate on Ireland's flouting of international human rights law. Each year, the same points are put forward and each year the Government ignores the arguments and extends these pieces of legislation which have been repeatedly criticised by a range of human rights bodies. The continued existence of the Special Criminal Court and its expanded remit to include organised crime is an affront to the principles of universal human rights.

In 2014, the UN Human Rights Committee, in its concluding observations on Ireland under the International Covenant on Civil and Political Rights stated:

The Committee reiterates its concern at the lack of a definition of terrorism under domestic legislation and the continuing operation of the Special Criminal Court. It expresses further concern at the expansion of the remit of the Court to include organized crime

The State party should introduce a definition of "terrorist acts" in its domestic legislation, limited to offences which can justifiably be equated with terrorism and its serious consequences. It should also consider abolishing the Special Criminal Court.

The court has jurisdiction over scheduled and non-scheduled offences, meaning people can be arrested and charged with any crime and the DPP can decide to send them to a non-jury

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trial with no explanation as to why. The people can then be tried and convicted by judges who are not answerable to anyone. There are ways around jury intimidation. Closed circuit television can be used or a jury can be made anonymous. Instead we have a blanket ban on juries in these situations. In the UK there have been only two juryless trials in the past 400 years, where the possibility of jury tampering was empirically proven first. We should be exploring these avenues if we are genuinely interested in the principles of justice.

The Government has repeatedly defended the existence of the court, citing the threat of international terrorism and the ongoing gangland violence we have seen in the city. These arguments sidestep the central issue. The search for justice and the desire to keep the peace in our society are not served well by a justice system that does not operate in a just manner. The Government would do well to try to address the sources of these criminal activities rather than continuing to apply these flawed pieces of legislation that are a perversion of justice and incompatible with international human rights law.

In the case of gangland activity, there is no police force or government on the planet which can claim or demonstrate that prohibition of drugs is a solution to the problems of crime surrounding drugs or the problems of the drugs themselves. Thankfully, there are many examples from all over the world of how relaxing drug laws brings positive outcomes for everyone involved. Such examples show how lending a helping hand to those who find themselves trapped in a cycle of drug use instead of criminalising them for needing a substance to lean on can help them lead stable lives and save communities and families much pain and sorrow. For decades, European countries such as Portugal and Switzerland have been showing us how progressive drug policy works.

With regard to concerns about the threat of international terrorism, the Government would do well to wake up and realise the biggest threat to Ireland in this regard is the long-standing use of Shannon as a forward military base by the US military to carry out its now 16 year long wars of aggression, which have decimated predominantly Muslim countries in the Middle East and beyond. We knew the threat of terrorism in the west would increase with the onset of these wars. The Chilcot report laid bare the fact that before the invasion of Iraq in 2003, led by the US and UK, Tony Blair was forcefully and repeatedly warned by Britain's intelligence services that it would lead to exactly the type of terrorist attacks that happened in Manchester and London recently. He concealed these warnings from the British people, instead claiming the war would reduce the risk of terrorism. If the Government was really concerned about such attacks happening in Ireland, we would end our collusion with US imperialism and terrorism and engage in a genuine policy of neutrality.

The reality is these laws pose a greater danger to the systems that are supposedly intended to protect than the threats rattled out by the Government to justify the existence of the laws. To quote Professor Dermot Walsh:

There are too many contemporary and historical examples from around the world of States in which political/economic elites have used the cover of emergency or special measures to suppress the growth of opposition and of alternative views. For me, that is the greatest danger posed by such measures. Unless confined to very specific, objectively defined targets, they have a tendency to be used by the State, and by powerful forces or interests within the State, to pursue ulterior agendas. Under the guise of combating terrorism, they can end up causing more lasting damage to basic democratic values and the rule of law than the terrorists could ever hope to have achieved.

Deputy Mattie McGrath: The Offences Against the State (Amendment) Act 1998 was enacted in the wake of the murder of 29 people by the real IRA in Omagh on 15 August that year. As the former Minister for Justice and Equality said, it was a necessary response to the atrocity and the loss of 29 innocent lives, including a pregnant woman. I have spoken in the past about this with the Minister in his previous role in the Department of Foreign Affairs and Trade. I ask him to meet Michael Gallagher and his team. The anniversary is fast approaching. The Minister said he would, and he might do so. The former Taoiseach, Deputy Kenny, promised as much. They are struggling hard to find justice for atrocities that happened.

The former Minister for Justice and Equality, Deputy Fitzgerald, also said the bombing and those murders represented a direct attack on the fragile peace process and on the State, and we all agree with this. It was horrific. I was in Omagh the morning after it happened. I was on my way to Omagh that particular day. It demanded a resolute response from the State and a clear statement that the morally bankrupt culture of death adopted by these murderers would not prevail over the will of the majority on the island who wished to live in peace, as we found with the vote on the Good Friday Agreement.

The Act contains a series of amendments to the Offences Against the State Acts 1939 to 1985 to make them more responsive to the threat from certain groups. Each of us in the House is deeply concerned about the security of the State, especially since the attacks on mainland Britain. While we have no involvement, it can happen anywhere and that has been proved. We can have all the robust legislation we like, but what is the point when Garda sergeants and inspectors, and I respect what they are saying, state that if, God forbid, we were ever attacked, the response would be wholly inadequate. We must look at this. I am not here to criticise the Minister, I am here to support him. We must look at giving gardaí the tools of the trade. The real question in this debate is not whether we have enough legislation but whether we have enough co-ordinated and effective security response measures. Whatever about Dublin, and I saw it this morning on the way in here when we were at an armed checkpoint, it appears the regions would be extremely exposed in this regard. I hope the Minister will address this and I will try to support him.

Gangland crime is a heinous, rotten cancer that visits trauma on communities. The crime bosses, along with the racketeering and intimidation that take place, instill fear in people. People in rural areas are regularly victims of roving gangsters. They come into County Tipperary and other counties, using the motorways, to carry out heinous crimes. This happened to a family in Killenaule two years ago and the people concerned showed no remorse after the leaving the court on the day they were finally convicted by a very brave jury. I salute the juries. To make matters worse, in the days before that there were several court cases held in the town of Cashel. The town had to close down because mobs arrived and terrorised every shopkeeper, publican and member of the public. That is unacceptable. Certainly, there was a ring of steel around the courthouse, and I praise the Garda for that, but the rest of the town was left to fend for itself when the mobs arrived.

These people think they are above the law. They have no respect for the law or for people. We must deal with these people effectively and put them away. We cannot have them using free legal aid and the bail laws. I was shocked recently to discover that only one person has ever been electronically tagged, even though the Act has been in place for a number of years. We must know where these marauding gangsters are. We cannot allow them to intimidate ordinary communities who try to be law abiding, pay their taxes and pay their rates. We cannot have a small rural town closed down for a day so these mobsters can be brought to court. If they have

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to be brought to court, they must be brought to the criminal court in Dublin where they can be ring-fenced instead of visiting such terror, trauma and distress on ordinary people, let alone the victims of the crime. They are the most important people of all.

We must tip the balance in our legislation in favour of victims and their families, rather than focusing on the do-gooders and the so-called rights of the criminals. I accept that they are entitled to justice and are innocent until proven guilty, but these hardened, seasoned, repeat perpetrators of heinous crimes must be taken off the streets and shown no mercy. It is not fair and right that the public and victims would be subject to that, or that such people would be allowed to appear on the media sneering and scoffing at the citizens and saying they are not afraid of them. It is sad. I would love to see restorative justice. I am not somebody who wishes to lock them up and throw away the keys, but hardened criminals such as these must be dealt with effectively. Power must be given to the Garda and the courts to deal with them. That is the reason we need these special courts. I am not wildly in favour of having special courts but we need them at present to curb the terrorism threat as well as the threat of gangland crime.

Question put:

<i>The Dáil divided: Tá, 75; Níl, 29; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Brassil, John.</i>	<i>Barry, Mick.</i>	
<i>Breathnach, Declan.</i>	<i>Brady, John.</i>	
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Connolly, Catherine.</i>	
<i>Bruton, Richard.</i>	<i>Crowe, Seán.</i>	
<i>Burke, Peter.</i>	<i>Cullinane, David.</i>	
<i>Butler, Mary.</i>	<i>Doherty, Pearse.</i>	
<i>Byrne, Catherine.</i>	<i>Ferris, Martin.</i>	
<i>Cahill, Jackie.</i>	<i>Healy, Seamus.</i>	
<i>Canney, Seán.</i>	<i>Kenny, Martin.</i>	
<i>Cannon, Ciarán.</i>	<i>Martin, Catherine.</i>	
<i>Carey, Joe.</i>	<i>Mitchell, Denise.</i>	
<i>Casey, Pat.</i>	<i>Munster, Imelda.</i>	
<i>Cassells, Shane.</i>	<i>Nolan, Carol.</i>	
<i>Collins, Niall.</i>	<i>Ó Broin, Eoin.</i>	
<i>Cowen, Barry.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Curran, John.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>D'Arcy, Michael.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>Doherty, Regina.</i>	<i>O'Brien, Jonathan.</i>	
<i>Dooley, Timmy.</i>	<i>O'Reilly, Louise.</i>	
<i>Doyle, Andrew.</i>	<i>Pringle, Thomas.</i>	
<i>Durkan, Bernard J.</i>	<i>Quinlivan, Maurice.</i>	
<i>English, Damien.</i>	<i>Ryan, Eamon.</i>	
<i>Farrell, Alan.</i>	<i>Smith, Bríd.</i>	

Dáil Éireann

<i>Fitzgerald, Frances.</i>	<i>Stanley, Brian.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Tóibín, Peadar.</i>	
<i>Flanagan, Charles.</i>	<i>Wallace, Mick.</i>	
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Healy-Rae, Danny.</i>		
<i>Howlin, Brendan.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keefe, Kevin.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Penrose, Willie.</i>		
<i>Phelan, John Paul.</i>		

<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Aengus Ó Snodaigh and Jonathan O'Brien.

Question declared carried.

Explanations under Standing Order 138(2A) as received from Members

Deputy Mick Barry voted against the motion as Solidarity believes that the Offences Against the State (Amendment) Act 1998 is a piece of repressive legislation that undermines a range of civil liberties including the right to remain silent during questioning, the full freedom to call defence witnesses, and the right to free association and movement. The Act also shifts the burden of proof for those accused of certain offences to show their innocence rather than it being the burden of the State to prove guilt beyond reasonable doubt. Solidarity does not believe that the Garda Síochána is a neutral wing of the State when it comes to reporting to the House on the continuance of this Act. Repressive legislation has a tendency to be retained and used for wider purposes.

An Leas-Cheann Comhairle: We now move on to the motion on the Criminal Justice (Amendment) Act 2009.

Question put:

<i>The Dáil divided: Tá, 72; Níl, 28; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Bailey, Maria.</i>	<i>Adams, Gerry.</i>	
<i>Brassil, John.</i>	<i>Barry, Mick.</i>	
<i>Breathnach, Declan.</i>	<i>Brady, John.</i>	
<i>Breen, Pat.</i>	<i>Broughan, Thomas P.</i>	
<i>Brophy, Colm.</i>	<i>Buckley, Pat.</i>	
<i>Browne, James.</i>	<i>Connolly, Catherine.</i>	
<i>Bruton, Richard.</i>	<i>Crowe, Seán.</i>	
<i>Burke, Peter.</i>	<i>Doherty, Pearse.</i>	
<i>Butler, Mary.</i>	<i>Ferris, Martin.</i>	
<i>Byrne, Catherine.</i>	<i>Healy, Seamus.</i>	
<i>Cahill, Jackie.</i>	<i>Kenny, Martin.</i>	
<i>Canney, Seán.</i>	<i>Martin, Catherine.</i>	
<i>Cannon, Ciarán.</i>	<i>Mitchell, Denise.</i>	
<i>Carey, Joe.</i>	<i>Munster, Imelda.</i>	
<i>Casey, Pat.</i>	<i>Nolan, Carol.</i>	

Dáil Éireann

<i>Cassells, Shane.</i>	<i>Ó Broin, Eoin.</i>	
<i>Collins, Niall.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Cowen, Barry.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Curran, John.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>D'Arcy, Michael.</i>	<i>O'Brien, Jonathan.</i>	
<i>Daly, Jim.</i>	<i>O'Reilly, Louise.</i>	
<i>Dooley, Timmy.</i>	<i>Pringle, Thomas.</i>	
<i>Doyle, Andrew.</i>	<i>Quinlivan, Maurice.</i>	
<i>Durkan, Bernard J.</i>	<i>Ryan, Eamon.</i>	
<i>English, Damien.</i>	<i>Smith, Bríd.</i>	
<i>Farrell, Alan.</i>	<i>Stanley, Brian.</i>	
<i>Fitzgerald, Frances.</i>	<i>Tóibín, Peadar.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Wallace, Mick.</i>	
<i>Flanagan, Charles.</i>		
<i>Griffin, Brendan.</i>		
<i>Harris, Simon.</i>		
<i>Harty, Michael.</i>		
<i>Haughey, Seán.</i>		
<i>Howlin, Brendan.</i>		
<i>Kehoe, Paul.</i>		
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>McConalogue, Charlie.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGrath, Michael.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Moynihan, Michael.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		

<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keeffe, Kevin.</i>		
<i>O'Rourke, Frank.</i>		
<i>O'Sullivan, Jan.</i>		
<i>Phelan, John Paul.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Ryan, Brendan.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		

Tellers: Tá, Deputies Joe McHugh and Tony McLoughlin; Níl, Deputies Aengus Ó Snodaigh and Jonathan O'Brien.

Question declared carried.

Explanations under Standing Order 138(2A) as received from Members

Deputy Mick Barry voted against the motion as Solidarity supports the principle of an accused person being innocent until proven guilty and the right to a trial by jury. The Criminal Justice (Amendment) Act 2009 removes the right to a trial by jury for those accused of offences related to criminal organisations. Under the Act the Director of Public Prosecutions can allow a case go before a jury. The fact that the person bringing the prosecution can determine if there is a jury or not is not acceptable and is a violation of the right to a fair trial. There is a tendency of repressive legislation being introduced and kept in reserve to be used in future even against those that the legislation was not supposedly intended for; the fact that no person was even charged under section 8 of the Act illustrates this and it brings into question why the Government is seeking to keep this Act in operation. To defend the right to a trial by jury there should be measures in place to protect jurors from any possible intimidation.

Health and Social Care Professionals (Amendment) Bill 2017: Order for Second Stage

Bill entitled an Act to amend the Health and Social Care Professionals Act 2005; and to provide for related matters.

Minister for Health (Deputy Simon Harris): I move: "That Second Stage be taken now."

Question put and agreed to.

Health and Social Care Professionals (Amendment) Bill 2017: Second Stage

Minister for Health (Deputy Simon Harris): I move: “That the Bill be now read a Second Time.”

I am pleased to address this House on Second Stage of the Health and Social Care Professionals (Amendment) Bill 2017. This is a short Bill with only nine sections. The Bill amends the provisions of the Health and Social Care Professionals Act 2005 in three main areas. It will address gaps in the Act regarding appointments to the State boards established under the Act, insert new provisions for applicants for registration who have not yet practised their professions and introduce temporary provisions relating to registration in the register of physiotherapists in advance of regulations to protect the title of “physical therapist” as well as the title of “physiotherapist.”

First, the Bill will address the gaps that have been identified in the Act’s provisions relating to the appointment of professional members to the Health and Social Care Professionals Council and the registration boards. Second, it will permit a registration board to apply criteria conditions in respect of further education and training to experienced applicants for registration who, although qualified, have not yet practised their profession. Third, the Bill will make necessary amendments to the Act in advance of bringing forward draft regulations to protect the title of “physical therapist”. The Act already provides for the protection of the title of “physiotherapist” for the exclusive use of those granted registration by the Physiotherapists Registration Board.

Before explaining the Bill’s provisions in more detail, I will provide the House with some background to the Health and Social Care Professionals Act 2005, which this Bill seeks to amend, and a brief update on its implementation to date. The Act currently provides for the statutory regulation of 14 designated health and social care professions. Regulation under the Act is primarily by way of the statutory protection of the professional titles by confining their use solely to persons granted registration. The structure of the system of statutory regulation comprises registration boards, a committee structure to deal with disciplinary matters and a Health and Social Care Professionals Council with overall responsibility for the regulatory system. These bodies are collectively known as CORU and are responsible for protecting the public by regulating health and social care professionals in Ireland. CORU is also charged with the promotion of high standards of professional conduct, professional education, training and competence among the registrants. The Act provides for a transitional period of two years, during which existing practitioners may register on the basis of their specified qualifications. After this period, only registrants of a registration board who are subject to the Act’s regulatory regime or those who applied during the transitional period and whose applications are still being determined or are under appeal are entitled to use the relevant protected title or titles. Title protection is the key to public protection under the Act and is central to the Bill’s provisions relating to the physiotherapist registers. I will provide more details of this aspect in a moment.

To date, the registers of ten of the designated professions have been established. The professional titles of seven of these professions are now fully protected under law. The register of physiotherapists was established last September, while the registration boards for the professions of social care worker and medical scientist are working hard towards establishing their registers. I hope to establish the psychologists registration board and appoint its members in the coming weeks. Registration boards for the remaining professions will follow close behind,

and it is expected that the boards for all 14 professions will be operating by the end of 2018.

From a public protection viewpoint, which is what this is all about, a crucial milestone in the regulation of the Act's designated professions was the introduction of the Act's fitness to practice regime two years ago. This involved the commencement of Part 6 of the Act to allow complaints about the conduct or competence of registrants to be investigated. Disciplinary sanctions where complaints are substantiated, up to and including cancellation of registration, may be imposed. The regime is similar to that applicable to medical practitioners, nurses and midwives. While a number of complaints have so far been investigated by CORU's preliminary proceeding committees, none has yet been referred for a full investigation.

I would also like to update the House on my proposals to regulate counsellors and psychotherapists. The Act provides that the Minister for Health may designate health or social care professions not currently designated if he or she considers that it is in the public interest to do so and if the specified criteria have been met. Towards the end of last year, following consultations with the Health and Social Care Professionals Council, I undertook a detailed public consultation on the question of regulating counsellors and psychotherapists. The consultation process yielded information that has been of considerable assistance to me and to my officials. The 80 submissions received showed majority support for statutory regulation of the professions and for it to be undertaken in the context of the Health and Social Care Professionals Act 2005.

Having considered the submissions carefully, I decided last month to proceed with the designation of two distinct professions under the Act, that of counsellor and psychotherapist. Each will have its own register under one registration board. This decision has now been communicated to the council, the relevant professional bodies and all the respondents to the public consultation process. My Department will commence work as soon as possible on the preparation of the necessary regulations to designate the professions. These regulations, when drafted by the Office of the Parliamentary Counsel, will require the approval of this House and that of the Seanad. These will be the first in a suite of regulations that will need to be made over a period of time. It is a very important body of work to regulate counsellors and psychotherapists and I know it has often been discussed in this House.

Arrangements will also be put in place to establish the registration board and to appoint its 13 members following their recruitment through the Public Appointments Service. This will be undertaken in conjunction with CORU's ongoing work in completing the establishment of the registration boards for professions already designated under the Act. Once appointed, the registration board will give consideration to a number of outstanding issues and will advise the council and the Department accordingly. These include titles to be protected and the minimum qualifications to be required of existing practitioners and future graduates. While the consultation process did not yield consensus on these key issues, I am pleased to say that it provides the basis for the registration board to progress matters. The submissions received will assist the council and the registration board, when it is established, with the challenging work programme that now lies ahead. As the House will appreciate, this is a challenging undertaking, encompassing an extensive legislative and administrative work programme that will take some time to achieve. However, the decision to proceed with having both professions designated for regulation under the 2005 Act is the crucial first step in enabling this work to begin.

I am aware of other professions seeking designation under the Act. Creative art therapists, play therapists and audiologists, for example, have been making a case for regulation for some time. The immediate priority, however, must be to establish the regulatory process for the

14 professions already designated and to make progress on the regulation of counsellors and psychotherapists. Next year, when all the registration boards have been established and the professions of counsellor and psychotherapist have been designated under the Act, the Department will turn its attention to the question of how best to treat the unregulated professions. As a first step, it will ask CORU to prepare a risk assessment with regard to public protection of the principal health and social care professions seeking designation and to make recommendations concerning options for their possible future regulation.

I now propose to outline the main provisions of the Bill in more detail. The Bill has 9 sections. Section 1 provides the definitions. Sections 2, 3 and 4 of the Bill deal with appointments to the Health and Social Care Professionals Council and to registration boards. The three sections address gaps that have been identified in the Act relating to the appointment of professional members to these State boards.

Specifically, section 2 amends the Act to allow the Minister to make the initial appointment of a professional member to the council when a new profession is designated by amendment of the Act. At present, the Act provides for such appointments only when a profession is designated by regulation. The professions of optometrist and dispensing optician were designated when the Act was amended by the Health (Miscellaneous Provisions) Act 2014. Representatives of these two professions are currently attending the council in an observer capacity. This amendment will allow me to formally appoint these professional members. This section also permits the Minister to appoint professional members to the council to fill casual vacancies where a relevant registration board has not yet established its register or has not conducted an election and is therefore not in a position to nominate elected members for appointment to the council.

Sections 3 and 4 will allow the Minister to appoint professional members to a registration board during the transitional period of the profession concerned when the boards do not have sufficient registrants to hold elections for these positions.

Section 5 will permit a registration board to make by-laws to apply criteria or conditions in relation to further education, training and experience to applicants for registration who, though qualified for a specified period of time, have never practised their profession. It will apply to all the designated professions. The Act already has such provisions in respect of applicants who wish to resume the practice of their profession.

Section 6 amends section 38 of the Act to provide for an amendment consequential to section 5. It also provides for the registration in the register of physiotherapists, on a one-off basis and for a limited period ending on 31 December 2019, of recent graduates of the Institute of Physical Therapy and Applied Science, Dublin, and of the current students of the institute's programme that will graduate in 2019 with the relevant qualifications.

Section 7 provides for the registration in the register of physiotherapists, on a once-off basis and for a limited one-year period, of existing users of the title of physical therapist who hold specified qualifications awarded by the institute or equivalent qualifications or who successfully complete an assessment of professional competence set by the Physiotherapists Registration Board. Assessments of professional competence are a standard feature of the Act and are available to all the designated professions under the Act's grandfathering provisions. I must stress that it is available to all of the designated professions under this Act. In this particular case, it will be available only to those who can demonstrate existing practice under the title of physical therapist for at least two years in the past five. Such existing practitioners without the

required formal qualifications will be provided with the opportunity to make their case to the registration board to continue to practise their livelihood under the title of physical therapist. The rigorous assessments will be set by the Physiotherapists Registration Board and will require the applicants to prove that their competence in musculoskeletal therapy is at least equal to that of graduates of the Institute of Physical Therapy and Applied Science.

While those registered under these provisions will be obliged to continue their practice to musculoskeletal therapy this is not provided for in this Bill for a good reason. They will be required to confine their practice to that therapy, but defining a fixed scope of practice for a designated profession is not a feature of regulation under the Act. Instead, regulation is primarily by way of registration and protection of professional titles. It is an offence for non-registrants to use a protected title. Recognising that scopes of practice evolve over time, and to ensure public protection, each profession's code of professional conduct and ethics obliges registrants to act within the limits of their knowledge, skills, competence and experience. Any breach of the code is defined in the Act as professional misconduct and would be liable to investigation and sanctions, up to and including cancellation of registration, under the Act's fitness to practice provisions. The Physiotherapists Registration Board has such a code. Section 8 provides for an amendment to the Act consequential to section 7.

Finally, section 9 provides for the short title of the Act and for the commencement of its provisions. I would like to give the House some background to the amending provisions in the Bill relating to the register of physiotherapists. In other English-speaking countries, physiotherapists often use the title of physical therapist interchangeably with that of physiotherapist. In Ireland, however, for the past 25 years or so, and in the absence of regulation and of title protection, the title of "physical therapist" has been used by other providers of musculoskeletal therapies practising in the private sector.

Those currently using the title of "physical therapist" are predominately the members of the Irish Association of Physical Therapists. They number about 300 and most of them are degree level graduates of the Institute of Physical Therapy and Applied Science in Dublin. These practitioners and physiotherapists, mostly the 3,000 members of the Irish Society of Chartered Physiotherapists, all provide musculoskeletal therapies. Physiotherapists, however, are also trained to provide cardio-respiratory and neurological therapies - there is a significant difference.

The profession of physiotherapist is a designated profession under the Health and Social Care Professionals Act 2005. Three years ago, in June 2014, the newly established Physiotherapists Registration Board held its first meeting. One of the first items on its agenda was protection of title and how best to address the question of protecting the title of physical therapist.

Early last year, the previous Minister for Health, now the Taoiseach, Deputy Leo Varadkar, concluded extensive consultations with the registration board and other relevant organisations. He came to the conclusion that protecting the title of "physical therapist" under the Act as a variant of the title of "physiotherapist" would be the best way to eliminate the risk of title confusion and the consequent risks to public safety.

This would need to be done by regulations that would require the prior approval of both Houses of the Oireachtas. The effect of prescribing the title of "physical therapist" as a variant of the title of "physiotherapist" will be to protect both titles under the Act by confining their use solely to registrants of the profession of physiotherapist.

It was also decided to allow certain practitioners who are users of the title of “physical therapist”, who are not physiotherapists but who hold qualifications of a certain standard, to continue to use the title. This would require amendments to the Act to allow such practitioners to apply, on a once-off basis and for a limited period, to register in the physiotherapists register.

These decisions took into account, appropriately and subject to ensuring public protection, the legitimate concerns of all of the practitioners involved and of the other parties that will be affected by the regulations to protect the title of “physical therapist”. The decisions were welcomed by the two main professional bodies involved, the Irish Society of Chartered Physiotherapists and the Irish Association of Physical Therapists.

As I mentioned before, the registration board’s code of professional conduct and ethics will ensure that those registered under these provisions will act within the limits of their knowledge, skills, competence and experience. In other words, such practitioners, or indeed any physiotherapist without the up-to-date skills in cardio-respiratory and neurological therapies, will be obliged to confine their practice to musculoskeletal therapy or face investigation and sanctions under the 2005 Act’s fitness to practise provisions. I want to be extraordinarily clear on that. Anybody who is not a physiotherapist, or indeed any physiotherapist who lacks the up-to-date skills in the areas of cardio-respiratory and neurological therapies, will be obliged to confine their practice. That is really important, in terms of protecting the public and in terms of providing clarity as to who can do what when it comes to interacting with the public.

On taking office, I confirmed that I would be implementing these decisions in full and the Bill before the House now provides for the necessary amendments to the primary legislation. Specifically, the Bill will permit the registration in the register of physiotherapists, on a once-off basis and for a limited period, of qualified existing-practitioner users of the title of “physical therapist”, of recent graduates of the Institute of Physical Therapy and Applied Science, Dublin and of current students who graduate from the institute’s final programme that commenced in 2016 and will end in 2019.

It is intended that the regulations to protect the title of “physical therapist” will be made during the 12-month period provided for in this Bill. As I mentioned earlier, the Physiotherapists Registration Board established its register on 30 September 2016. This means that all of the legislation necessary to protect the title of “physiotherapist” is now in place. When the register’s two-year transitional period ends in September 2018 entitlement to use that title will be confined to members of that register.

While the register has been open for receipt of applications since September last I am disappointed to hear that the rate of application has been slower than for other professions. This is a process that has been followed by other professions and it is disappointing that the rate of application to date has been slower. It is important that CORU be given the opportunity to process as many applications as possible before the 30 September 2018 deadline. Otherwise, if the existing practitioners leave it to the last minute to apply for registration, it is likely that a number of non-registrants will still be using the protected title of “physiotherapist” after that date and until their applications are processed. This would be far from ideal from a public safety perspective or, indeed, from the perspective of a practitioner.

It would be best if both titles, that of “physiotherapist” and that of “physical therapist”, could be protected together, from September 2018. This will require the end of the 12-month application period for existing practitioners that is provided for in this Bill to coincide with the

end of the physiotherapists register's two-year transitional period in September 2018.

In order for this to happen, this Bill will need to be enacted, with the relevant sections commenced, before 30 September of this year. This would then allow the regulations to be made to protect the title of "physical therapist" to come into operation on 30 September 2018 thereby ensuring the statutory protection of both titles with effect from that date. For these reasons I am keen that this Bill proceeds through the various Stages of this House and of the Seanad as quickly as possible and I would seek support, from all parties and none, in this regard on this important piece of legislation.

In conclusion, this Bill will provide for the necessary amendments to the Health and Social Care Professionals Act 2005 to allow me to bring forward regulations to protect the title of "physical therapist" alongside that of "physiotherapist", and will make the other technical amendments to the Act to enable the Health and Social Care Professionals Council to continue to fulfil its object to protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated professions.

I commend the Bill to the House.

Deputy Billy Kelleher: I wish to share my time with Deputy John Brassil.

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

Deputy Billy Kelleher: Fianna Fáil will support this Bill which makes minor technical amendments to the relevant Act and will facilitate the implementation of the decision to protect the title of "physical therapist". These decisions were taken following a consultation process and were welcomed by the professional bodies involved.

The Bill will amend certain provisions of the Health and Social Care Professionals Act 2005 to: address identified gaps in the provisions relating to the appointment of professional members to the Health and Social Care Professionals Council and to registration boards; permit a registration board to apply training and education conditions to applicants for registration who have not yet practised their profession, an important point to which the Minister alluded; and provide further conditions for the registration of physiotherapists-physical therapists in the register of physiotherapists.

There are some gaps in the principal Act and these are being addressed. With regard to membership of CORU and its registration boards, the Bill proposes technical amendments to enable ministerial appointments of professional members of newly designated professions to CORU.

A related amendment proposed in the Bill is to allow the ministerial appointment of professional members to fill casual vacancies where the relevant registration board has not yet been established or has been established but has not yet conducted an election of its members. A further technical amendment proposed will, if enacted, enable the appointment of professional members to registration boards during their two-year transitional period following first establishment. The Bill proposes to amend the Act to allow registration for applicants who are qualified but who have not yet practiced their profession for a specified period of time.

A protected title is the professional title of the designated health and social care professions

named under the Health and Social Care Professionals Act 2005. A registrant of a profession is entitled to use the title specified for that profession.

The issue of protection of the title of “physical therapist” as a variant of the title of “physiotherapist” relates in the main to confusion, among the public and other health and social care professionals, regarding the similarities and differences in the role of physiotherapists and physical therapists. Even that contribution is confusing in itself but it highlights the difficulties that both the professional and the public have in understanding the differences.

The Bill proposes to protect both titles under the one prescribed protected title of “physiotherapist” in order to eliminate the ongoing risk of title confusion and the consequent risks to public safety. There have been many debates over the years in this House on the question of registration. The key issue is the protection of the public to ensure it can have full confidence in the various professions, how they are governed and how they operate in terms of oversight.

Physiotherapists primarily work in the public sector and are trained to provide the following therapies: musculoskeletal therapies, cardio-respiratory therapies and neurological therapies. In Ireland, physical therapists mostly work in the private sector and are trained to provide musculoskeletal therapies solely and have been educated in a different higher education institution from those that provide qualifications for physiotherapists. Confusion has arisen as physiotherapists often use a title of “physical therapist” interchangeably with that of “physiotherapist”. The Physiotherapists Registration Board estimates that in Ireland currently, approximately 300 people are practising as physical therapists and over 3,000 are practising as physiotherapists.

Several developments have led to the decisions as provided for in the Bill. These revolve around the consultation process with stakeholders in respect of three options. The title of “physical therapist” should be protected for the sole use of physiotherapists in the interests of public safety and avoidance of confusion.

Debate adjourned.

Trade and Foreign Direct Investment: Motion [Private Members]

Deputy Niall Collins: I move:

That Dáil Éireann:

notes:

— the pioneering and transformative vision, under the leadership of Seán Lemass, with the introduction of the First Programme for Economic Expansion and others who followed in radically opening the Irish economy to foreign direct investment, FDI, and trade;

— the over 300,000 persons employed in foreign multinational enterprises across Ireland, with 200,000 people working in Industrial Development Authority, IDA, Ireland supported companies and service industries;

— that European Union, EU, exports to the rest of the world support one in every four jobs in Ireland;

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— the success in attracting FDI to Ireland over many decades with United States FDI outflows to Ireland accounting for over \$31 billion in 2016; and

— the attraction and retention of Ireland's 12.5% corporate tax rate to retain and grow our FDI jobs footprint;

recognises:

— the significant threat that Brexit poses for trade on the island of Ireland;

— that trade agreements benefit Ireland in terms of increased jobs, exports, and small and medium-sized enterprise business opportunities on the basis that as an exporting country Ireland stands to benefit disproportionately from the potential for expanded tariff-free market access;

— the independent study by Copenhagen Economics that the Transatlantic Trade and Investment Partnership, TTIP, would add 1.1% to gross domestic product in Ireland, increase Irish exports to the world by around 4% and create up to 10,000 jobs; and

— that free-trade agreements must ensure the maintenance of premier EU standards relating to consumer protection, food, health, environment, social and labour standards; and

calls for:

— Ireland to further endorse free-trade agreements to intensify employment and export growth opportunities;

— the removal of barriers to trade via fair and free trade agreements, predicated on ensuring that EU standards related to consumer protection, food, health, environment, social and labour standards remain untouched;

— the support and endorsement of an ambitious Comprehensive Economic Trade Agreement, CETA, in order to open new markets and grow Irish jobs; and

— the expansion of diplomatic staff in Irish embassies and enterprise agency offices overseas.

I intend to share time with Deputies James Lawless and John McGuinness.

I am happy to put forward this motion in Fianna Fáil's Private Members' time to highlight the immense benefits that trade and foreign direct investment have brought to Ireland in terms of jobs, investment and export growth. I look forward to hearing from all Deputies and I hope we have a constructive discussion.

My party supports free trade and removing barriers to trade. This is essential for Ireland as Irish small and medium-sized enterprises need to be successful. However, we also believe that trade must be fair and must protect the positions of citizens and states.

Under the transformative steps and leadership of Seán Lemass, and others who followed him, the introduction of the first Programme for Economic Expansion contributed to radically opening the Irish economy to foreign direct investment and trade. The immense benefits of foreign direct investment to Ireland are irrefutable in the context of jobs. The Central Statistics Office recently revealed that 300,000 people are employed by foreign multinational enterprises

in Ireland, providing high-quality jobs. Meanwhile, IDA Ireland, the State agency tasked with attracting investment to Ireland by foreign-owned companies, estimates that for every ten jobs generated by foreign direct investment a further five are generated in the wider economy. Furthermore, the footprint of US investment in Ireland has been significant, with up to 150,000 people directly employed here in over 700 US firms. The recent American Chamber of Commerce publication, *The Transatlantic Economy 2017 – An Annual Survey of Jobs, Trade and Investment between the United States and Europe*, highlighted the continued pattern in attracting foreign direct investment to Ireland over many decades. In 2016 alone, US foreign direct investment outflows to Ireland accounted for over €31 billion, that is, almost 20% of total US foreign direct investment in Europe. In addition, research and development expenditure by US affiliates in Ireland totalled €2.4 billion.

Our corporation tax rate is vital. The stability of our transparent tax regime over the years has been a key strength through our 12.5% corporation tax rate. Since the rate is a key policy lever, it is paramount that Ireland retains a competitive tax environment for inward investment. Retaining the rate is vital in this regard. Corporation tax receipts that accrue to the State are important for Exchequer funding and for investing in our public services.

While others on the hard left in this House wish to denigrate our corporate tax regime, it must be noted that Ireland's corporate tax rules are fully in accordance with OECD guidelines on taxation. It is interesting to note that Sinn Féin MEPs decided not to don the green jersey last year. Instead, they chose to abstain rather than vote against the European Parliament report that supported a European common consolidated corporate tax regime. This regime would be a retrograde step for Ireland's jobs and investment interests. There must be continued commitment by the State not to agree to any common consolidated corporate tax base and to ensure that EU treaty provisions continue to guarantee member state autonomy in setting corporate tax policy.

Trade agreements benefit Ireland in terms of increased jobs, exports and SME business opportunities. This is because as an exporting country Ireland stands to benefit disproportionately from the potential for expanded tariff-free market access. EU exports to the rest of the world support one in every four jobs in Ireland. Tariff-free trade has immensely benefited Ireland in the form of bilateral EU trade agreements with other jurisdictions. For example, the EU-Korea free trade agreement had a very positive impact with regard to investment and bilateral trade. There has been a significant increase in trade between Korea and Ireland since the agreement came into operation in 2011 with trade in goods increasing by 166% to €1.8 billion and trade in services increasing by 90% to €680 million.

Ireland must continue to remove barriers to trade by endorsing fair and free trade agreements to intensify employment and export growth opportunities. However, this is predicated on ensuring that EU standards relating to consumer protection, food, health, the environment, social and labour standards remain untouched. Ensuring the protection of premier European standards is a red-line issue that Ireland must uphold at all times in trade agreements.

Fianna Fáil fully supports the Comprehensive Economic and Trade Agreement, CETA, between the EU and Canada. The agreement will benefit Ireland in terms of increased jobs and SME business opportunities for Ireland. CETA will remove over 99% of tariffs between the two economies and create sizeable new market access opportunities in terms of services and investment. CETA will provide Irish companies with complete access to Canadian public tenders.

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A strong trading relationship exists between Ireland and Canada. This is reflected in the €2.75 billion worth of annual trade between the countries. Indigenous Irish company exports to Canada have grown by over 250% in the five years to 2015 with a value of €185 million. It has been predicted that CETA will result in a €250 million increase in Irish exports per annum.

Fianna Fáil also supports the concept of the Transatlantic Trade and Investment Partnership agreement between the EU and the United States. This is based on the fact that, as an exporting country, Ireland stands to benefit given that 49% of Ireland's non-EU exports are with the US, while the average for the EU 28 countries is only 16%. While TTIP talks have stalled since the new Trump Administration took office, an independent study by Copenhagen Economics showed that TTIP would add 1.1% to gross domestic product in Ireland, resulting in an increase in Irish exports to the world by approximately 4% and could create up to 10,000 jobs.

While we support the general principles of TTIP, there is a caveat. The successful conclusion of the EU-US free trade agreement depends on maintaining proper European standards and on ensuring that the jurisdiction of our courts is not undermined.

Brexit poses a significant threat for trade on the island of Ireland, especially if any customs border were to return. A very recent report by InterTradeIreland and the ESRI laid out how the imposition of World Trade Organization tariffs would be catastrophic for cross-Border trade. The €2.6 billion of cross-Border trade in goods could plunge by up to 17% if a hard Brexit transpires in the absence of an EU-UK trade deal. It is vital that the special status of Northern Ireland is recognised in any final trade deal, with unhindered trade continuing on the whole island.

Finally, our motion calls for the expansion of the diplomatic staff in Irish embassies and enterprise agency offices overseas to open new job opportunities and new markets, given how exposed we are to Brexit. Our current resource preparedness leaves a lot to be desired. The facts speak for themselves, with 65% of Irish embassies having only one or two diplomatic staff. Meanwhile, Enterprise Ireland has 25 overseas offices and IDA Ireland just 20 international offices. The allocation of €3 million in budget 2017 for increasing staff in agencies under the Department of Jobs, Enterprise and Innovation to meet the Brexit challenge was a drop in the ocean and totally inadequate. It is very concerning that to date in 2017, only 12 of the 39 posts have been filled by Enterprise Ireland while, under IDA Ireland, only one of the ten envisaged posts has been filled.

In conclusion, as an open economy heavily dependent on trade, Ireland needs to exploit all opportunities to increase trade, investment and exports to retain and enlarge our foreign direct investment jobs footprint. I hope that Members across the House strongly endorse this motion, firmly supporting trade and foreign direct investment as pillars of Irish industrial policy which have created hundreds of thousands of jobs for our citizens and increased exports over the four corners of the world.

Deputy James Lawless: I congratulate the new Minister for Enterprise and Innovation, the Tánaiste, Deputy Frances Fitzgerald. I look forward to working with her. I also congratulate the Minister of State, Deputy John Halligan, on his reappointment and on the addition of research and development to his responsibilities. I look forward to working closely with him and know he understands the importance of the area.

As has been noted, Irish industrial policy owes a huge debt of gratitude to Seán Lemass, who began the outward-looking policy we enjoy to this day in terms of outreach and attracting

inward, foreign direct investment. This has proved vital to our economic strategy and survival and is fundamental to the economy that we enjoy today. Ours is very much a knowledge economy, based upon a productive sector which is tied in closely with our education sector, leading to highly skilled, highly paid jobs for our graduates who have gone from success to success in the field. As my colleague, Deputy Collins, has outlined, we know the statistics. There are 300,000 people directly employed today in FDI-related jobs. For every ten of those direct jobs, there are estimated to be a further seven related jobs in the service industry. This is a huge pillar of our industrial policy and overall economy. It is absolutely vital that we maintain and support it.

We are all very well aware of the threat Brexit poses to the relationship with our largest trading partner across the water. We are also aware of the changing world order, with Britain setting out its stance and looking around the world to renew Commonwealth acquaintances and other types of deals. Whether they are at the front or the back of the queue, we need to be out there as well in terms of Irish positioning. Through CETA and TTIP, Europe is advancing those kinds of relationships and making sure those trade deals are open and intact and that Ireland has secured its place in any queue that is out there. We must ensure that we continue to do business. Indeed, with such a high percentage of our trade being with the USA, it is relatively more important that we should maintain that relationship.

In terms of the specifics, my own constituency of Kildare North has a number of FDI companies such as Intel, Hewlett Packard, Pfizer, Kerry Group and IBM. Nearby, Dublin city is also home to many multinationals. For the vast majority of my constituents, if they do not work locally they commute to work in multinationals in Dublin city. It is very much at the core of employment and the economy locally in my constituency and nationally. It is very important that we support the high end, value-added research and development area. This area is proven to have a multiplier effect in terms of the return on investment.

In respect of our embassy staff abroad, I am fortunate to have had dealings with some of them during my time here. They do an excellent job, but there are not enough of them. There are 80 diplomatic offices around the world managing 178 different countries, yet we only have 25 Enterprise Ireland and 20 IDA Ireland stations. We need to resource, grow and extend the staff available in order to grow our outreach around the world. I am sure the Minister of State, Deputy Halligan, will share this view.

In terms of the Food and Drug Administration, this is something we could explore in respect of the pharmaceutical industry. Flipping the matter on its head, if we could invite an FDA outpost here it could be very attractive for pharmaceutical firms operating in Ireland, American firms in particular, to have drugs and foods authenticated and approved here rather than having to return to the mother ship, as it were, to do so. It would be a very positive step.

Some concerns have been raised around CETA and TTIP. Some of the concerns are valid and Fianna Fáil shares them. In terms of the inter-country dispute mechanisms, it is a fact that there have always been courts of transnational jurisdiction. However, we certainly support those concerns and share them. We have expressed our view that any such provisions in these treaties will have to be mitigated and modified in order to gain our support. On the whole, the mechanism is vital for our economic strategy. We need to invest in it in terms of resources and continued support and success. It has worked. Let us keep it going and resource it further.

Deputy John McGuinness: I congratulate the Minister, Deputy Fitzgerald, and the Minister of State, Deputy Halligan, and wish them well in their portfolios. There is a considerable

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amount of work to be done and enterprise is a huge part of the success story in Ireland. We need to enhance that story, enhance the staff around it and ensure that we break into new and different markets in order to create the sustainable jobs that we now need.

I will take up from the previous speaker in respect of the court system that is mentioned in CETA. I highlight people's concerns about that system. The key to dealing with it will be to ensure that the standards we ask for and demand for the quality of goods and services that we export abroad is maintained. The one thing that sets Ireland apart from most other countries is the fact that we deal in quality. When people see that a product was made or sourced in Ireland, they need to be comfortable with the fact that what we have here is a quality product. If we fly the flag of proper, high standards and good quality, the issues around that court system will be outweighed by the fact that we are adhering to high standards and do not adhere to a lower standard of any kind. We can say that about the export of our beef and many products. They are held well in markets that companies in Ireland have fought hard to get into.

In respect of any of the trade missions abroad, there is no doubt that their success has been down to the success of our diplomats, the bureaucrats who work for us in those countries, and above all the fact that Irish companies are able and willing to get into these markets. They have the products and services that are in demand in most of those areas.

We should not forget agriculture in terms of how we sell our products abroad, nor should we forget our horse industry. There is a significant link between the way our horse industry exports abroad and making connections at the highest level within the biggest economies in order to open a door, establish friendship and make it easier for other entrepreneurs who travel in trade missions to gain access to some of the bigger companies. We do not make enough of that in the context of how we present ourselves abroad.

I wish to highlight the Asian markets, and, in particular, to mention Taiwan. We had an office in Taipei, which has been closed. It was costing in the region of €50,000 a year just to have a presence there, but that office should be re-opened. It is a country of 24 million people with major similarities between what its people want and demand, and what our country can provide. They are currently seeking a double taxation arrangement to which we should adhere and agree. Europe should be to the fore in forging new relationships, while acknowledging that country's status and diplomatic position and basing it solely on trade.

The "one China" policy is something that we recognise and there is no difference between us in that regard. Trade is now front and centre of everything that we should be doing. Why leave a country of 24 million people without touching it when other countries within the European Union are making direct trade arrangements with Taiwan? It does not make sense. It is a stepping stone directly into the Asian market, to China and beyond, and there is significant interest in that market. Right across most of the countries with which we now trade, apart from the equestrian business and the established commercial business, I have come across GAA clubs that are central to local communities and which are almost the representatives of this country in a foreign land. There is a need for us to do more with the diaspora, to include its members in everything and to build a new approach to doing trade and using links that would establish trade abroad.

We are a small country within Europe and the European Union should be taking far greater steps in regard to the more difficult countries with which we want to deal. The European Union can front-up the relationship and within that relationship we can deal with countries such as

Taiwan. I make that case because I have seen the benefits of it directly, as have many Members of this House. I encourage the Minister to examine the potential in regard to the European approach to that trade.

Tánaiste and Minister for Jobs, Enterprise and Innovation (Deputy Frances Fitzgerald): I welcome the opportunity to discuss the importance of trade to the economy and our economic development. We are happy to support the motion. It recognises Ireland's performance in the area of trade and investment, but it also recognises the challenges that international developments pose for us, as the previous speakers have identified. As part of my role, I have been tasked with driving employment growth and investment in Ireland, especially outside the greater Dublin area, with expanding our agency presence abroad - previous speakers have spoken about the importance of that, which I recognise, and of the work with our embassies - and with ensuring Ireland is business ready for Brexit. I will be working with the agencies such as IDA Ireland and Enterprise Ireland to ensure Irish enterprises are Brexit ready and prepared to face all the challenges and the opportunities with regard to Brexit, and that we continue to have a strong foreign direct investment offering for businesses seeking to locate here. I also intend to take an active role, as requested by the Taoiseach, in regard to our programme of trade missions.

We should reflect on the outstanding successes to date of our trade policy, which are very evident. Exports are at a record high. The value of total exports from Ireland has increased by more than a third, from €175 billion in 2011 to an estimated €240 billion this year, an important success story for all our citizens. Foreign direct investment is also at a record high. IDA Ireland companies created almost 19,000 new jobs in 2016 across a range of sectors, and importantly, every region of Ireland benefited. Overall, unemployment, as we all know, is now down to 6.4%, the lowest level since October 2008.

In March of this year, the Government launched Ireland Connected: Trading and Investing in a Dynamic World. This is a whole-of-government strategy, which sets out very ambitious targets for Ireland's exports, foreign direct investment, tourism and international education. The strategy outlines our response to the current highly dynamic global environment and how we will meet these challenges.

We aim to increase our indigenous exports by Enterprise Ireland supported companies, including food, to reach €26 billion by 2020. It is an ambitious target. Over the same period we aim to secure 900 new foreign direct investments. We know the impact that every foreign direct investment we get has on each and every community. We will support geographic market diversification so that Irish-owned exports to non-UK markets increase by 50% - going out and seeking new markets is very important - while maintaining our exports of at least €7.5 billion to the UK. Our targets represent a clear statement of purpose. I have already met representatives of IDA Ireland and Enterprise Ireland to discuss these targets and the progress that is being made towards meeting them. All of this reaffirms that we are outward-looking country, strongly committed to international trade and the highest regulatory standards, which is also a very important element.

The motion refers to the challenges and I want to make a few points about those also. In recent years, we have all become aware of the potential dangers of disruptive technological, geopolitical and financial forces that could have implications for the Irish economy. Most obviously, Brexit and the potential policy changes under the US Administration - we have to wait and see how they play out over the next few months - may be threats to our future growth path in such an interconnected world.

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We are dealing with an array of other challenges and opportunities also. The digitisation of trade is revolutionising how people access and pay for goods and services, and how companies reach markets. There is an area where there is a good deal of work to be done with Irish companies. We see in the manufacturing sector and in other areas the need to deal with these new opportunities. New technologies are disrupting industry norms but they are also enabling huge transformational change and opening up new economic sectors. Increasingly, free movement of people, information, materials and finance across borders mean that global value chains are becoming ever more interlinked and global competition, as result, has intensified. That creates new trading patterns and drives companies to become continually more innovative and competitive. Supporting innovation in all of our companies is very important. That is why we have been putting more and more money into research and development, as our companies have to maximise the opportunities that are presenting now.

One of the keys to our success is our commitment to trade liberalisation in order to open new markets for our indigenous sectors. Our membership of the EU is absolutely critical and the Government has been very clear on that in the context of Brexit. Our commitment to the EU international trade agenda is steadfast. With a small domestic market, expansion to other markets is a prerequisite for economic growth. Membership of the EU has not only given us access to 27 markets within the Single Market, but also access to 53 global markets through the EU free trade agreements. The EU trade agreement and agenda is moving swiftly ahead. There are currently 20 trade deals at different stages of negotiation. Deputy McGuinness commented on the importance of this area. At present, the EU is implementing six new generation free trade agreements with Korea, Central America, Columbia and Peru, Ecuador, Georgia and Moldova, and Ukraine. It is also implementing a further seven economic partnership agreements with countries of the Africa, Caribbean and Pacific group of states. People have different views on this but I welcome the progress of the EU-Canada Comprehensive Economic and Trade Agreement, CETA, which the European Parliament approved in plenary on 15 February and which had already been approved by the European Parliament environmental committee and by the International Trade Committee, from which Ireland should begin to immediately benefit in the coming months. My colleague, the Minister of State with responsibility for training and skills, will speak further regarding CETA later, but I would like to take this opportunity to reaffirm that the Oireachtas will be part of the final decision, as necessary, on ratification in due course.

EU trade policy is not only about creating new economic opportunities, however, and it is important to say this. It is grounded in broader European values such as promoting ambitious climate change mitigation, protecting the environment, guaranteeing food safety and security, as well as the protection and promotion of labour rights. In line with the EU's global strategy, the EU's trade policy is consistent with its wider foreign policy objectives to pursue a policy that benefits society as a whole and promotes European and human rights standards and values alongside our core economic interests. In a debate such as this, it is very important to make that point.

Ireland works actively and closely with the European Commission and other institutions in the negotiation of these trade agreements. My Department is responsible for formulating, prioritising and advocating national policy positions on international trade and investment agreements and trade liberalisation initiatives. We also work intensively at multilateral level in the World Trade Organization to ensure there is an open and fair global trading system for all, including for less developed countries.

My commitment as Minister for Jobs, Enterprise and Innovation is to ensure Ireland contin-

ues to turn outwards, which is very important in the context of the kind of world which we have been talking about in this debate, to trade more into Europe and across the world, intensifying our work in existing markets, diversifying into new ones, working with our embassies, the diaspora and all those tremendous Irish groups which we see across the globe, and connecting in and forming partnerships with them as well as the more traditional type of work that we have done. The goal is to deliver real results for Irish business, our country and our people.

I thank Deputy Niall Collins for the opportunity to come to the House to discuss the importance of trade for the Irish economy, to make very clear and unequivocal statements about the approach of the Irish Government to trade policy and the central importance of trade. It also gives me the opportunity to reaffirm the Government's consistent policy of and absolute commitment to fostering investment, growing jobs, supporting our indigenous companies and our exporters and making sure there is further foreign direct investment. Our response to Brexit is to support firms expanding in existing markets and also to break into new ones. We must have trade deals to open up new markets, otherwise talk of diversification is just that: talk.

Deputy Maurice Quinlivan: I will share my time with Deputy Martin Kenny. Before I start, I wish both the Minister and the Minister of State well in their new jobs. I met the Minister, Deputy Fitzgerald, at the Committee on Jobs, Enterprise and Innovation recently, but we were so efficient and so quick that I did not have a chance to congratulate her on that occasion. I also wish the Minister of State, Deputy Halligan, well in his role. I worked with him during the last year and I hope we can work constructively together again.

An Ceann Comhairle: The Deputy needs to move his amendment.

Deputy Maurice Quinlivan: I move amendment No. 1:

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

"notes:

—the contribution small and medium-sized enterprises make to the Irish economy, employing over 919,985 people around the country;

—the importance foreign direct investment provides to the Irish economy;

—the success of the Industrial Development Authority, IDA., Ireland in attracting multinational companies to Ireland and in supporting 199,877 jobs here in 2016;

—the results of InterTradeIreland's quarterly Business Monitor survey showing that in quarter one of 2017 98 per cent of firms have not made plans to deal with Brexit;

—that the Comprehensive Economic Trade Agreement, CETA, is part of the so-called new generation of free trade agreements, along with the Transatlantic Trade and Investment Partnership, TTIP, the Trade in Services Agreement, TiSA, and the Trans-Pacific Partnership, TPP, that move far beyond the lowering of tariffs and aim primarily to remove 'non-tariff barriers to trade' by reaching regulatory coherence or harmonisation between parties;

—that the legal opinion of a senior counsel has pointed out that Irish ratification of a free trade agreement, that includes an Investor-State Dispute Settlement, ISDS,

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or Investment Court System, ICS), would:

—possibly infringe Article 15.2.1 of the Constitution of Ireland, which vests the sole power to make law in the Oireachtas;

—certainly infringe Article 34.1 of the Constitution of Ireland, which vests the power to dispense justice in the Irish domestic courts; and

—certainly infringe Article 34.3.2 of the Constitution of Ireland which makes the High Court, and appellate courts above it, the sole court in which a law may be questioned; and

—the ongoing European Union, EU, proposals to introduce greater harmonisation of corporation tax systems across the EU;

recognises:

—the threat that Brexit poses for trade on the island of Ireland;

—the extensive trade links between Northern Ireland and Ireland, with trade in goods valued at €1.65 billion, South to North, and €1.05 billion, North to South, in 2016;

—the decision of the electorate in Northern Ireland who voted to remain in the EU;

—the need for a special status designation for Northern Ireland, to protect jobs and trade across the island of Ireland;

—that free trade agreements ratified by Ireland must have the interests of citizens and workers at their core;

—that free trade agreements ratified by Ireland must not benefit large multinational corporations at the expense of indigenous businesses;

—that a comprehensive academic study, published in September 2016 by the Global Development and Environment Institute at Tufts University, demonstrates that CETA will cause, *inter alia*, 200,000 job losses in the EU by 2023, significant wage compression, a decline in the labour share of income, a net loss of governments' revenue, and net losses in gross domestic product of signature parties;

—that the Irish beef farming sector is particularly vulnerable to the effects of CETA including an influx of 50,000 tonnes of Canadian beef and 75,000 tonnes of pork entering the EU market, the impact of this influx on Irish beef producers will be exacerbated as a result of the Brexit vote due to the fact that Britain has been the largest importer of Canadian agri-produce and there has been no revision of quotas in response to the Brexit vote;

—that pursuant to Articles 34.2 and 34.3.2 of the Constitution of Ireland, a referendum of Irish citizens to change the Constitution of Ireland in relation to the subjection of the Irish State to an ICS is legally required; and

—that Seanad Éireann has voted to reject the provisional application of CETA,

and the Irish Congress of Trade Unions as well as Irish environmental, public health, food safety and consumer rights organisations have called for the rejection of CETA and TTIP; and

calls for:

—a special status designation for Northern Ireland to protect jobs and trade across Ireland;

—more funding to be made available to IDA Ireland, Enterprise Ireland and InterTradeIreland to help increase the level of business preparation for Brexit;

—the Government to withdraw from the provisional application of CETA;

—the Government to uphold Article 29.5.2 of the Constitution of Ireland, which states that the terms of any international agreement involving a charge upon public funds must have been approved by Dáil Éireann;

—the Government not to ratify CETA or any free trade agreement which includes the subjection of the Irish State to an ICS or ISDS mechanism;

—the holding of a referendum of the Irish people, in accordance with the legal requirements of the Constitution of Ireland, Articles 34.1 and 34.3.2, in relation to the subjection of the Irish State to the ICS included in CETA; and

—the rejection of EU proposals which undermine Irish tax sovereignty.”

It is no surprise that we have a problem with the Comprehensive Economic and Trade Agreement, CETA, and the Transatlantic Trade and Investment Partnership, TTIP, and Sinn Féin will not support this Fianna Fáil motion. We find the motion bizarre on a number of fronts. Deputy Niall Collins said that TTIP ran into the ground when President Trump was elected. Unfortunately for those in favour of TTIP, it was in trouble long before that. Last August, the German Vice Chancellor, Sigmar Gabriel, described it as having failed but that no one would admit it yet. He also said that in 14 rounds of talks neither side had agreed on a single chapter of the 27 being debated. The motion seems to be cheerleading for CETA which is a similarly contentious deal being provisionally applied in Ireland without so much as a Dáil debate, still less a vote in a blatant affront to democratic norms. Does this Fianna Fáil motion endorse a position of preventing the Dáil from debating or voting on CETA? Do we have to wait until all the other countries have debated or voted on it?

This motion fails to mention the huge consistent contribution indigenous Irish SMEs also make to the Irish economy. It mentions the importance of trade across Ireland and the threat posed by Brexit but offers no solution on how to protect trade in the face of Brexit. We have tabled an amendment to this motion that recognises the equally important contribution of Irish companies to the Irish economy, that seeks a special status for the North to protect trade across the island, and that calls for the ending of the unjustified undemocratic provisional application of CETA.

Sinn Féin is supportive of the great work IDA Ireland does in attracting multinationals to Ireland. IDA Ireland, Enterprise Ireland, InterTradeIreland and local enterprise offices together provide much of the support businesses in Ireland need to meet new and changing economic and political challenges. IDA Ireland supported multinationals employed 199,877 people

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across Ireland in 2016 and contributed heavily to the economy through corporate tax returns, wages and spending in the local economy. We want to see this trend continue and grow, and we will support measures that help achieve this.

Our amendment calls for more funding to be provided to the key agencies involved in supporting jobs throughout the country, namely, IDA Ireland, Enterprise Ireland and InterTradelreland. InterTradelreland is tasked with assisting businesses engaged in cross-Border trade. While its work is vital in this post-Brexit era, I am concerned it is not receiving the resources it deserves and needs. Documents obtained by me under a freedom of information request outline that the then Minister was aware that “InterTradelreland already operates on a very tight budget, and given the cuts imposed, they are just about able to carry out their legislative remit”. This quote was taken from a briefing document for the Minister for Jobs, Enterprise and Innovation in September 2016, four months after the Brexit vote. This is not an acceptable description of an agency with major responsibilities for assisting SMEs with their preparation for Brexit.

InterTradelreland’s quarterly business monitor survey showing that in the first quarter of 2017, 98% of firms have not made plans to deal with Brexit. This compares with 97% that said they were unprepared in the third quarter of 2016, so in fact the level of preparedness has actually grown worse in the interim. That is why we have included a call for more resources to be made available to InterTradeIreland, Enterprise Ireland and IDA Ireland.

Brexit will pose significant challenges to trade on this island. A recently published report from InterTradeIreland and the ESRI shows that cross-Border trade in goods was valued at €2.7 billion in 2016. The same report highlights the scale and complexity of this trade, outlining that 1,933 product categories are exported from the South to the North and 2,269 products are exported from the North to the South. If the North is forced to quit the EU, these trade links will be severely disrupted and depleted, and a customs and tariffs border will reappear on this island. Talk of a frictionless Border is total rubbish. There can never be a seamless Border with either side subject to totally different regulatory regimes. The Taoiseach’s remarks in Downing Street yesterday that he wanted to see an invisible Border missed the whole point. We cannot have a Border of any type. This narrative is designed to deflect debate away from this area just long enough until it is too late. That is why we are calling for a special status designation now for the North in the Brexit negotiations. I urge Fianna Fáil and Fine Gael also to take this position for the good of the whole island of Ireland. As we saw with both parties turning their attention to the question of Irish unity lately when it suited them equally, both could now endorse the position of a special status designation for the North.

Free trade agreements ratified by Ireland must have the interests of citizens and workers at their core and also not benefit large multinational corporations at the expense of indigenous businesses. Sinn Féin has no problem with Ireland entering into free trade agreements, when they are just that - a free trade agreement. However CETA and TTIP are a new generation of deals that move far beyond the lowering or abolition of tariffs and aim primarily to remove non-tariff barriers to trade by reaching regulatory coherence or harmonisation between parties. We have serious concerns about the negative aspects CETA will have on Ireland. At the fore of these is the inclusion of the investor court system, which will allow Canada-based corporations the right to sue national governments in Europe for compensation for the loss of expected future profits in response to government actions that impact on the companies’ activities. Sinn Féin has received legal advice that the inclusion of this system is not compatible with Bunreacht na hÉireann, which is probably one reason our various requests to debate CETA in this Chamber have been refused. CETA will further distort trade and wealth in favour of large multinational

corporations at the expense of indigenous Irish industry. Small and medium-sized Irish enterprises will be severely disadvantaged. The beef quotas included in this agreement will have a detrimental effect on the Irish beef industry. Canada has been approved to supply the EU with 50,000 tonnes of beef, which equates to hundreds of thousands of head of cattle. Irish beef prices will only go one way, and that is down. A comprehensive academic study published in September 2016 by the Global Development and Environment Institute at Tufts University demonstrates that CETA will cause, *inter alia*, 200,000 job losses in the EU by 2023, significant wage compression, a decline in the labour share of income, a net loss of governments' revenue and net losses in GDP of signature parties. This is not something Ireland should be proud of or endorse. These flaws need to be debated and action taken to avoid seriously negative consequences for workers, farmers and small businesses across Ireland.

I am not sure why Fianna Fáil is using its valuable Dáil time to talk about TTIP, a deal which has effectively been dead since the new US President took over. Protecting and growing trade across Ireland benefits everyone, not just members of particular parties. Tonight, Sinn Féin tabled an amendment which would see the Dáil adopt a position of negotiating for a special status for the North, a constructive proposal into which I urge all parties to buy. I suggest Fianna Fáil should put more effort into its motions to bring forward actual solutions to current problems rather than putting a redundant trade deal up for discussion. The Minister said we will debate CETA in the Chamber and I would appreciate it if she could give us an answer as to when we might have that debate.

Deputy Martin Kenny: The main issue in the motion tabled by Fianna Fáil is trade deals, specifically CETA and TTIP. We have some difficulty in understanding why we are going down this road. I can only conclude it is because Fianna Fáil believes this will be the solution to the Irish economic problems. It is the wrong track to take. I think most people understand that we need trade. We are a small country with a small population and it is hard to have enough economic activity on the island of Ireland with the population it has to make it sustainable. However, we need to export. Having free trade deals is always a good thing but the difficulty we have, particularly with CETA and TTIP and these sets of negotiations that are coming about, is that they are not for the good of free trade, the small producer, the small manufacturer or the small processor in areas of rural Ireland or any other such places. They are for the good of massive corporations and multinational companies. That is generally the trend in which all of this is moving.

In fairness to Fianna Fáil, the motion sets out a lot about IDA Ireland and the good work it has done. IDA Ireland certainly has done excellent work and excellent work has been done in many sectors to develop our economy. However, IDA Ireland's work has not worked everywhere. That is a difficulty we have. In the part of the world from which I come, we have little or no IDA Ireland investment and little or no support for small to medium-sized industry. The big problem we have in the regions, outside of the east coast, is that we have such poor infrastructure. When we consider the issue of broadband, which comes up every time we have a discussion about the economy, jobs and so on, we see that in the vast majority of Ireland outside the capital, we have a poor level of connectivity. While various schemes have been introduced through the years, nothing has provided for improved connectivity.

The other issue that often comes to mind is that of road infrastructure. Many Deputies in this House have been lobbying on this issue, particularly regarding the roads into the west of Ireland such as the N4, N5 and others. Our roads infrastructure has been left without the kind of investment it requires to be able to attract businesses and people to come and develop indus-

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try there. I was recently speaking to representatives of a company who were thinking about locating in Ireland. I was trying to talk them into coming to the west, to Leitrim, but when they visited and looked at the area, the problem they had was not so much that it was far from the port but that it was such a time distance from the port. That was the issue they raised. They would be exporting their product across the water to Britain.

The issues are the roads infrastructure, broadband infrastructure, the development of our health and education services, and making Ireland an attractive place for people to come to live and work. All the talk about trade deals, this high wire act and the idea that we need to do all this are almost distractions from the real issues we must deal with, namely, investment. That investment must come into the communities up and down the length and breadth of the country where people's children are emigrating. That is what we need to see happen. Emigration is continuing right up until now.

Support for small Irish businesses is one of the big problems we have. We have some small success stories. I hope the Minister in the time ahead will be able to visit the Food Hub in Drumshanbo, County Leitrim, which has been a huge success story. It is seeking more funding to try to expand and grow the businesses there. They are small businesses whereby local people who develop ideas set out to develop those ideas. They have an infrastructure in place whereby they can do this and expand and grow their business. This is the kind of thing we need to do and replicate in many places around the country. We need to build hubs not just for the food industry, but also other industries. We can do this outside of the capital, outside of where the infrastructure is in place at present, provided we invest in it but the Government has a responsibility to invest in all of this.

The other issue to which I will revert briefly is the trade deals. Ireland signed up in 2015 to the sustainable development goals, which were put in place by the United Nations. These goals concerned climate change, human rights and everything else we want to ensure the world stands up to. One issue in this regard that has been raised several times is that many of these trade deals fly in the face of the sustainable development goals because the trade deals are for the good of the corporations, not the people, whether they be in Ireland or in developing countries around the world. Therefore, one of the conditions we should attach to any of these trade deals we have anywhere in the world, whether between the EU, between Ireland bilaterally or wherever, is that they should be measured against their impact on the sustainable development goals. There are 17 goals, dealing with all aspects of life on the planet. This would be a very good measure to see where we can go forward from here.

The other issue we must consider in this regard is Brexit and what it will do. My constituency encompasses Sligo, Leitrim, west Cavan and south Donegal. The boundary of my constituency runs from Belturbet in County Cavan around to Pettigo in Donegal. It forms almost a quarter of the entire Border. I believe that for many years, only three Border roads were open and there were checkpoints on all of them. The rest of them were closed and barricaded up. We do not want to go back to that situation again. It is internationally recognised that people who live in border corridors, whether in Ireland or anywhere else in the world, have the highest potential for disadvantage because of the closing of communities, the division of people. We have come a long distance but we are not very far away from where we were, and if we are to ensure we do not go back to that situation, we must ensure that Britain remains within the customs union. That must be the demand. We must ensure that the North of Ireland gets special designated status within the European Union. That must be the demand of this Government and of all parties in this House. In fairness, there was a motion passed here which was supported

by everyone in this House to seek special designated status for the North. The majority of the people in the North voted to stay within the European Union and we should respect that vote. We need to be as strong as we possibly can on this because there is an opportunity, as an island, for Ireland to attract investment internationally. However, we can only do that if we are seen by the world as an attractive place in which to invest. One thing that would set us apart is if we were to bring about a situation whereby, on a stepping stone towards a united Ireland, we were to have the entire island remain within the European Union. That is the challenge that lies ahead of us, and that is the way we need to move forward.

Finally, I congratulate both Ministers on their appointments and wish them all the very best in the months and perhaps years ahead. We do not know how long it will be but, whatever time remains ahead, I assure them that we will all try to be constructive to try to make things happen for our communities. The jobs and enterprise brief is the one on which we can deliver for people, and we all need to work together to make sure we deliver on that.

Deputy Mick Barry: This motion is useful insofar as it should dispel any notion that there is any difference of consequence between Fianna Fáil and Fine Gael when it comes to being cheerleaders of the neoliberal agenda. The motion starts with a partial account of the turn taken in industrial policy under the reign of Seán Lemass. I remind Fianna Fáil Deputies that the original strategy of Lemass was not that we would end up decades later reliant on FDI to the extent we do; rather it was posited that by encouraging FDI, indigenous companies would benefit from being in closer proximity to the most advanced production techniques and somehow this would rub off and finally enable an indigenous capitalist take off that had eluded this country since the formation of the State. Even at the height of the previous boom, Ireland's indigenous manufacturing base was half the EU average.

That history has been rewritten to fit into the current situation in which we find ourselves. The lauding once again of the 12.5% headline corporation tax rate, which is supported by Fine Gael, the Labour Party and Sinn Féin, typically fails to recognise the price we pay for such a low rate. This rate also applies to indigenous companies, including the banks. The effective rate remains considerably less than 12.5% thanks both to official write-offs but also bogus patent and royalty practices that some big name companies flagrantly exploit. A total of 70% of corporations in Ireland pay zero tax according to a reply to a parliamentary question provided by the previous Minister of Finance. Google paid 0.14% in tax between 2005 and 2011; Starbucks paid an incredible €45 in 2015.

In 2010, *The New York Times* estimated that almost a quarter of Irish GDP came from ghost multinational corporations, MNCs, declaring profits here to minimise their tax bills. Three of the top ten so-called Irish companies are multinationals re-domiciled here in a notorious form of tax avoidance known as tax inversion 31. However, it took the ludicrous 26% GDP growth figures for all of this to become headline news. Google has been booking 40% of its global revenues in Ireland; Microsoft, 25%; and Facebook, 50%. This is all supposedly the work of a supernaturally productive few thousand Irish staff. The third largest so-called Irish company, Eaton Corporation, declared profits of €19 million per Irish worker last year. This explains why multinationals pay 80% of corporation tax, and so in theory should account for 80% of so-called Irish profit, yet employ only one in ten workers.

This is a race we cannot ultimately win. Hungary's corporation tax rate is 9% and other eastern European countries have rates as low as zero. How low do we go? There is a connection to our housing crisis, hospital waiting lists, overcrowded classrooms and school enrolment

problems. Solidarity is completely opposed to the proposed Comprehensive Economic and Trade Agreement, CETA, trade deal between the EU and Canada and the Transatlantic Trade and Investment Partnership, TTIP, between the EU and US. These deals will create a race to the bottom of the Atlantic in respect of workers' rights, environmental and consumer protections, and they will function as a charter for corporate rights. The introduction of investor state dispute settlement, ISDS, even in a modified form, would give corporations the right to sue states that interfere with their so-called right to profit. The motion twice mentions support for these agreements once consumer protection, food, health, environment and labour standards remain untouched. That is a nonsense. These are the very criteria under which TTIP would permit multinationals from outside the EU to take a member state to an ISDS hearing. It is typical Fianna Fáil trying to be all things to all people.

Deputy Thomas Pringle: I totally oppose the motion. While Brexit presents difficulties for us and will have a huge impact on us, the solution to these is not to rush to embrace CETA or TTIP or for us as a Parliament to tout those as a solution to the difficulties that Brexit poses. Thankfully, TTIP is probably dead but the EU has agreed to provisionally ratify CETA. A motion needs to be passed by the House for Ireland to agree to the provisional ratification but the agreement presents huge difficulties for us. Even if we reject the provisional ratification, the EU ratification will stay in place for three years. Irreparable damage could be done, therefore, during that period, even if we stood up for ourselves. The Seanad voted against the provisional ratification and, therefore, the Government should be aware of the views of parliamentarians in this regard.

Free trade agreements such as these do nothing for the benefit of ordinary citizens and workers in the countries in which they are imposed. There are many cases around the world of corporations pursuing governments for taking decisions in the interests of their citizens and public policy. We would have our hands tied if we decided to go down the road of adopting these agreements. We must oppose them.

The Government did not identify opt-outs for us in CETA. This, for example, will leave the education sector open to competition from MNCs that want to change Government policy to privatise the sector and educational institutions. Recently, the former Labour Party leader, Ruairí Quinn, formed an alliance with a multinational education provider to secure students for colleges across the country. It is a small step for the provider to seek to take over our institutions or to push for their privatisation. When CETA is ratified by the Canadian Parliament and is provisionally ratified here, it will abolish the current 8% tariff on lobsters imported into the EU, which will have a direct impact on small fishermen around our coast. That will impact on the price they can secure for their lobster. The Government's response is it is opening up the Canadian market to fish exports and, therefore, that will be okay but that will not benefit small fishermen in Donegal and around the coast who will experience a drop in prices because of imports from Canada. The US exported 800 tonnes of lobster to the EU over the past three years even with the tariff. The Canadian lobster exports will, therefore, become more attractive when no tariff is in place. These are examples of the impact CETA will have across the country.

The motion is wrong and misguided for that reason and it should not have been tabled. Fianna Fáil has tabled it, however, and many of its Members have been trumpeting away over the past while in the House about the need to adopt more public private partnerships. The agenda the party wants to pursue is to liberalise markets and to make it easier for predatory companies to benefit on the backs of ordinary citizens when it should protect them to ensure public services can be maintained and provided free in the public interest rather than being opened up to MNCs

and forcing the State to adjust public policy to facilitate them and their profit taking.

That is all I want to say. This motion should be rejected. Indeed, if the Government puts forward an amendment, I will probably vote against that too because the Government is going hell for leather towards CETA in any event.

Deputy Mattie McGrath: I wish to share time with Deputy Danny Healy-Rae.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Niall Collins: Do not tell Deputy Brassil that.

Deputy Mattie McGrath: Never mind Deputy Brassil. I am confused, a Cheann Comhairle. There was ruaile buaile here this morning to debate certain matters. Then the Business Committee was summoned and I missed other meetings because I gave an hour to the Business Committee. We agreed a motion for debate about appointments to the Court of Appeal. I then come in here to find it is a different motion altogether. I thought I needed glasses. What happened from the time I left the Business Committee meeting up to the time I came here to debate this motion?

Deputy Billy Kelleher: The Deputy was at the meeting.

Deputy Mattie McGrath: I was at it. We left it, agreed that Fianna Fáil would be given time to debate a motion about the-----

An Ceann Comhairle: Will we try to stick to the motion before us?

Deputy Mattie McGrath: Yes, but I am confused. It is like a spinning top. They do not know whether they are on it or when to get off it. This is crazy. I do not know what it is up with them. I know they are sulking because they cannot get to appoint judges but this beats all.

9 o'clock It is a pure mystery. What is the point in wasting Dáil time, wasting 30 minutes on the Order of Business, wasting an hour at the Business Committee - 55 minutes to be exact - including the time of the Ceann Comhairle and the staff at an emergency meeting, and then coming back and getting cold feet between the meeting of the Business Committee and here? I do not know what is up with them but I would say that Seán Lemass is turning in his grave. Members talked about him tonight and I salute Seán Lemass and his ideals. Those in Fianna Fáil have lost their way, quite frankly, and I do not know how they are going to get it back. They will have to get a compass, or find their moral compass somewhere.

Deputy Thomas Pringle: It is all downhill.

Deputy Mattie McGrath: I do not know what it is, uphill or downhill. They are running up the hill every week on the radio, saying, "We are going to call an election", and they go back down the same side again. If they keep running up all the time, they will fall down on everything.

Deputy Billy Kelleher: This is a filibuster.

Deputy Mattie McGrath: It is not a filibuster. They are the laughing matter, not me.

Deputy Eugene Murphy: It is the wrong speech.

Deputy Mattie McGrath: It is not the wrong speech. I never have speeches. The speech

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I wanted to make tonight is on an issue that they fought to make time for today, and on which we had a Business Committee meeting-----

An Ceann Comhairle: Deputy, you will have to direct your speech to the motion, which is on foreign direct investment. Kindly restrain yourself.

Deputy Mattie McGrath: It is making a farce of the Dáil and the Business Committee, nothing short of that. They complained they did not have enough time. They have too much time because they have become time wasters in the extreme.

I will address the motion. Seán Lemass was mentioned and rightly so. We have benefited from the EU and from foreign direct investment. I am very proud Clonmel has nearly 4,000 FDI jobs from the shores of America. We must support and maintain those jobs but also the spin-off that comes from them. Apart from the investment in plant, jobs and the social economy, there is also the service industry and all that comes from that. Nonetheless, I have question marks around TTIP and globalisation, not to mention some of our own flagship businesses. Deputy Danny Healy-Rae might not be too happy with me but while Kerry Group, Glanbia and others have great names, all is not well in those organisations either, and I have proof of that. It is said one has to marry the organisation if one wants to work with them. It is the same with this coalition. They were married but the divorce proceedings, I think, are under way.

This is Fianna Fáil's Private Members' time and its motion. We have to support foreign direct investment. I do not agree with Deputy Barry's figures which suggest companies pay no tax. I support the 12.5% rate but I want it applied rigorously so they will not get away with undermining or evading that. There is this myth about the Apple tax, namely, that the Apple harvest is coming and anyone would think we are going to shake every tree. According to those on the hard left, Ireland will be a rich country after that harvest. As I keep saying, they are gone so hard now, they cannot even feel themselves - that is the fact of the matter. They have an answer to everything. There will be manna from heaven, but they do not believe in heaven either, so I do not know where they think the manna is going to come from. That is the way they are and the way they will be. I will not change them here.

I support aspects of this motion. I could not support it all because I have some concerns. That is how we have ended up with Brexit in that people are not being listened to on the bigger scale in Europe. Thankfully, Prime Minister May made a running jump for the country and look where it got her. It became June and she does not know what has happened. Pardon the pun with the months. It has put manners on the new incumbent in office here, and he will not be running to the country in a hurry. The boys will not run up the hill and they will definitely not push him over the top of the hill because they cannot seem to get the right gear.

As I said, there are aspects of TTIP and other world trade agreements I do not agree with. The conglomerates are not being fair to the ordinary producers, small farmers and working people. I am all for workers' rights - do not get me wrong. I am not like those on the hard left but I am all for workers' rights. There should be a fair day's pay for a fair day's work, and all those issues, but I do not support them when they decided to bring in Bills lately to introduce trade union rights and call trade union meetings in the middle of the day. I come from the self-employed sector and I understand how difficult it is for self-employed people to work - at least, I think I do. Too many rules and regulations and too many big agreements are not good because there is too much collateral damage.

Deputy Pringle mentioned the fishing industry, which is being wiped out. What is going on in west Cork regarding the commercial harvesting of kelp? We cannot stand in the way, however, because we are only little people with small say. That was not the concept of which Lemass had a vision. Those were not the ideals he or his party, of which my father was a founding member, supported. All big and powerful is not good, which we know. We see that with the HSE, which is a massive organisation but which cannot provide basic procedures.

Deputy Danny Healy-Rae: I thank Fianna Fáil for giving us the opportunity to discuss Brexit and the negative impact it will have, especially on small businesses, farmers and fishermen. Small business people who have come through the recession are already very concerned with the reduction in the value of sterling. It means their income is short by 10% or 12% currently and they are worried that if this continues indefinitely, it will blow them out of existence for all time.

To that end, many of them are concerned by all the talk about Northern Ireland. While all of us, myself included, support a soft Border, they are very concerned that as this goes on, Northern Ireland will benefit as it will have lower costs and goods will be cheaper there, and the reduction in the value of sterling will create a mass exodus over the Border and deprive southern companies of the income they enjoyed heretofore. In that regard, they are asking whether we should be pushing this. While it is fine to support special exemptions for the North of Ireland, we need to look for certain things as well. They are asking is it possible that Northern Ireland should be asked to join the euro so we would have a level playing pitch. I suppose it makes a certain amount of sense. We need to explore that because if the value of sterling stays low for many years, it will ruin all of the southern Ireland and small business and farmers will suffer.

Fishermen are at a crossroads in Kerry and south-west Cork. Something must be done to address the anomalies of the quotas, particularly the mackerel quota. It is not fair how it is meted out, with one side of the country getting 87% of the quota and the rest of the country getting just 13%. That matter needs to be addressed.

We are at a crossroads. IBEC has told us that rural areas are going to suffer. If we can imagine rural areas are going to suffer more than they have already, it is going to be terrible. Many parts of rural Ireland have been decimated. It is fine up here in Dublin and it is said that urban areas will prosper further. We need to do something to address the imbalance as we see it from our side of the world.

Deputy Eamon Ryan: I appreciate the opportunity this evening that Fianna Fáil has presented, even though it was in jeopardy earlier today. I welcome the chance to discuss this vital issue for our country on trade and foreign direct investment and our relationship to trade deals such as TTIP and CETA, which have been progressed and are under negotiation. In the case of CETA, it is going through a process of ratification. I also welcome the debate because in some ways it is very interesting as it allows us to get a clear sense of the differences that exist in the House. I fundamentally disagree with Fianna Fáil's motion. We have presented our amendment, which is fairly extensive in setting out some of the concerns we have. I want to reflect on several of them now, which is what the debate allows us to do.

It is interesting the Fianna Fáil motion starts with a reference to Seán Lemass. We would all look back and state the country has undoubtedly benefited tremendously from the opening up to trade and foreign direct investment that occurred in the late 1950s and early 1960s, and from so much that came with it, including membership of the European Union, investment in educa-

tion and our incredible success as a country for the past 50 years. An honest assessment is we have had remarkable achievements on the path we have taken by being a centre for international trade and business.

Anyone would also look and see that there is a point now where we have to reduce our reliance on foreign direct investment. My experience over a number of decades is that each of the reports we have commissioned to look at enterprise strategy, going right back to the Telesis report in the late 1980s, the Culliton report in the early 1990s and the enterprise strategy group in the early 2000, all had a common point to make, with which I agree and reiterate, that we need to start to developing our own trade and enterprise and not be so exposed to dependency on large foreign direct investment.

I am a member of the Committee on Budgetary Oversight. Today, we have seen stark warnings from the Fiscal Advisory Council as to our exposure to a fall in our corporate tax base if we lost some of the big foreign direct investment companies. Last week, the Department of Finance and Trade acknowledged that five companies account for 37% of our exports. This is overreliance, an exposure and a risk from which we have to steer away. It is also appropriate, and we are right as a country, to stand on our own two feet, to develop our own enterprises and to develop a stronger and a more stable local economy through such a strategy. This is the first fundamental difference I have with the Fianna Fáil approach, which does not seem to me to recognise the importance of balancing out and spreading the basis of our economy.

I will speak very specifically on the issue of TTIP and CETA, which are referred to in the Fianna Fáil motion as it seeks the support of the House and the endorsement of what it calls the ambitious CETA agreement to open new markets and grow Irish jobs. The environmental movement, and many of the social and labour movements, have deep concerns that CETA, and TTIP should it follow a similar pattern, would prove a real risk to Irish jobs and to working standards and the environmental standards we have seen put in place over recent decades, particularly by the European Union. The lack of support and the lack of attention to the precautionary principle in CETA raises concerns in the environmental movement that the acceptance of CETA is a retrograde step, which will undermine much of what we hold dear with regard to food standards, accepting GMO products, beef grown with steroids and other mechanisms we do not accept here.

With regard to CETA and TTIP, many NGOs have concentrated on the introduction of a dispute resolution mechanism, whereby companies are able to take countries to court and are given real powers to be able to ensure fines or overcome the powers of this Legislature and step around the powers of our courts. This is a step too far. We are not opposed to trade agreements *per se*. In the big challenge we face in moving towards a more sustainable economy, we will do it best not when we retreat to the nationalist strategies that we see the American and British Governments now pursuing, but when we work hand in hand with other countries in every part of the world and seek agreement on trade rules. Our concern is the model that CETA and TTIP are following is an old, out of date model where the concept of the market knows best, greed is good and corporations are the key agents to deliver change. Business and corporations have a role. They have a place, but they are not in charge. I fear that in the dispute resolution mechanism CETA enshrines, and that TTIP also seems to wish to bring in, we are ceding power and sovereignty to corporations. I am surprised Fianna Fáil, the republican party *mar dhe*, is taking such a step and stating we are not a republic of equals, but a republic of equals where corporations can have judicial oversight above the State and the courts. That is not an intelligent development. It would not necessarily deliver fair trade agreement. It is on this basis we

must oppose the proposal that is before us.

We have a real difficulty now because we are facing a neighbour on the one side, Britain, which seems to be looking to abandon any rules or co-operation in terms of standards that exist in the European Union. Its proposal to refuse to recognise the European Court of Justice and the regulatory standards that it brings in is a real concern. Similarly, the United States and the election of its President and his Administration, which is openly engaged in a retreat to nationalist protectionist mercantile economic thinking, is something we have to confront and challenge and we cannot accept.

TTIP clearly will not be negotiated with the US Government, which is basically undermining all international co-operation by not accepting the Paris agreement, so TTIP is dead. The real question is with CETA and why the House would agree to it. Although Canada is obviously a smaller trading partner for Ireland, it is not insignificant. It is a near neighbour and tens of thousands of young Irish people are living in Canada. We have very good relations with Canada, but I do not believe it should extend to accepting CETA. We should look for a different form of trade deal, one which absolutely copperfastens the sovereignty of the nation against the corporation and one that absolutely guarantees the environmental standards that everyone says they want to protect. From our perspective, the wording of the agreements do not give the protection we seek. We have to do the same to try to achieve social standards and basically move towards a race to the top rather than the race to the bottom we have seen in economic trade deals over the past 30 or 40 years.

We are at a turning point and a change point in our world. I am old enough to remember the last one, which occurred in the late 1970s and early 1980s. We moved from some of the chaotic freedoms of the 1970s to this world, where it was said freedom of the market would achieve our needs. That became no longer credible in 2008. Fianna Fáil does not seem to have learned the lesson of this, that we are moving into a different world order where the market is balanced by social and environmental rules. That is not enshrined in the CETA or TTIP agreements. We cannot agree with motion on this basis.

Deputy Billy Kelleher: I welcome the opportunity to speak on the motion and I thank Deputy Niall Collins for tabling it. When we listen to what is said in the debate that often transpires in the House with regard to foreign direct investment and where Ireland has positioned itself in the global context, and we are an open global trading economy and interdependent on the world and it on us in terms of trade, it is critical that we maintain this outward looking view of the world in terms of our policies. This is why it is critical from time to time to assess and acknowledge the importance of foreign direct investment in the overall context of the economy. Needless to say, foreign direct investment cannot be viewed in isolation. For example, in the area of medical devices and software, many of the smaller companies were embryonic spin-offs of multinationals that established here initially and gave Ireland a critical mass in key areas of those new economies. At times, we are a little disingenuous about the importance of foreign direct investment not only in its direct role, but also in establishing embryonic industries and supporting the industries underpinning many of the multinationals. It is very significant to the Irish economy.

Of course, foreign direct investment is here for a number of reasons. Undoubtedly, it is here for the corporation tax, and we must remain competitive in that context. It is also here because of the skilled, flexible workforce, the fact that we speak English, the independent Judiciary and because we uphold the rule of law. Ireland is also a bridge between the United States and

Europe. All of these are critical components in ensuring that foreign direct investment looks on Ireland in a positive light. Some from the left philosophy and ideology glibly comment as if foreign direct investment would be here if their policies were in place. They say foreign direct investors do not pay enough tax, that they are not contributing enough and that if they were in government they would take far more tax from them. However, if they were in government the investors would not be here at all, so they would be taxing companies that would no longer reside in Ireland. It is important to put that in context. Sometimes in this debate the left pockets all the good that comes from foreign direct investment, yet spends the imaginary profits that would be there if it was in government. It is important to make that point.

Deputy Mick Barry, my constituency colleague, consistently undermines the importance of foreign direct investment. I suggest that he stand outside Apple in his constituency some day, where 6,000 people are directly employed, and hand out leaflets stating that Apple should not be here. He could also go to Schering Plough, Johnson & Johnson and the many other multinationals that are providing superb employment and huge spin-off employment in the broader economy of Cork alone. These are key issues.

Reference has been made to Brexit. I have examined the amendment to the motion proposed by Sinn Féin. There are many things in it that I could agree with, but there are also many items that are hypocritical. One example is the decision of the electorate in Northern Ireland who voted to remain within the EU. Of course, the people voted to remain in the EU. However, citizens in the Republic voted to enter the EU in the early 1970s and Sinn Féin consistently opposed Ireland's entry into the EU and opposed every EU treaty subsequently. It was only during the last election, in the context of the referendum result in the North, that it became pro-European. That is a fact. The reason it is pro-European has nothing to do with the broader issue. It is about electoral advantage because, for a change, Sinn Féin accepted that the people in Northern Ireland with good sense would support remaining in Europe. Europe has been good to this island, North and South, the broader economy and the citizens who live on the island.

Another issue that has been mentioned is Ireland and its international obligations. CETA and TTIP are important. It is important to have international trade agreements. It is also important to have international resolutions for disputes. That refers back to my earlier comment on the independence of the Judiciary and the rule of law. These are critical for multinationals when they are choosing where to locate around that world. They must be confident that their investment can be protected in terms of copyright, research and development and its other aspects.

There has been glib commentary from the left about nationalisation, as if we could nationalise Dell, Apple, Johnson & Johnson and some pharmaceutical companies. This type of commentary beggars belief. Do they honestly think that multinationals would locate in this country if they thought for a moment that following that investment some left wing Minister would come knocking on the door to say they are taking over the concern and will make the computers, pharmaceutical products and so forth? It simply beggars belief. Do not undo the good work that has been done for many years by successive Administrations, although primarily Fianna Fáil Administrations, in attracting foreign direct investment and making this a place where international companies can locate and provide good jobs for our citizens, both North and South.

Deputy Eugene Murphy: Like Deputy Kelleher, I welcome this debate in the House. First, I congratulate the Tánaiste and Minister for Jobs, Enterprise and Innovation, Deputy Fitzgerald. She will be a good Minister for jobs and I will be inviting her to my part of the country. I also

congratulate the Minister of State, Deputy Halligan, on his re-appointment. He should continue his good work.

When one is a new Deputy in the House one sometimes wonders why some points of view are made. Everybody is entitled to their point of view, but I wonder if some Members on the left who have spoken so vehemently against the motion tell their voters who are working in some of the foreign direct investment companies-----

Deputy Mattie McGrath: They are not voting for the left.

Deputy Eugene Murphy: Quite a lot of them are. Do those Members give those people their opinions on foreign direct investment? Do those Members think of the catering company that created seven jobs because it has the contract in some of those foreign direct investment companies? Do they take the same attitude to the family shop that opened near the factory and in which the family is able to make a living? I do not believe they do.

Let us consider some of the figures. Foreign direct investment provides jobs for over 300,000 people in this country. It is interesting to consider IDA Ireland's comment that for every ten FDI jobs created, another seven are generated in the wider economy. Some 70% more jobs are created in addition to the initial jobs created. In 2016, Dublin was ranked third in the world for foreign direct investment. It beat Hong Kong into fourth place in taking that position. Dublin is ahead of New York, Paris, San Francisco, Beijing, Copenhagen, Tokyo, Dubai and Shanghai. In 2015, FDI here rose by 4% while it was falling by 9% in other parts of Europe. Software is the big attraction and many jobs are being created in that area.

Foreign direct investment comes to this country for a number of reasons. We have less red tape, a highly educated workforce, skilled sector exports, much investment in research and development and we are English speaking. Ireland is identified as the number one destination for US foreign direct investment in a 2014 report commissioned by the American Chamber of Commerce. American companies have invested €240 billion in foreign direct investment in Ireland. I ask the Members who oppose this motion to pay attention. Some 130,000 people are employed here in US companies. Those companies have invested more than €277 billion in this country.

I partly agree with Deputy Martin Kenny that my part of the country has not received as much of that foreign direct investment as we would like. Where we had it, some of the companies fell apart-----

Deputy Martin Kenny: MBNA.

Deputy Eugene Murphy: -----as in the case of Bank of America in Carrick-on-Shannon. It happened in other places as well. We must ensure that more of the FDI comes to the rural regions. That is something I will discuss with the Minister.

However, when discussing matters such as this we must recognise that Ireland is a tiny dot on the world map. We punch way above our weight with regard to FDI. We must compliment IDA Ireland. I also believe Fianna Fáil has an impeccable record with regard to attracting jobs through foreign direct investment over the years. I must give credit to the current Government for continuing that trend. It is important for employment levels in our economy that we protect this and the 12.5% tax rate. Without those jobs, many more people would have to emigrate and there would be far more poverty in our land.

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I am delighted to have the opportunity to make this brief contribution and to support my colleagues. There is absolutely no reason for any Member of the House to oppose this motion.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Halligan): I thank the Deputies for their contributions, which were worthwhile. I also thank them for offering their best wishes to the Minister for Enterprise and Innovation, Deputy Fitzgerald, and me on our appointments.

It is vital to maintain our historical openness and trade in the face of changing circumstances in the international environment over the past year. If the increasing uncertainty and market swings created by Brexit and the growing protectionist atmosphere in many countries are to be effectively countered, it can only be beneficial to have free and fair trade both for Ireland and the rest of the world. In that context, we have concentrated our efforts on the implementation of the new-generation free-trade agreements, which are comprehensive in nature and break down the non-tariff barriers affecting our key exports.

Let me speak about the most recent of the trade deals that have been concluded and which the Government believes will bring significant benefits to this country, namely, the EU-Canada agreement. In February 2017, the European Parliament gave its consent to the provisional application of the EU-Canada Comprehensive Economic Trade Agreement or, as it is commonly known, CETA. Provisional application is provided for in the EU free trade agreements. This means that those aspects in respect of which the EU has full competence may be applied immediately once the agreement comes into force. It is an important mechanism that allows companies and consumers to benefit at a practical level from a trade agreement at an early stage. Most important, this includes the reduction in tariffs on our exports. Over 99% of tariffs between the EU and Canada will eventually be removed. These are facts.

With CETA, Irish companies will receive the best treatment that Canada has offered any trading partner, thus levelling the playing field on the Canadian market for Irish and other EU companies. In May of this year, 25 Irish companies participated in an Enterprise Ireland trade mission to Canada in order to target the new opportunities arising from CETA. One of the main benefits will be the opening up of public procurement markets in the Canadian provinces, giving Irish firms increased access to Canadian public sector purchasing.

Ireland also gains unlimited tariff-free access for most of our important food exports, particularly opening up significant opportunities for the Irish dairy industry. Ireland successfully campaigned for strong protections for its beef industry through restrictive quotas for Canadian beef entering the EU. Ireland has always worked and will always work for a good outcome that respects our agriculture sector.

Irish firms will also benefit from the recognition of product standards and certification, thus saving on what is known as double testing on both sides of the Atlantic. This is of particular benefit to smaller companies for which paying twice for the same test can be prohibitive, as we all know. These are some of the tangible benefits of CETA in addition to providing new market opportunities in some sectors for Irish firms. Following Canada's internal procedures for ratification, we hope we can begin to apply CETA provisionally in the coming months.

The issues that have proved controversial in regard to the proposed investor court system will not form part of the provisional application. In order for the agreement to come fully into force, each member state and regional parliament must ratify it. There is no time limit to con-

clude this process. As the Minister, Deputy Fitzgerald, has said, the Oireachtas will be part of the decision on ratification, as necessary, in due course.

Some views have been expressed that the provisions relating to investment protection and the investment court system may give rise to a constitutional crisis. It is important to recall that any such court or tribunal would arbitrate on claims for damages or injury due to unfair or discriminatory treatment of a firm from one country by the actions of a government in another. There is no question of such a tribunal overruling Irish courts or overturning any legislation passed by the Oireachtas. We want to be quite clear about that. The Government has received competent and confident legal advice that confirms that the European Commission's proposal for an investment court system, which will effectively involve a dispute-resolution process, will not give rise to constitutional implications.

The EU-Japan agreement was mentioned. One of the most exciting recent developments is the strong process in respect of which the EU is engaged in finalising talks with Japan. There are hopes for a political agreement on a trade deal this year. Representatives from Enterprise Ireland and I have visited Japan. Together, the EU and Japan account for more than one third of the world's GDP. In addition to the agreement with Canada, an agreement with Japan would send a powerful and positive message on global trade and the importance of continuing to liberalise markets. The opportunities for Ireland would also be substantial. Ireland exports significant amounts of goods and services to Japan. These amounted to €6.6 billion in 2016. Japan is the largest source of foreign direct investment in Ireland from Asia. There are more than 50 Japanese companies with a presence in Ireland, 28 of which are IDA Ireland client companies, employing approximately 4,000 people.

The EU has restarted talks with what are known as Mercosur countries in South America, not to mention the ongoing negotiations to upgrade our trading relationships with Mexico, Chile, the Philippines, Indonesia, Turkey, Singapore and, of course, China. There are also plans to open negotiations with Australia and New Zealand in the coming months. In addition to having bilateral EU trade agreements, Ireland has benefited from sectoral agreements such as the international technological agreement and the expected conclusion of the agreement on environmental goods.

Let me touch very briefly on Brexit and the eurozone. Articulating our interests and exercising our influence at EU level are central to Ireland's success in engaging in negotiations, and will take on even greater prominence when the UK leaves the EU. Specifically on Brexit, the Government aims to preserve the fullest market access to the UK and the fullest requirements from the UK to uphold the obligation of market access. Under any future trade deal between the EU and UK, the Government will ensure we develop a robust evidence-base, comprehensively prepare for negotiations and deliver the best possible outcome for Ireland.

In my Department, we are prioritising our response to the effects of Brexit on Irish trade through an arrangement and agreement with Enterprise Ireland, IDA Ireland and other stakeholders. For example, Enterprise Ireland will double the funding available to support clients to either enter or scale up their activities in the eurozone. This is under a range of existing programmes. These include mentoring programmes, market access grants, fair trade participation, the appointment of key eurozone managers, setting up local offices, business innovation supports and an enhanced programme of trade visits and trade events. Market study visits and onward buyer visits to key targeted eurozone countries and others will be undertaken shortly. Over 40 international Minister-led trade events have been planned for this year, with a particu-

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lar focus on market diversification. Some 145 trade-promotion events are scheduled in Ireland and overseas this year. Over the past six months, many Ministers have been right across Europe and Asia to promote Ireland and its trade.

The Government has allocated €3 million of this year's budget to boost resources in State agencies to deal with the impact of Brexit. This will enable the recruitment of ten extra staff by IDA Ireland and an additional 39 staff by Enterprise Ireland for its in-market teams. New company supports and tools are also being made available, including a new digital marketing campaign, targeting buyers in key sectors and euroszone markets, and a Brexit SME scorecard for Irish companies to address their exposure to Brexit. The overall objective is to assist Irish exporters to increase exports in the eurozone countries by 50% in 2020 to mitigate any barriers to Irish trade with the UK that may arise from Brexit. We believe this strategy will drive one of the most significant shifts to date in the footprint of Irish exports to the eurozone.

I am confident we in government are doing everything we can to respond strongly, in both the short term and the long term, to the impact of Brexit. I will be very brief on this. Some Deputies mentioned multinational companies and foreign direct investment, FDI. We should be very careful as we enter the next five, ten or 15 years in a very competitive worldwide economy and we have to do everything we possibly can. I completely agree with what has been said on the other side of the Chamber that we must make sure to bring as many FDI investors and multinational companies into Ireland who, right now as Brexit nears and even while the referendum was ongoing in England, showed and are showing confidence by investing in the Irish market and creating jobs. We would do well to remember that. We must think very carefully of what is happening right across Europe, particularly with regard to the 12.5% corporation tax rate, where there are some attempting to bring it down lower. It would be a disaster for us to touch the corporation tax.

Deputy Jackie Cahill: Like other speakers, I congratulate the Tánaiste as well as the Minister of State, Deputy Halligan, on their reappointments. I wish them the best of luck in their portfolios. Trade deals and foreign direct investment are vital for a small exporting country like ourselves. I was sitting in my office listening to the debate. Listening to some of the comments of the Deputies who oppose Deputy Collins's motion, to call them naive would probably be very kind. We need trade deals and foreign direct investment. As has been referred to, our corporation tax is vital to this country in attracting that foreign direct investment. It is under constant threat. The Trump Administration in the States and some of our European colleagues would like to undermine it and undercut it. It is essential we keep that corporation tax attractive to multinationals investing in our country. The huge challenge that Brexit is going to pose to us increases the need for us to do trade deals with other countries around the world. It increases the need for TTIP, CETA and the benefits this economy can accrue from them.

EU standards on food, health, environment and social and labour standards cannot be compromised, however. European food producers have to produce to an extremely high standard. The European consumer demands that and is entitled to it. The production of food at such a high standard comes at a cost. We cannot be put at an unfair advantage to other producers around the world. For a generation, we have been highlighting the difference between beef production in the EU and in South America, where there is hormone-treated beef. Our beef is produced hormone free and with the strict use of antibiotics. Those standards have to be maintained. It is essential in any trade deal that those are ring-fenced.

TTIP has great potential. It has the potential to create 10,000 jobs in this country and to

increase exports by up to 4%. It is stalled at the moment, but it is to be hoped it can be got going in the future. On the agrifood side of things, there are huge benefits for the country in CETA. It would give 95% of our agrifood exports tariff-free access to the Canadian market. I will give a few statistics. At the moment, the Canadians and Americans have a tariff-free quota for 11,500 tonnes of top quality beef cuts into the EU. They are only using 3% of that quota. The consumption of Canadian beef in the EU is at 0.6%. This is an opportunity we can exploit going forward. The opportunities for dairying are immense. Post-quota production is rising rapidly in this country. Ornuia is developing markets in the United States. CETA will allow it to do the same in Canada. If we are to get a reasonable price for our dairy products going forward, markets like this are going to be vital for us. I welcome the firm commitment from the European Commission and the 27 member states that EU standards are not up for negotiation and will be maintained, come what may.

A significant number of our young people have emigrated to Canada in recent years. Thankfully, two thirds of them have third level degrees. Annually, Canada issues 10,000 international experience visas. It just shows many of our young people are choosing Canada as a destination. We have a very strong trade relationship with Canada worth €2.75 billion per annum. It has increased by 250% in the past five years. For SMEs and for all industry in this country, this trade deal has great opportunities.

Before I conclude, I want to get parochial. Deputy Mattie McGrath spoke about what FDI has brought to Tipperary. Unfortunately, it has been localised in just one town. In the past four years, there have been only eight FDI visits to Tipperary with virtually no investment. North, mid and west Tipperary has been completely deprived of any foreign direct investment. Unfortunately, our towns are showing the signs of it. We have a site in Lisheen Mines that has the infrastructure and has huge potential. I implore the IDA to look at that site. It has massive potential and would be an ideal hub for development in Tipperary. It is something we badly need. It would restore our faith in the IDA's ability to create jobs.

Deputy Niall Collins: It was remiss of me not to congratulate the Minister on her recent appointment and wish her well in it. It is a very important job and we have debated with her predecessor on many occasions, especially on the regional imbalance and the challenges that poses. I thank everyone who contributed to this debate. We placed this motion before the House to reaffirm my party's position of supporting business, jobs, enterprise, SMEs and foreign direct investment. It was our forefathers who pioneered the industrial policy, the undoubted benefits of which this country has reaped over the years right up to the present day. When a huge recession and depression hit this country in 2008, 2009 and 2010, we were able to rely on that FDI sector in particular, and the SME sector that has grown off the back of it, to help this country fight its way through that very difficult period. We make no apologies to anyone for saying we as a party are not ashamed to support a pro-jobs, pro-business, pro-enterprise, pro-FDI, pro-SME and pro-indigenous business policy. That has always been our brand and we are happy to reaffirm that.

I want to refer in particular to some of the comments of the left and the hard left and the arch-hypocritical approach of some of these speakers and parties to the notion of foreign direct investment and the jobs it supports. Foreign direct investment, if we are to believe some of what they say, is a danger to society and to our economy. Nothing is further from the truth. The comments of some of the Sinn Féin speakers and the Solidarity or AAA party, whatever they are calling themselves this week, and the sentiment they expressed can be summed up by saying they are anti-jobs, anti-enterprise and anti-business. They cannot be giving out a mixed signal.

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Deputy Martin Kenny: We are not.

Deputy Niall Collins: They are either for free trade or they are against it. They say they want jobs and want to support SMEs, yet they are not in favour in free trade.

Deputy Frances Fitzgerald: Hear, hear.

Deputy Niall Collins: These organisations, businesses and employers rely on being able to trade with as few barriers to trade as possible. That is a fact. If the Sinn Féin Members talk to any of the businesses or SMEs in their constituencies, that is what they will hear. They cannot have it both ways. If we take CETA, for example, Deputy Quinlivan knows we discussed it at our committee and had a presentation on it. I remember asking the officials who were present what objections were registered by the lobby groups and representative groups on CETA. The record will stand for itself. As I recall, there were no objections registered by political parties, be it the hard left or the soft left, whatever they want to call themselves, or indeed by their representative organisations. The positives relating to CETA speak for themselves. In respect of the farming organisations and the agricultural sector, including the beef, poultry, pigmeat and lamb sectors, the opening up of a huge market speaks for itself. Of course we must protect standards, including environment and employment standards. We will do that anyway as a sovereign State and sovereign Government. I hope the 20 trade agreements that are in the pipeline will be progressed as quickly as possible to play to our strengths because to say that they are wrong and a danger to our society confounds any logic.

There are challenges relating to IDA Ireland and Enterprise Ireland. They need more re-sourcing and funding, particularly in the context of Brexit. The Minister will also be aware of the Succeed in Ireland initiative, which we have debated in this House on a number of occasions, and the role of ConnectIreland in respect of that. The Minister needs to ensure this review is completed as soon as possible. I would like to see that initiative kick-started as soon as possible.

Bearing in mind the context of this debate, it is not a case of either-or, that is, foreign direct investment or indigenous business. One can have both, as they are not mutually exclusive. They are actually mutually compatible and to come in here and state we are too reliant on foreign direct investment does not make any sense. The more we get of both, the better. We need to keep our corporation tax policy in mind. With the exception of some of the speakers from the hard left, we have all reaffirmed our position on the 12.5% rate. The Minister will recall that the Shannon free zone, which had a 0% rate of corporation tax, once existed in our part of the country. It was hugely successful at that point in time.

In conclusion, I note tonight was the first occasion when Members had a debate on CETA. It should come back to be ratified by Dáil Éireann and the sooner the better. It was also the first occasion - I am glad I sponsored it on behalf of Fianna Fáil - on which Members discussed the SME and foreign direct investment sectors and their enormous contribution to our economy and communities. We need more. I commend the motion to the House.

Amendment put.

An Ceann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 22 June 2017.

The Dáil adjourned at 9.55 p.m. until 12 noon on Wednesday, 21 June 2017.