



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 28 Meitheamh 2017

Wednesday, 28 June 2017

Chuaigh an Ceann Comhairle i gceannas ar 10 a.m.

Paidir.

Prayer.

Judicial Appointments Commission Bill 2017: Second Stage (Resumed)

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

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank all those who contributed to the debate yesterday. In particular, I thank those who supported the Bill: Deputy Mattie McGrath; the Sinn Féin spokesman, Deputy Jonathan O’Brien; Deputy Catherine Murphy of the Social Democrats; and others, but I welcome all of the contributions to what is an extraordinarily important debate. If I have been taught anything in dealing with this subject and this debate, it is how incredibly difficult it is to tackle reform. After 30 or 35 years in this and the other House, I am beginning to learn that getting a mild reform through the Houses, away from the bastions and official Ireland, is a much harder project than I had anticipated. The Bill seeks to reform fundamentally the judicial appointments system. It has prompted an avalanche of responses from predictable quarters but at a volume I had not expected and which has taught me that the difficulties in addressing issues such as this sort are legion but worthwhile. This is a Government Bill inspired by the Independent Alliance and it will pass through both Houses after a very full and not a rushed debate. Nevertheless, I am aware of the fact that it has stoked up and mobilised powerful forces outside this House against some of its measures. I will address these issues.

I will be perfectly honest with every Member of the House: being a Government Bill, it is not radical enough for me. I had something a little more radical in mind. However, it is, as all partnership Governments sometimes find is necessary, a compromise and an agreement between various groups. It is also particularly sensitive to the issues which have been addressed by people outside and inside the House, particularly the Judiciary. There have been talks with the Judiciary and there has been absolutely no wish to offend it in any way and no indication from here that it has in any way done a bad job - quite the opposite. I would like to have seen a more radical Bill in that I would like to have seen one name come to the Minister for Justice and Equality, not three, to give politicians less choice. I would like to have seen a smaller rather than a larger commission of 13 and other such measures. It is, nevertheless, a hugely progres-

sive Bill which addresses some of the issues which have been the tip of the iceberg in dealing with problems in Irish life which extend far beyond the selection of members of the Judiciary.

Having said it is a Government Bill, I wish to address one or two comments which have been directed against me as someone who has been very involved in preparing it. First, the Leader of the Opposition said yesterday - I know that exchanges across the floor can get a little heated - that I had some vendetta against the Judiciary, the legal profession and others, but nothing could be further from the truth. My family is steeped in legal tradition and the legal profession. My father was managing partner of a firm now known as MOPs, Matheson Ormsby Prentice. I was perfectly used as a young child to members of the Supreme Court, barristers, solicitors and people like that pottering through the house from time to time. It is something with which I am fairly comfortable and familiar but I certainly do not have any grudge or axe to bear against these people or this institution. I state on the record, in accordance with what the Minister for Justice and Equality said yesterday, the record of the Judiciary in this country is something of which we can generally be proud. This is not in dispute. Everybody in the House has agreed on this. They are not infallible and do not have some sort of papal right to speak *ex cathedra*. We should be allowed to criticise them, of course, and we do so, sometimes at our peril in this House. We should probably be allowed to poke fun at them from time to time like we do at other people. This does not indicate a lack of respect.

What judges do so well is they judge. What judges have done so well is they have made judgments and they have done it well, and it is something of which we should be proud. The method and the way they are selected is a totally and utterly different issue, and the numbers and input into this is a totally different issue. This is what is being debated here today and what was debated so eloquently last night by many others. If people ask me whether I have an agenda the answer is that I do. I have had an agenda all my political life on this. It is that political interference in the selection of people who sit on State bodies, in positions of State or in positions involving the public purse should be reduced to a minimum. This agenda still exists and anybody who knows me will know that I have already introduced new methods in my Department whereby one name comes up to the Minister for selection to State boards. This gives me a very limited input to say "Yes" or "No". The same principle should be applied to the selection of judges.

The objective of the Bill primarily is to reduce, if it is not able to eliminate, political interference in the selection of judges. This is the primary aim, and to do it as soon as possible. What it also aims to do is allow ordinary citizens to have a pivotal input into the selection of judges. Who is afraid of ordinary citizens? It seems many people inside and outside the House do not want to see people with skills but who are ordinary citizens being involved in a meaningful way in the selection of judges. I do. I do not want to see politicians doing the job.

We know that for a long time political interference has been the curse of the system in the Judiciary. Many people speak about the Judicial Appointments Advisory Board, JAAB, the system in existence at present. They speak about it as though it were some sort of sacred system that people go through, which arrives to produce *ipso facto* independent judges. We have been fortunate, of course, in what the judges have done so well but this does not mean the system of selecting them is fair or is right. Yesterday was marked by the fact that people from Fianna Fáil and other parties and groups admitted perfectly openly that the system at present promotes people, and has been doing so, on the basis of their political colour. It has also been doing worse as it has been depriving people, good barristers and lawyers, from reaching the pinnacle of their ambitions and talents because they were of the wrong political colour. I want to see an

end to this system. I want to see, as the Government wants to see, a better system. The way to do so is to pass the Bill and fix the JAAB and its abuses once and for all.

When we speak about lay people, and when we speak about ordinary citizens of whom so many people are frightened, we mean lay people. It was said last night that lay people already appoint judges or make recommendations. On the JAAB there are three lay people, that is correct, but from where do they come and who are they? The Ceann Comhairle need not worry as I will not name them. The lay people are appointed by the Minister. I do not even know who they are at present, I should have looked it up before I came here. After the JAAB was introduced the three lay people were paraded as the lay input. I will not say who they were, but let me tell the House what happened and what positions they held. Under the Fianna Fáil-Progressive Democrats Government of 2002, three were appointed. I am sure they were all good people. One was a former Fianna Fáil director of elections for Dún Laoghaire. Another was a former Fianna Fáil candidate for the European Parliament and the third was a Progressive Democrats supporter. It cannot be a coincidence that those particular jobs were awarded as a ratio of 2:1. It cannot be a coincidence that the two Fianna Fáil supporters survived the period of Fianna Fáil's tenure in government. This is what was happening. I am not saying Fianna Fáil are the only people who do this. Everybody has been at it. This system has to end. We have to put an end to this happening. This is what the Bill addresses.

The problem with the Bill and the main opposition to it is that people say the Judiciary does not have enough input and has to have a majority, and that out of the 13 members there should be seven lawyers and not six. This was very carefully thought out by those of us involved in the Bill. The input from the Judiciary will be massive. There will be three members of the Judiciary on the commission, namely, the Chief Justice, the President of the High Court and the President of the Court of Appeal. There will be the Attorney General and two other lawyers, one from the Bar and one from the solicitors. The place be bursting with legal advice, legal expertise and people offering good counsel about the appointment of individual judges. I do not know what they want, but what we want to see is a fair system which has enough legal advice, not something which is totally and utterly dominated by judges and lawyers. This is what we have constructed in the Bill. What we have put in is a majority of ordinary citizens. Last night, Deputy Mattie McGrath made a point which was perfectly legitimate. We trust ordinary citizens in other situations. We trust them emphatically to sit on juries to find people innocent or guilty and to make really important decisions. Nobody I know ever questions the jury system. Why can we not trust ordinary citizens to take important decisions about the selection of judges with the benefit of at least six lawyers to give them advice? It seems self-evident that this is a perfectly legitimate argument. Why do we need to have a majority of legal people? Is it so the people they prefer and know should get through? People who are independent and impartial of the legal complex should be able to make that decision. The decisions that judges make affect the lives of everybody forever. They should reflect, in many ways, the diversity of society themselves. What we have tried to do in this Bill, which I agree is imperfect in many ways, is ensure that people who have the requisite skills but not a judicial background or judicial ties have an input into this commission. In regard to the point that not putting the Chief Justice in the chair is a kick in the teeth for the current or next appointee, that is untrue. The Chief Justice will not be in the chair for a very good reason. The chair is the most powerful position and it should not an insider who is in the chair in any position of this sort in any walk of life. It is an institutional decision and not a personal one about anyone. It is to give the lay majority independence and a stamp of credibility and authority to judges when they are appointed. We should not be frightened of this. We should not be frightened of ordinary citizens with particu-

lar skills taking important decisions. They will take well-informed decisions on the advice of judges and drawing on their own experiences and that of the other 12 people accompanying them at the table.

There are other issues in the Bill which are important. Does anybody in this House know how many interviews the Judicial Appointments Advisory Board, JAAB, with all its political imperfections, has held for judicial appointments in the past 22 years? It has had the power to do it but it has not held a single interview for a judicial appointment in 22 years. It has managed, however, from time to time to throw up as many as 40 candidates who were successful in their applications for the District Court. Everybody knows what happens then. Those candidates are recommended to the Minister who then selects one candidate. The JAAB has done a good job for some because the politicians have always got their person through. The JAAB has been able to do that for them. It has worked for them but it has not worked for those people who the JAAB has told they cannot come through or at least not until the Government changes. That system must be ended and substituted with something constructive.

Last night, the media and some contributors to this debate misinterpreted a statement made by the Minister, Deputy Flanagan, when he said that the heads of the two courts who appeared to have been left out would be included in the process.

Deputy Jonathan O'Brien: They are not included.

Deputy Shane Ross: They are included in the process under the Bill.

Deputy Jonathan O'Brien: In the committees.

Deputy Shane Ross: Deputy O'Brien is correct. They are already included in the Bill. There was no amendment to the Bill to provide for that: they were already included. They will sit on the two committees when a candidate is being selected for the Circuit Court and for the District Court. Their expertise will be used in that process. This was provided for in a deliberate response to the judges who said that expertise was necessary. Many other provisions of the Bill were amended in the process of consultation in response to judicial representations. I am not saying that this Bill is perfect. We heard some extraordinarily useful contributions yesterday not only from Deputy Jonathan O'Brien but from Deputy Catherine Murphy and other Deputies from the Independent benches, in terms of their suggestions regarding what particular provisions might or might not be changed. The Bill is not perfect. It could not be perfect when it is dealing with something as subjective as choosing lay members but it is a huge and successful start in addressing the scourge of political patronage in Ireland not only among the Judiciary but elsewhere.

There is no intention to say anything but good about the record of judges in this debate. We recognise that. It is important that they know that. There is no intention to insult them. This is simply an effort to give them a huge, significant and meaningful input in the process but not the power to make the final selection, which should be left to the good, honest, ordinary citizens of this country.

Deputy Willie O'Dea: First, Fianna Fáil is strongly in favour of a change in the manner in which judges are appointed. Second, we are strongly in favour of a significant lay element in that process. Last night, the Minister, Deputy Flanagan, extolled JAAB and pointed to the significant differences it had made. I disagree with that because I am not aware of any difference that was made by JAAB. I agree with the remarks made by the Minister, Deputy Ross, in that

regard. We are *ad idem* in that regard and the Minister is on the other side. I do agree with the Minister, Deputy Flanagan, when he extols the record of the Irish Judiciary, which was repeated here today by the Minister, Deputy Ross. Despite the faulty appointments system, we have managed to produce a Judiciary that has zealously and jealously guarded its independence, has acted as a third pillar of our democracy and has produced people of exceptional talent. However, the past is no guarantee for the future. It is right and proper that we should try to devise a system or insert into the current system of judicial appointments a process that will ensure that people are not appointed because of political or personal connections but are appointed solely on merit. There is difficulty in doing this because of the provisions in the Constitution which gives the Government and the President on the advice of the Government exclusive and final control of the appointment of judges.

It is precisely because we believe that this system should be changed that Fianna Fáil instructed Deputy O'Callaghan, the Fianna Fáil spokesperson on justice, to prepare legislation to do that. The legislation has been prepared - Deputy O'Callaghan gave a outline of it last night - and it has been widely acclaimed. The Government's legislation compares poorly. It is bad legislation. In response to the Minister, Deputy Ross, as somebody who has been returned successfully to this House on 12 or 13 occasions by my constituents and who hopes to be elected again, I have no fear of ordinary people.

The Minister, Deputy Ross, despite what he said in his contribution today has in the past accused the Judiciary of being massively resistant to change. In 2014, a committee chaired by the Chief Justice was highly critical of what was termed the current demonstrably deficient appointments system. In addition, the Chief Justice, Ms Justice Susan Denham has repeatedly called for a judicial council to establish best practice for the education, support and training of judges and for a structure to deal with complaints about judges. The Minister, Deputy Ross, must know the Chief Justice was not indulging in a solo run when she said that. She would have consulted widely with her colleagues, such that the view of the Bench is that the current system of appointments is demonstrably unfair and there is need for a system for the education and training of judges and a mechanism whereby complaints can be made about members of the Judiciary. I cannot get my head around how a body that is of such a view could be properly accused of being massively resistant to change. It is demonstrably and patently false. In so far as the Bill is concerned, I note what the Minister, Deputy Ross, said about the position of the Chief Justice. As Deputy O'Callaghan said last night, establishing a Cabinet sub-committee without the Taoiseach as its chairman would be considered completely unacceptable. The Judiciary, as a body, is the third pillar of our democracy. Since its foundation, it has vindicated the rights and defended the liberties of our people. The Chief Justice sits at the pinnacle of that system. It is an insult to the office of Chief Justice that he or she should have to sit on a committee dealing with the suitability of individuals for appointment to the Bench in any position other than that of the chairman. It is an insult that he or she would have to defer to a third party as chairman.

Under Article 14 of our Constitution, the Chief Justice is one of the three people selected to stand in in the event of the death or incapacity of the President, who is constitutionally the principal person in this State. I find this reprehensible and I agree with Mrs. Justice Catherine McGuinness who said it is a kick in the teeth for the Chief Justice. I am no fawning admirer of the Judiciary. As the Minister, Deputy Ross, said, the appointments system has thrown up a handful of inappropriate appointments. Judges are not infallible; they make mistakes. I have not been shy in taking the judges on, criticising them and debating and arguing with them in public when they have made what I consider to be mistakes. Nevertheless, this is a question

of respect for the office. When Harry Truman unexpectedly became President of the United States on the death of Franklin Roosevelt, he was asked how he coped, coming from a humble background, with all of the deference, the bowing, the scraping, the saluting, the red carpets and so forth that he received as President. He pointed out very simply that people were not bowing and scraping and deferring to Harry Truman, the individual. They were respecting the office. It is the office that we respect here. I find the provisions in the section of this Bill that provide that the Chief Justice will not be chairman of the commission or of any of the committees, and will have to defer instead to somebody else, is an insult to the office of Chief Justice.

The central question here is the question of a lay majority. What is the magic in a lay majority? Are we afraid of the ordinary citizens of this country? The Association of Judges of Ireland reluctantly commented on this Bill, despite its reluctance to get involved in public controversy, because it thought its potential downside to be so great. It said that no proper rationale has been put forward for the idea of a lay majority. It sounds hip and democratic and it is nakedly populist. There is a lay majority and to hell with experts. I think Michael Gove said to hell with experts during the Brexit campaign. Call me old-fashioned and conservative but I genuinely think there is no better-placed person than a judge to decide who would make a good judge.

The Association of Judges of Ireland said: “It is hard to imagine any other walk of life in which the majority of those involved in an appointments process would be required to come from outside the ranks of those serving in the area to which the appointments are being made.” Let us take the examples of a surgeon, a scientist or an engineer. We are setting up a system where we insist that the people who make up the majority on the board, and who ultimately decide who is fit for the job, are people with no connection whatsoever to that job. The point made by the Association of Judges of Ireland is a very serious one. I did not hear a response to it either from the Minister, Deputy Ross, or from the Minister for Justice and Equality but I hope that it will be properly dealt with before the debate concludes.

We are talking about a lay majority of ordinary citizens. The term “ordinary citizen” is subject to very wide definition. Who is this lay majority going to be? We know that they will be very powerful people because out of a body of 13 individuals, seven will be lay people. Lay people in this instance is taken to mean non-legal people. I think even a member of the clergy could qualify as a lay person under this Bill. Who are these people going to be? The Bill is not very enlightening on this matter. It tells us who they will not be. It goes out of its way to tell us lawyers and even former lawyers are absolutely excluded. Anyone with the temerity to have practiced law would have to be out of that profession for 15 years before qualifying as a lay person under the terms of this Bill. It takes 15 years for the taint to be removed. I have known of people convicted of murder to be out again after ten or 12 years. Having paid their debt to society, they can walk the streets free and clear without a stain on their character. It will take 15 years to remove the taint of having been a lawyer.

Who will these people be then? Under section 15 of the Bill we are told that these people must have all sorts of qualifications, that they must have knowledge of commerce and so on and that they must have experience of membership of boards. There is, in fact, a danger in that, as Deputy Jonathan O’Brien rightly pointed out.

I recall a reference to qualifications - I do not know whether it is legislation or written into the Constitution - for people running for the Seanad. It states they must have expertise in commerce, in agriculture or whatever else. Nobody in this House can tell me other than that is almost more in the breach than in the observance. The simple reality is that the Public Appoint-

ments Service can only pick from those who put themselves forward, regardless of the expertise they have or do not have. I do not know what sort of people will put themselves forward. Having spent a lot of time in this House and having met many people, I can only think of very few who would want to put themselves forward for membership of the judicial appointments commission. I know a few, incidentally, but they are the very people I would rather see kept miles away from it.

People who apply for organisations like this tend to have a political agenda, as Deputy O’Callaghan rightly said. It might be pro-life, it might be pro-choice, it might be hardline law and order or it might be soft liberalism. There is no shortage of agendas out there, let us make no mistake about that.

In the future, will people applying for the Judiciary have to tailor their CVs or practice performing at interview in such a way as to satisfy the particular agenda, beliefs or prejudices of those individuals? Everybody will know who they are and where they stand. The system proposed by Deputy O’Callaghan in which the lay membership, be it in the majority or the minority, is picked from a number of reputable organisations, such as the Competition and Consumer Protection Commission or the Irish Human Rights and Equality Commission, would surely be infinitely preferable.

If the seven lay members out of the 13 get together in a block, they will have the majority and the voting power to put forward their nominee or nominees. This will damage the administration of justice in two ways. First, it will make it more rather than less likely that there will be more unsuitable appointments to the Bench. Second, many good and able barristers who would make excellent judges will not be prepared to submit themselves to an appointment system like this one which might require them to tailor their CVs and adapt their performance at interview, etc.

Why is the Attorney General in the filtration process? Are we to take the Government at its word when it says its objective is keep politics out of this as far as possible? The Attorney General is on the filtration committee of the appointments commission. The names of the three people selected go forward to the Cabinet are again faced by the Attorney General. If Deputy Jonathan O’Brien was correct in what he said last night about the legal expertise or lack thereof in the current Cabinet, and I have no doubt that he was, then the Attorney General will have enormous powers. If the intention is to keep all this as far away from politics as possible, why then have the Attorney General on both the final selection committee and the filtration committee? I hope Deputy Jonathan O’Brien will bear that in mind when he is drafting his amendment.

Deputy Jonathan O’Brien: It is in the draft already.

Deputy Willie O’Dea: The Government legislation is constructed in such a way that only three names will go to Cabinet. The Government explained to us last week that its interpretation of the legislation is that the Cabinet can appoint one of those individuals or else completely ignore all three of them. What Deputy O’Callaghan proposed was that the three names be ranked in order of merit and that if the Government bypassed those three names, it would have to give a reasoned explanation as to why it did so. If the Government’s interpretation of the law is correct and it has the ultimate power, and if we want to introduce a system that will work as well as possible and ensure the Government does not ignore it, then we must ask ourselves one question. Which system puts more pressure on the Government? Is it a system under which it just gets three names and can bypass them without any explanation or a system under which it

gets three names, ranked in order of preference, and it has to give an explanation if it bypasses those three names? The latter is an infinitely preferable system and an amendment along those lines would make the Bill much more workable.

The other proposal I object to is the one to exclude former judges from the commission. It takes 15 years to remove the taint of lawyership but once one serves as a judge, one is irredeemably tainted. People like Mr. Justice Nicholas Kearns and Ms Justice Catherine McGuinness are irredeemably tainted. There is no chance at all that they could ever become members of this exalted commission.

Last night the Minister for Justice and Equality came some of the way in terms of appointments to the District and Circuit Court. He said that there is an amendment that will enable the presidents of the District and Circuit Court----

Deputy Jonathan O'Brien: That is not true.

Deputy Willie O'Dea: He indicated that, or at least that is my understanding from media reports this morning.

Deputy Jonathan O'Brien: That provision is already in the Bill.

Deputy Willie O'Dea: Okay, that is already in the Bill. That is fair enough. The Minister pointed out that it was in the Bill but that provision is not enough, in my view. The presidents of the District and Circuit Court should be full and permanent members of the commission. Theirs are the courts that interact with the public the most. They do most of the legal business in the country. We are talking here about ordinary people and those courts are the ones that deal with the vast majority of ordinary people every day. I strenuously object to the spin around this. The initial intention of the Government was not to include these people in any regard. The spin was that if they were on the commission, they would pick their pals and their friends. It was portrayed as part of the insider philosophy again, but anyone who has the slightest idea of the function of the presidents of the District and Circuit Courts will know that a lot of their work is administrative. They have a huge administrative burden of work. They must keep the case list up to date and ensure the system works efficiently. We all know that in many walks of life, not just in the Judiciary, but in business, Departments and so forth, people who, with the best will in the world, try to manage their areas of responsibility effectively can often come a cropper or be let down by their subordinates failing them in some way. In that context, the presidents of the Circuit and District Courts would have a vested interest in looking for the best possible candidates. Anything else or any objections to that point are just spin, quite frankly.

I want to turn to sections 32 to 34, inclusive. We went through a period in this country when we were very heavily critical of quangos. Quangos have their role but there is no doubt we created too many of them. There was a massive movement to create a huge bonfire of quangos in this country. That movement came not just from within this House and within the political system but from outside too. The Minister for Transport, Tourism and Sport, Deputy Ross, who has just left, was foremost in that regard. He led the posse in condemning quangos and all their work and pomp, but sections 32 to 34, inclusive, which are the brainchild of Deputy Ross, create a big, fat, massive new quango. These sections create something called the judicial appointments commission office with its own director and staff who will be paid for out of public funds. They will be paid for by the taxpayers. This will be another self-perpetuating oligarchy. The function of this new office, with its highly paid director, its full-time, permanent,

pensionable Civil Service staff and all the supports and panoply that will accompany it, will be to supervise the appointment of between 15 and 20 judges per annum. That is what this new office is being set up to do. I would imagine that the civil servants who will be serving this office, which will no doubt self-perpetuate and grow, will be searching around for things to do to make themselves relevant. They will have plenty of time on their hands. Perhaps they could be temporarily assigned to the social welfare offices in Donegal to ensure people do not have to wait for five or six weeks for maternity benefit. It is hugely ironic that the scourge of the quangos, the former newspaper columnist, Shane Ross, should be the progenitor of this particular quango, the creation of which we will live to regret.

I made a fatal mistake last Monday morning. I fell for one of the oldest tricks in the book, namely, a newspaper headline. I was listening to “Morning Ireland” at around 7 a.m., and in the part that deals with what it says in the papers, a headline from *The Irish Times* was quoted and I wrote it down - Flanagan will not bow to Ross’s demands on the Judiciary. I was highly excited. I jumped out of bed immediately and went to the nearest shop to buy *The Irish Times*, which I would not usually buy, to read the article. I said to myself, “My goodness, common sense at last. This man Flanagan has the backbone. I always thought he had the steel. He is going to stand up and make sure that the right thing is done.” I must say, my enthusiasm waned as I read through the actual story. Ironically, we have now come full circle. We now learn that, technically, the headline was correct. Deputy Flanagan did not bow to Deputy Ross’s demands. He rolled over, with all his paws in the air, his stomach ready for tickling, and he swallowed the whole contraption. This is a bad Bill and it will do a lot of damage. I urge the Minister to go back, redraw it and come back to the House with something sensible.

Deputy Peadar Tóibín: There has been an enormous amount of talk about this particular Bill. Certainly any changes to any part of our liberal democracy need to be made in a measured, thoughtful and educated manner, but this Bill is extremely limited in its scope. While it is flawed in places, it only makes marginal improvements to the system.

No one in this State should be immune from analysis or constructive criticism. All of us, whether we are on the Supreme Court or walking the streets of Dublin, are equal citizens of this State. Obviously the legislative branch of the State has a responsibility to discuss the Judiciary in a fair and measured manner, but if we have learned anything from the last 50 years, it is that undue deference is the enemy of critical analysis. No one should be immune from respectful, decent critical analysis, no matter what role he or she plays in the State. It is interesting that this week Fianna Fáil is on its high horse about critical analysis of the Judiciary when it spent all last week criticising, in a personal way, one individual judge for its own political reasons.

The cornerstone of a functioning democratic justice system is an independent and impartial Judiciary which is representative of the community as a whole. That last phrase, “representative of the community as a whole”, is critically important. Political parties, and none more than my own, have spent a good deal of time in recent years making sure that elected representatives are truly representative of the communities they serve. Indeed, legislation was passed by the previous Dáil to make sure that we have far more representative levels of people standing for election. There is a flowering of diversity in this State at the moment. Very few, if any, Members of this House would argue that this diversity is not a developing strength of this State, but it is not reflected in many organs and branches of the State. It is certainly not reflected in the Judiciary, and as a result, it is fair to say that the Judiciary is out of sync with the people it currently serves.

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Every system within the State is dependent upon its inputs. Our own systems, for example, are dependent on our inputs. Our physical systems are dependent upon the diversity of food we eat and are healthier as a result of that diversity. Our minds are healthier if inputted with a large diverse element of thought and influence. If the inputs of a system are made up of the system itself, it is very difficult to introduce change. However, if the inputs have diverse origins, there is no doubt that after a while the system will start to reflect those origins.

We are strongly of the view that there needs to be a step-change regarding the diversity of our State, Legislature and Judiciary. It is clear that this will not happen under the current system. The system from which it originated does not have the necessary inputs. Change will only happen if we inject more diversity into the appointments process. Over the years, there has been a fair amount of unease among the general public regarding the level of political influence and control over this process. That is a logical concern.

We live in a State that has been cursed with political nepotism throughout most of its sectors. The political machines of Fianna Fáil, Fine Gael and the Labour Party have, in reality, been built over the years on the basis of political leftism. In many ways, nepotism was created in order to repay those who put their shoulder to the wheel and contributed to the growth of those political organisations. Political nepotism is also designed for another purpose, namely, seeking to ensure that the agendas of the political operators exist in those spheres long after Governments have lost office. It is a way of controlling the development of any sector of society long after people have left office. In America, we see that in the most obvious fashion whereby presidents rejoice at the opportunity to name Supreme Court judges because they can orientate the court to a particular view for 20, 30 or 40 years. We have a responsibility to eradicate this influence from all sectors of our society. We should use every opportunity to do so, and this is such an opportunity

Tá sé rí-thábhachtach go mbeadh muinín ag an bpobal as na breithiúna, go bhfuil lucht an dlí neamhchlaonta, fuarchúiseach, fairáilte, agus go n-ainmnítear iad sa mhodh céanna. Is daoine daonna iad na breithiúna, na habhcóidí agus na dlíodóirí agus is cinnte go ndéantar cinntí atá claonta agus comhghleacaithe i gceannas ar phróiseas ainmniúcháin. Is gá go mbeadh córas i bhfeidhm a laghdaíonn an tionchar polaitiúil agus an tionchar pearsanta maidir le ceapacháin bhreithiúna.

It is also interesting to identify the origin of most of the resistance to this particular change. The champions of the *status quo* at this stage seem to be those who are themselves on the inside. Based on media comments, one would swear that the expertise of the Judiciary is being deleted from this process. That is not the case. The Judiciary and the legal profession will still have a significant role in respect of the development of the process. We have an opportunity to inject diversity of thought and influence in a big way into the process. We should grasp that.

Tá an páirtí i bhfabhar an Bhille seo, ach tá fadhbanna leis gan dabht. Ní aontaíonn muid leis an tslí atá sé á chur tríd na Dála, agus an deifir atá leis. Is muid ag caint maidir le rudaí mar seo, ba cheart go mbeimis ag díriú ar na mionsonraí ionas nach mbeimid ag filleadh chun an Tí sna blianta atá romhainn de thairbhe na deifre sin. Bí cinnte de go mbeidh mo chomhghleacaí, Deputy Jonathan O'Brien, ag iarraidh athruithe a chur leis an bpróiseas ionas go mbeidh Bille i bhfad níos fearr againn. Ba cheart go mbeadh smaointe na ndaoine – diversity na ndaoine – i lár an phróisis.

Deputy Catherine Connolly: I wish to share time with Deputies Thomas P. Broughan and

Maureen O'Sullivan.

Acting Chairman (Deputy Eugene Murphy): Is that agreed? Agreed.

Deputy Catherine Connolly: I welcome the opportunity to contribute to this debate. An essential ingredient of a properly-functioning democracy is an open and accountable system that allows for the appointment, promotion and transfer of judges based on merit. That such a system is still lacking in Ireland begs the question as to who was responsible for this. It is clear that the problem lies not with the Judiciary, which has been much lambasted in the Chamber. In fact, the Judiciary has repeatedly asked for the system to be changed. It has repeatedly pointed out that:

As a matter of principle, political allegiance should have no bearing on appointments to judicial office. Early acceptance of the principle is essential to the transformation of the appointments process ... It is increasingly clear that the relative success of the administration of justice in Ireland has been achieved in spite of, rather than because of the appointment system.

The system of judicial appointments in Ireland is by now demonstrably deficient, fails to meet international standards of best practice and must be reformed. In addition, the Irish Council for Civil Liberties, ICCL, has highlighted the need to establish clear and transparent merit-based selection criteria in consultation with relevant stakeholders including civil society. The Free Legal Advice Centre, FLAC, has highlighted the lack of transparency which over the years has given rise to fears that some of those appointed to judicial office may owe their appointment to their connections. We know that is true in at least a third of the appointments. International and European organisations, including the UN and the Council of Europe's anti-corruption group, have also raised concerns. It is worth noting that it has been pointed out that, once on the Bench, judges in Ireland enjoy much respect for being highly-qualified professionals with a high degree of integrity in their work and performance. However, the system is, rightly, perceived as being politicised.

If all of these groups - I have not given an exhaustive list - have continually asked for change, why has it not occurred? Indeed, how have we come to a situation in the Dáil where we now condemn the Judiciary? We are rushing through a deficient Bill, ostensibly as the result of another debacle in respect of the appointment or promotion of another Attorney General to higher office. This is being done because the narrative suits to deflect attention from the repeated failures on the part of successive Governments to take action. That lack of action was not accidental but, rather, reflects the strong stance of this and previous Governments of their wish, desire and stance to retain political patronage in the appointment of some judges, right up to the appointment of the Attorney General recently to a higher court. It is a system that was ensconced in secrecy and totally bypassed the existing legislation.

Each Government, including the current one, has failed to introduce what is a lot more urgent, namely, a judicial council or other appropriate mechanism to deal with judges who act inappropriately or misbehave. The absence of any mechanism other than impeachment means that there is currently no means by which matters of judicial misconduct which fall short of stated misbehaviour may be dealt with, except in respect of the District Court.

Given this background, and the continued reluctance of each Government to legislate, I can, to a certain extent, understand why the Minister, Deputy Ross, came forward with his proposals

to introduce a more accountable system. However, the introduction of the Bill in this rushed manner is entirely unacceptable and would appear to be the result of a deficient compromise so that the Minister had something when he walked out the door of the Cabinet room and the Government got something in appointing the Attorney General. It is a poor substitute for what is really necessary.

I have serious concerns about the Bill. Circuit Court and District Court judges are not represented.

There is no clear rationale why the Chief Justice should not be chair. I have no problem with lay people being on the commission. It is a very good addition. Nor do I have
11 o'clock a problem with a majority of lay people, but I have a problem understanding the reason the Chief Justice should not be chair. Diversity is not defined. Best practice has been bandied about. For example, the Minister has chosen to cite England, Wales and Scotland. Northern Ireland has a different system. The Chief Justice is in charge, and over 70% of all Commonwealth countries have the heads of the court as chairs.

I welcome that diversity has been enshrined in the Bill. However, that is simply with regard to appointment of judges. Section 7.7 on diversity and gender has been removed as being important regarding nominations to the commission. There has been no cost analysis of the current system as opposed to the new system. It would seem a new quango has been brought in with no business case being made or no examining of the cost of the existing system and a comparison being made. The Minister has not examined the existing system which is deficient. It has produced annual reports. It has continuously, for example, made a recommendation in regard to a medical examination for somebody who has been appointed, but that has never happened. The Minister has continued with the system in this Bill whereby the Attorney General is on the commission in spite of the fact that the Irish Council for Civil Liberties and Free Legal Advice Centres, FLAC, among others, have asked that this not go ahead.

In addition, diversity has been much championed here by Members on behalf of this Bill. There is no way we will get diversity in the Judiciary unless we look at those going into the legal schools and into the universities. In England, a judicial diversity panel was set up seven years ago to advise the government, specific recommendations were made and they acted on those. Nothing like that has happened here. The Government still retains the power, as is right, under the Constitution. However, it is an illusion that we will remove Government patronage. There is no necessity here to outline precisely why the Government might not go with the nomination that is coming forward and the Attorney General is on the commission.

While I welcome in principle that merit is being enshrined into the law as the way forward for promoting and appointing judges, this is, mar a dúirt mé, sop in áit na scuaibe. Tá gá le díospóireacht oscailte chruinn sa Dáil agus gan dul ar aghaidh sa bhealach seo - ag cur an Bhille tríd an Dáil ró-sciobtha mar gheall ar ghealltanas atá déanta ag an Rialtas don Aire. Go raibh míle maith agat a Chathaoirligh.

Deputy Maureen O'Sullivan: I am coming to this Bill from a non-legal background, unlike my colleague, Deputy Connolly, and as one of those dreaded lay persons who seems to be causing alarm around the place. I believe in fairness and justice, not a theoretical justice but a justice that is seen to be done.

I listened to the Minister's speech yesterday and I liked much of what he said. I want to

acknowledge some of those points, namely, that it is vital that we have an impartial administration of justice because that is central to democracy. There is a need for confidence in the administration of justice in Ireland. That means transparency in the process of judicial appointments. There is also a commitment to the independence of the Judiciary. The new procedure will reflect best practice in selection methods and processes internationally. It is a progressive approach to reform and an objective that membership of the Judiciary should comprise equal numbers of men and women and also reflect diversity within the population as a whole. On the aspect of merit, the recommendation and selection process should focus on merit, not as a guiding principle but as the criterion to underpin selection and recommendation of persons for appointment. I also welcome the opening up of eligibility arrangements for District Court judges and legal academics. The Bill recognises that knowledge and experience of court practice is an essential qualification. I also welcome the idea that there will be a review after five years, although I would probably have preferred it after three years.

There is nothing in that for me to disagree with but where I take issue is the manner in which the Bill is being taken. We have a process which is working through the justice committee where a somewhat similar Bill was being discussed and where amendments were also being taken. I do not like the idea of the Bill coming into the Dáil in this manner here at the expense of other Bills that were to be discussed before the summer recess and are now being pushed further back. It also comes out of an unsavoury appointment of the former Attorney General to the Court of Appeal. I have heard the arguments on the legality of that but there are ethical considerations and certainly the process that was in place was not followed. We still do not know if the Attorney General applied, we do not know about the other applicants and it is appalling to think a candidate for a position would remain in the room when that appointment was being discussed. The Judicial Appointments Advisory Board seems to have been completely ignored; it was certainly relegated to a very minor role. It is difficult to accept that there are good intentions with this Bill when it comes from such a disturbing and a disquieting background. It is undermining what is fair and sensible in this proposed Bill. There was a missed opportunity in that the Bill did not follow the normal pattern of Bills in the Dáil and while this is about due process, there is a lack of due process with this Bill and also in the appointment of the former Attorney General to the Court of Appeal.

The Minister, Deputy Flanagan, mentioned the quality, diligence and integrity of the Judiciary to date. While that is probably true of many of the Judiciary, there are examples of lack of quality and also a lack of diligence. There have been notorious and infamous cases of judges who were sadly lacking. I refer to the historical case of a judge who slept through the proceedings of that particular court. We have had cases of decisions in court that defy logic. In cases of sentencing, they err on the side of leniency in some cases and err on the side of severity in others and there have been cases where judges have been extremely disrespectful to juniors and to gardaí, undermining them in court. Judges can say what they like in court and the person is not there to defend themselves, to answer or to challenge what is being said.

I know the controversy this Bill is causing but I am taking my opinion on this from the comprehensive paper from the Library and Research Service. In December 2013 the Department started a consultation process and we know there were detailed submissions on this matter by the review committee, the Judicial Appointments Advisory Board, the Law Society, the Bar Council, the Free Legal Advice Centres and so on. The Minister said that “Much of the content of Bill reflects the outcome of that process”.

I also note the Council of Europe’s anti-corruption group have highlighted the integrity in

the work and the performance of judges but that the current system of recruiting is widely perceived as being politicised. Current appointments were susceptible to political lobbying and favouritism. We know there are reports showing no evidence of political affiliation or views in court decisions and in that respect I quote: “Political bias in judicial decision making could not be found”. However, it is wrong that one can point to a judge and say that is a Fine Gael appointed judge, that is a Labour Party appointed judge or that is a Fianna Fáil appointed judge, where there was some party affiliation in order to secure the appointment. For that reason alone, this Bill is very important in order that the most qualified and the most suitable candidate gets the job in a transparent way where there is no political influence at all. The judicial appointments commission is absolutely essential. It will have 13 members with a lay chair and a lay majority. I do not understand the fears of some judges about this lay aspect but then this is a new scenario for them. I note the Law Society welcomes the lay majority while the Bar Council opposes it. Regarding the lay aspect, there is a comprehensive list regarding suitability to be a fit and a proper person and there are grounds for disqualification and ineligibility. Legal academics could make excellent judges provided their judgments are not based solely on the legal framework but that they can take other aspects into account and apply common sense also because common sense is very underrated by a number of judges.

Acting Chairman (Deputy Eugene Murphy): I advise the Deputy of the time element.

Deputy Maureen O’Sullivan: Deputy Broughan will have five minutes in this time slot.

Acting Chairman (Deputy Eugene Murphy): That is okay.

Deputy Maureen O’Sullivan: I note the comment of a former judge that the proposed Bill is like a group of judges selecting an Irish football team. I have seen much criticism of Irish football teams down the years. The football experts do not always get it right. Perhaps a judge with knowledge and a love of game might just make good choices for the team. Judges only appointing judges does not inspire confidence.

I do not see the Bill as having serious implications for the administration of justice. It has serious implications for the current *status quo* in the appointment of judges. I imagine that the new commission would work in a collegial way, work through consensus-building and not in a confrontational “them and us” sort of way. I have heard the point that the judges are the most qualified to make judicial appointments because they know the applicants but in any other job or profession knowing the applicant would involve the interviewer acknowledging that and sometimes removing themselves from the interview process. Judges, like all us, are flawed human beings and, like all of us, they can make mistakes and they will have their own bias.

What is being proposed, albeit I do not like the way in which it is being done, is a transparent process with no self-appointing or no self-regulating. With a genuine interrogation of the Bill, I believe the issues can be resolved. Too often justice is perceived to favour the wealthy, the well-connected and the well-resourced. The balance of justice always seems to favour certain groups in society. I hope this Bill might see an end to that.

Deputy Thomas P. Broughan: I am delighted to have a brief opportunity to speak on the Judicial Appointments Commission Bill. I welcome the general thrust of the Bill before us today, which provides for the establishment of a judicial appointments commission, but like many of the constituents I represent, I believe the process of the recent appointment of the former Attorney General, Ms Máire Whelan, to the Court of Appeal was grossly defective and unfair

to other qualified and interested judges and lawyers. Once again, in this, as in so many other controversies, the Fine Gael Independents, led by the Minister, Deputy Ross, failed to uphold the public interest.

As I mentioned in a contribution on reform of the legal system in the previous Dáil, the legal system we inherited almost intact from the British in 1922 represented the most vested of vested interests whose key role was, and often is, to maintain the power and property structures of the wealthy elites who controlled our society and economy and whose dominance continues down to our own era. For example, the medieval division of the legal profession into solicitors and barristers and the control of legal education by the guilds representing these phony professional divisions have never been challenged by Fianna Fáil and Fine Gael-led Governments. The manner in which so many prominent politicians and party members with a legal background have ended up on the Bench in the decades since 1922 is also astonishing.

At the outset, I want to welcome section 64 of the Bill on the prohibition on canvassing, which in subsection (2) lays down that “An applicant shall not attempt, and shall not procure or counsel another to attempt, in either case whether directly or indirectly, to ... canvass, from any person involved in the process, support for the application of the applicant”. The penalty for such canvassing or improperly influencing or interfering with the process of selection shall be on summary conviction a class A fine, but given allegations of canvassing over the years, perhaps that penalty should be much stiffer and could be looked at again.

When I was a member of the Committee of Public Accounts in this Oireachtas on two occasions, I often raised the outrageous cost of justice, the lack of accessibility to justice for huge cohorts of our population and the narrow, wealthy social strata from which lawyers and judges have traditionally come. I am afraid that the Judicial Appointments Commission Bill will do little to address the wider continuing serious problems with our judicial system, even if the selection of judges becomes slightly more transparent and democratic.

I acknowledge the impartial and excellent discharge of justice by so many judges over the years and, in particular, the skill and integrity with which judges and leading lawyers have led investigations of great scandals in our society, especially in the past 25 years.

Section 12 in Part 4 of the Bill provides for the breakdown of the 13 members of the judicial appointments commission. There have been mixed reactions to the number of lay members and the fact that the commission would have a lay chair. The equivalent commissions in England, Wales and Scotland are chaired by lay persons, but there is also an issue around the independence of the Attorney General given that that person would be a member of the Cabinet.

The Minister, Deputy Ross, has trumpeted the lay majority and lay chairperson, but in Part 3, sections 9 to 11, inclusive, have the Minister, Deputy Ross, and the Fine Gael Independents not buckled under pressure from Fine Gael and its cadre of supporters in the Law Library? Part 3 outlines the creation of the commission’s appointment committees, which are a key element of the Bill, for the Supreme Court, the Court of Appeal, the High Court, the Circuit Court and the District Court. Each of these committees will have 11 members and while it will have a lay majority, the Chief Justice and the presidents of each of the divisions will clearly have a major role in selecting lawyers and judges for vacancies in each division. The Minister, Deputy Flanagan, reiterated in his contribution last night that the Chief Justice should be directly involved in the selection and recommendation of persons for appointment and that she and all the presidents will form part of the key decision making process in selecting and recommending

persons to the relevant court. The Minister also reiterated that these relevant committees will actually perform the functions of the commission in the selection for each of those courts. In effect, the structure of those committees tends to water down what seemed to be the original premise of the Bill.

Section 7 in Part 2 provides for recommendations to be based on merit, but no definition of “merit” appears in the Bill. Another omission is a definition of “diversity” in the Bill. Section 7(2)(b) states “the objective that the membership of the judiciary should, to the extent feasible and practicable, reflect the diversity within the population as a whole”. Why not insert in the Bill that the commission must collect and collate statistical information on applicants? The information could then be used to inform strategies on encouraging under-represented sections of society to consider a career path to the Judiciary. Recently, women became the majority gender among solicitors, which is a very welcome development, but that must be reflected in the Judiciary.

It is a pity we did not have the judicial council Bill to deal with first because we could have teased out some of the issues that affect us and about which our constituents at times feel so angry in terms of the discharge of justice in this country. The outpouring of public anger at the recent collapse of the Anglo Irish Bank trial was often summarised in the refrain many of us heard that there continues to be two systems of justice in this country.

With all those reservations, I recognise that the Judicial Appointments Commission Bill represents a tiny step forward in a more democratic and transparent judicial appointments system and for that reason, I will reluctantly support it.

Deputy Colm Brophy: I support the Bill. I believe it is a modern, progressive proposal. I would like to see its passage take place as quickly as possible. I would find it regrettable if any efforts were made to hold up this important legislation for either party political or personal reasons. As legislators, we have a duty to the people who put us in this House to ensure this very important legislation is facilitated in every way possible and pushed forward.

I will mention one or two minor aspects of the Bill. I very much welcome the notion of having a lay majority and a lay chair. It is the modern way of looking at appointments in any area. It stretches credulity to believe it is not possible to find somebody in the entire country who could chair such a group. We have an opportunity now to bring the process of judicial appointments into the 21st century. The Bill is balanced and fair. We should do everything, as legislators, to ensure its speedy passage through the House.

Deputy Alan Farrell: I understand the purpose of the Judicial Appointments Commission Bill and I welcome the fact that the Bill fulfils another objective of A Programme for a Partnership Government. I am aware, however, that a number of aspects of the Bill have received a great deal of attention, both inside and outside this Chamber. In particular, I refer to the membership of the new judicial appointments commission proposed by this Bill. While I must make clear that I have no issue whatsoever with lay members serving on the commission, I believe there must be greater discussion on whether lay members should have a majority on the commission. I would go so far as to say that in the time remaining to debate this Bill, even with the pre-legislative scrutiny of it by the Joint Committee on Justice and Equality, of which I have been a member for six years, further discussion should take place.

Furthermore, I have concerns regarding the chair of the commission in that the Chief Jus-

tice would not be chair. My main issue in that regard is that, as everyone in this House would know, the Supreme Court is the highest court in the land and has the final say in terms of the interpretation of the law in line with the provisions of our Constitution. I believe we cannot, and should not, implement any legislation that may detract from the importance of the Supreme Court, which is a branch of our democracy, in undermining that role in any practical way or in terms of public perception. On that basis, I am not convinced that it would be appropriate for any person but the Chief Justice to be the chair of the judicial appointments commission, given that we must ensure the authority of the Chief Justice and the Supreme Court is not detracted from in any way with regard to public opinion.

While there may be many examples of a lay chair on such boards, examples alone do not necessarily mean that such provisions constitute international best practice. That has been borne out in this debate by the examples given of other jurisdictions aside from those introduced in the Chamber during Leaders' Questions yesterday. This is a matter that will require further and more thorough discussion. As a member of the justice committee, I look forward to the detailed debate on the provisions of this Bill when it comes before us in the near future. I must clarify that I believe lay members should be involved in the judicial appointments commission, and it is of the utmost importance that their views carry the same weight as those of other members of the commission. Perhaps we could better examine how such a commission would work with an equilibrium involving lay members and those from a judicial background, or those from lay and non-lay backgrounds, ensuring that neither group has a particular majority.

It is essential in this debate to note that this Bill in no way constitutes a criticism of the Judiciary. Sadly, however, the narrative proffered by some suggests otherwise. We have separation of powers in this country, which is essential to having a functional and effective democratic system. One of the main questions that arises in the context of this Bill is that of why it is necessary, particularly when neither the independence nor the calibre of our judges has been called into question. That has been repeated on a number of occasions in this House. If there is a desire to amend the arrangement for carrying out judicial appointments, why do we not simply amend existing legislation? Why do we not update it given the review that the Department began in 2014? As a member of the justice committee, I have never seen any output from that review. I have never seen any documentation presented to the justice committee or proffered for discussion in this House since the review began. One of the most favourable attributes of our country in recent years has been the ease with which business can be conducted. One of the main issues with regard to the ease of doing business is access to justice and decisions of the court. While there are delays from time to time, there are never any questions as to the decision-making process or the independence of those who make the decisions.

What is rather troubling, however, and what should be tackled as a matter of utmost importance, is ensuring the general public has access to justice. That requires the appointment of more judges to ensure our courts can operate effectively. If any Member in this House contemplated holding our justice system to ransom by preventing the appointment of judges, he or she would be holding the public interest hostage by preventing those who require the assistance of our courts from gaining access to them. This is reflective of remarks made to me recently by an eminent children's rights lawyer who found that accessing the courts system to assist children in foster care is becoming increasingly difficult. The needs of the most vulnerable in society must be the foremost concern of Members of this House, not grandstanding.

This Bill proposes reducing the number of candidates recommended to the Cabinet from seven to three. This is a positive attribute but again I must revert to the possibility of amend-

ing existing legislation to do this. I prefer the focus this affords the Cabinet in scrutinising a candidate properly in making its decision.

Section 7 focuses on merit. While Deputy Broughan stated the detail on what constitutes merit in the section is weak, we have a number of weeks in which we can bolster it. I look forward to Deputy Broughan putting forward amendments in this regard on Committee Stage. As I stated, the recommendation to include the merit of persons appointed to judicial office under section 7 is all well and good but it must be stated not every member of the Judiciary would not be in place if they did not merit being there.

The quality and calibre of our Judiciary must not be called into question, nor should there be any reason they should be. While I understand that changes are required to update the process by which judges are appointed, I am not convinced this is the most effective way to make such changes, considering the time remaining in the current Dáil term and especially when there have been no instances, to my knowledge, in which the integrity, independence or calibre of the Judiciary has been called into question.

If the Minister is so committed to pushing this legislation through the House, we must give serious consideration to the inclusion of a judicial council amendment. That is probably of more importance to the Judiciary and Members of this House than an attempt to suggest that this Bill will change the manner in which members of the Judiciary are appointed. I remind Members that this is covered in the Constitution. Unless the Minister wants to hold a referendum to delete the relevant provision, I believe an amendment in such regard would be of benefit.

The narrative in terms of criticising the Judiciary is an extremely populist one and it must not be accepted. I have heard a number of comments made both yesterday and today that the Judiciary is in some way hell-bent on meting out justice or on making inappropriate remarks to members of the public, as was just proffered by Deputy Maureen O'Sullivan. Such commentary is neither appropriate, fair nor true.

The system by which we currently focus would not be abnormal in a common law jurisdiction. While I agree there should be some reform, I believe reform for populist purposes or political grandstanding with regard to our justice system would signify nothing other than blatant disrespect for the very people we represent and, of course, past and present judges in terms of ensuring access to justice for those who need it most.

The d'Hondt system is generally very beneficial in allowing Members from all parties and none to join significant Oireachtas committees. All are significant but in this context the justice committee takes particular priority. As I said yesterday evening, a majority of members of the justice committee are opposing this Bill. Thus, I suspect it will most likely be significantly amended on Committee Stage. There does not seem to be willingness on the part of certain parties to change the nature of the Bill, which willingness would afford the Government side and the Chairman of the justice committee an opportunity to weigh in to this Bill in a more meaningful way.

I wish to revert to my very first point, on the progress on the programme for Government. I understand the Taoiseach said yesterday that he believed it was possible this Bill may not be passed before the summer recess on the basis that Members may require additional time to discuss, debate, amend or improve it. While I fully understand the political imperative of the Minister for Transport, Tourism and Sport, Deputy Ross, in pushing this Bill

through before the summer recess, I believe there are very few Bills that warrant being pushed through at such a pace. This Bill should not be rushed, nor should it be guillotined or passed without a great deal of amendment, not just to improve it or comply with the views I and others have expressed but also to ensure it is not a bad Bill, to echo Deputy O'Dea's comments. I do not believe it is a bad Bill; I believe it just does not comply with what Deputies O'Dea, O'Callaghan and others wish to proffer in this House. Nobody is suggesting, I hope, that it is not a good legal Bill; it is just not sitting well with the ideological views of the party opposite. I ask that the language in question not be used because it suggests the legislation we are putting forward is somehow inappropriate or creates legal difficulties. I do not believe it will create legal difficulties. It is going to create ideological difficulties which in the main I appear to share with Members opposite.

Having served under the current Minister of State, Deputy Stanton, when he chaired the justice committee in the last Dáil and as somebody who has taken a keen interest in all matters regarding the Judiciary and the much discussed Legal Services Regulatory Authority and the Act we worked on extensively in the last Dáil, it is very clear to me that there are priorities in the Department of Justice and Equality that do not include this Bill.

Deputy Margaret Murphy O'Mahony: As a first-time Deputy, I had great hopes for this so-called new politics. I am disappointed, however, that one Minister can hold the Government over a barrel in return for his support. I am also disappointed in what he has made a priority when there is much more going on. If I were in his position, there are many other matters about which I would hold the Government over a barrel.

It has to be agreed that the separation of powers is of paramount importance and provision is made for this in the Constitution. However, there is no doubt that reform of judicial appointments is necessary and Fianna Fáil is obviously in agreement with this. In fact, it was highlighted by Fianna Fáil with the introduction of our Judicial Appointments Commission Bill in October 2016.

As stated previously by my colleagues, the Fianna Fáil proposal provided that 12 appointed members, comprising five judicial members and seven non-judicial members, would make three recommendations to the Government, ranked in order of merit. Given the experience of such members, they are obviously best placed to make these recommendations. A majority of lay persons would provide little or no assistance to the Minister for Justice and Equality, or the Government, and could not possibly inspire confidence. Any recommendations made do not have to be accepted by the Government. In that regard, Fianna Fáil believes that greater authority should be provided to the commission to ensure there is no doubt that the nominees presented are understood to be the best persons for the position based on their suitability for the job.

By contrast, the Government's approach to this matter beggars belief. Its blatant disregard of the Judiciary is nothing short of disgraceful and would not be tolerated in any other profession. It is an unashamed and unexplained put-down of the Judiciary. For what? Is it to simply appease one member of the Government? What amazes me is the big push this Bill is getting, particularly when more pressing matters need to be dealt with. What about the health crisis, housing shortages, cyber attacks across the world and yet another further attack on rural Ireland with the loss of counter services in approximately 100 Bank of Ireland branches nationally, including this week in the Cork South-West constituency in the Dunmanway branch? These are the matters directly affecting the people now. How is it that the Government is in a position to

rush this Bill through the Dáil when more urgent matters, as pointed out by me previously, are left on the long finger?

What is even more alarming, but not surprising, is the fact that Sinn Féin is in favour of this Bill. When has Sinn Féin ever been in favour of accommodating judicial appointments in any respect? Maybe it is a sign of a future coalition between Fine Gael and Sinn Féin. Will the Minister reconsider this Bill's contents to ensure the best placed people are recommended to the Government by the people best placed to recommend them?

Deputy Jack Chambers: The fact the Government has allowed one Independent member of the Cabinet to railroad his agenda when there has been poor legislative progress over recent months shows contempt for this Parliament and what we know as new politics. There is also the duplicity of the Minister for Justice and Equality texting his backbenchers to undermine this Bill in the Chamber while he claims to support it. This is a Bill which has the support of one member of the Government, Sinn Féin and Fine Gael to keep itself in power for as long as possible. The Minister needs to examine those supporting this Bill. Sinn Féin is an expert in constitutional crisis and not a responsible party like Fianna Fáil.

We have significant problems with this Bill, as has been outlined by my colleagues. Putting a lay majority and a lay chairperson on the commission is populist, appeasing those who are significantly disillusioned with politics and with Parliament. It does not do the right thing for selecting judges, however. If the Chief Justice was appointed chairperson of the new judicial appointments commission, he or she would have the knowledge and experience to provide oversight and the necessary competence. To install a lay person as chairperson, whose competencies we are not sure about, undermines the commission.

The fact the Government has tried to schedule Committee Stage before the passing of Second Stage also undermines the Oireachtas. Today, the Select Committee on Justice and Equality decided not to allow the Government, the Minister for Justice and Equality, and the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to railroad this Bill and will not be scheduling Committee Stage next week. For such a significant process to be undertaken in such a short time is an attempt to guillotine the legislative process. Even those who have tacit support for the Bill recognise it requires further scrutiny, debate and oversight. While it might give Fine Gael a headache in advance of the summer recess, it should spend the recess examining the Bill and how it undermines the process of judicial appointments.

The Judiciary, too, has commented on and intervened in a public way on this legislation. While some commentators have said it is an attempt to intervene and interrupt the separation of powers as set down in the Constitution, I have respect and high regard for all senior members of the Judiciary. That they have acted in such a public way to give a real warning to the Government shows there are considerable problems with this legislation. It also undermines the framework that should be set out into the future. The fact the Judiciary has intervened shows we must have further debate and oversight of this Bill.

If this were a selection process for a hospital consultant or junior doctor, one would not have a majority of people with no knowledge or experience in that area deciding on and chairing the process. Deputy O'Callaghan's judicial appointments Bill ensured there was a spread of lay people from civil society and important groups. However, this Bill throws that away. We do not even know what the lay members' agenda might be. It is all very good saying in the abstract that a lay person will chair a process to select judges. Who is this lay person? What is their

background or political or personal experience? We know the Judiciary attempts to uphold the law, the Constitution and select the best people for the various levels of courts. Who is this lay chairperson? It is an agenda of the Minister, Deputy Ross, which has lasted several years and which is more about undermining politics than reforming the judicial appointments system. It is about trying to undermine political parties, which try to uphold sensible, constructive and responsible legislation, and trying to construct this demigod or demigoddess. Who will select the laypersons? What will be their backgrounds?

Deputy Mattie McGrath: It will be the same as jurors.

Deputy Jack Chambers: Jurors decide on the facts of criminal prosecutions; they do not review the competencies and experience of judges.

Deputy Jim O'Callaghan: They will be selected by lottery.

Acting Chairman (Deputy Eugene Murphy): Please allow Deputy Jack Chambers to continue uninterrupted.

Deputy Jack Chambers: The Fianna Fáil Bill has been ignored for seven months. It passed Second Stage and the Department of Justice and Equality has failed to allow it to proceed to Committee Stage to at least provide parallel oversight and a parallel process to be undertaken in order that the best aspects of both Bills could form the best legislative measure to reform the judicial appointments process.

We all agree that politics needs to be removed from judicial appointments but the issue of intervening and creating a political aspect to this was seen in the recent appointment of the former Attorney General, Máire Whelan, to the Court of Appeal. The Government claimed it is steadfast in reforming judicial appointments while, at the same time, it threw its own Attorney General under a bus by removing her from her position. If she had the competence and expertise, why was she not left in her position? Why was she removed? It was politically expedient to appoint her to the Court of Appeal and then move the agenda on to the reform of the judicial appointments process and throw it back at Fianna Fáil. My party made errors in the past in this regard but we want to reform and depoliticise the process. The best way to do that is put the Chief Justice, the independent arbiter of our legal system, in the chairperson's seat with a spread of representatives from civil society on a new judicial appointments commission. That has not been done in the Bill. I assure the Minister of State and others that we will not allow the Government to railroad it through the House. The Joint Committee on Justice and Equality has taken that decision. The Government, therefore, will have time to reflect on the flaws in its Bill.

The programme for Government refers to "a transparent, fair and credible reform of judicial appointments" and this legislation is anything but that. How can a transparent process be ensured if we do not know who will be the members comprising a majority on the commission? There will be a public appointments process but we are not sure who the appointees will be, what their agenda will be or what judges they will select. If anything, the Government is opening up the possibility of this becoming a more - not less - political selection process for judges. The best person to ensure a non-political selection process is the Chief Justice in the role of chairperson, as we have outlined.

The Minister and the Government have failed in another aspect by trying to railroad the Bill through the House and scheduling Committee Stage next week before Second Stage has passed. That undermines the democratic process. Many Opposition Members would like to

table amendments. How will we have fair time and due process to amend the Bill if the Government is not willing to listen to us? The fact that the Government parties want this off the agenda and have it dealt with demonstrates how they do not have the democratic process at heart.

We proposed five judicial and seven non-judicial members on the commission, which would provide for a good spread of representatives from civil society, whereas the Government proposes a three-nine split. By excluding the District Court and other lower courts from the selection process, this would mean the majority of judges would be appointed to the lower courts and the Bill should be amended in this regard. The absence of a statutory framework for the selection criteria in the Bill highlights that the Government parties have not detailed in their own minds what judges they would like to see appointed.

The Fianna Fáil Bill makes it clear that we would like people of integrity to be appointed and we listed various criteria that would play a core role in judicial appointments. The fact that they have been ignored means we are not sure what type of experience and background the potential candidates will need. By ignoring that in the statutory framework, the Minister is creating a political vacuum and giving the commission the opportunity to appoint whomever it likes. There will be no ranking of candidates under the legislation, which means there could be a repeat of the Máire Whelan affair. The former Attorney General ignored section 18 of the 2005 Act but, in theory, the Attorney General of the day could form part of the small pool of candidates. This will not be ranked, which will give the Executive the power to select whomever it wishes based on his or her political background. We all want to avoid this. We want to remove politics from the selection process but the proposed statutory framework does not achieve that because the Department, the Minister and the Minister for Transport, Tourism and Sport have in a ham-fisted way tried to draft this legislation without examining either the political consequences or the consequences for the Judiciary.

While the Taoiseach and others have stated that the Judiciary needs to stay out of the legislation process, with which we all agree, the fact that the Judiciary has acted in such a public way at all court levels must alarm the Government. This is a significant departure but it is due to the consequences of this legislation for the independence of our Judiciary. This legislation could politicise the selection process in a greater way. We do not know how the unknown laypersons will be selected and what will be their agenda. What is proposed creates a vacuum and too much uncertainty for those who wish to be appointed as judges because there will no ranking criteria or statutory process to guide the Government and to construct greater barriers to prevent the Government over politicising the judicial appointments process.

The programme for Government states, “The new structure will include a transparent, fair and credible process”. The statutory framework fails to achieve that aim. The programme for Government also states, “We will reduce the number of suitable candidates proposed by the judicial appointments commission for each vacancy to the lowest number advised as constitutionally and legally permissible”. The Minister has failed to provide credible criteria for appointment in the statutory framework or a ranking profile, which would sideline the political process. That would not be transparent, fair or credible for those seeking appointment to the Judiciary.

The Minister needs to spend significant time gutting this legislation to remove many of its negative aspects. The Government needs to work collectively to ensure it removes the duplicitous, two-faced approach whereby text messages are being sent to backbenchers to encourage them to undermine the Bill at the same time as they are publicly supportive of it. No Member should have his or her unilateral agenda provided for in this legislation. We in Fianna Fáil will

stop that occurring. We will stop the Government from trying to appease one member of the Executive and from railroading his agenda through this House. It is important we uphold a credible, fair and transparent process that delivers the criteria impartially and delivers a process that can last a length of time.

I urge Sinn Féin to stop this happening. This is happening with the support of Sinn Féin and the Government is relying on Sinn Féin for support, something that has been ignored in the political debate over recent hours and days. Sinn Féin is facilitating this Bill. It criticised Fianna Fáil and criticised Tweedledum and Tweedledee. Today, Sinn Féin is Tweedledee. It is allowing a flawed process to progress through this House. The Government should examine the Bill further. As members of the Committee on Justice and Equality, we will not allow the Government to railroad this through the Dáil.

Acting Chairman (Deputy Eugene Murphy): I remind Members that the relationship between the Oireachtas and the courts is a matter of significant constitutional importance and Members should accord respect to the Judiciary and the important role its members perform. I call Deputy O'Dowd.

Deputy Fergus O'Dowd: This is very important legislation which concerns the quality of our justice system. It is not just about the appointment of judges. It is about how people are treated in our legal system, how they end up in court and what happens to them. It is very important when one goes through that process, whether it be as the result of a civil action or a criminal action, that it is fair and transparent, and that anyone who is before a court is treated fairly and properly and judged by one of his or her peers.

The controversy is very narrowly put by my colleague opposite. He puts a very narrowly based argument which does not address the equality of justice, the equality of our society and the equality of treatment of people. Of two people born today, if one of them is born in Castleknock, that person is more likely to be a judge than someone born in another part of Dublin city. The fact is where one is lucky or unlucky enough to be born determines a lot of what happens to a person. There are certain parts of Dublin city where a person is more likely to be a judge, a middle class lawyer, a teacher or a Deputy, and there are other parts of the city where a person is more likely to die younger, end up in jail or be poorly educated. They are called disadvantaged areas. Our modern society, particularly our Government, must be about equalising opportunity for everyone regardless of where he or she is born or his or her background, in order that everyone reaches his or her full potential.

The question is how we make it a fairer society. The question is how we make that judge a better person. The question is how we make sure all the Judiciary meet the requirement of understanding the lives of ordinary people, of understanding poverty, exclusion, poor education, poor health and the forces that drive people into crime. We all know what they are. It begins with a P - poverty - and with lack of access. As a teacher in the past, I have met very bright and capable people who came to our school but who did not end up on the right side of the law because they never got a chance along the way. We need a society that looks after everyone equally and fairly. If someone breaks the law, then that person pays the penalty, but before he or she comes to that process, or as that person goes through that process, there must be understanding and a commitment to equality and fairness. The Minister of State, Deputy Stanton, is committed to equality and fairness in our society. He is the person who brought in recognition of Travellers as a different ethnic group. To take the number of Travellers in our society as an example, I would ask whether there are a disproportionate number of Travellers in our jails. I

think the answer is a definite “Yes” to that. Is there a judge who comes from a Traveller background? I do not know the answer to that, but perhaps it is time there was one, if there is not.

This process the Deputy opposite finds so flawed should address all these inequalities. Obviously, someone must be the chairperson and must have specialist knowledge. However, to imply that such a person is going in for no good reason whatsoever or that he or she will not have or could not have the good of all of society in his or her heart, does not make sense at all. The Deputy’s argument is flat and fallacious. In fact, it is rubbish. It is a waste of time talking about the future of society in that way.

The question is how we make sure the Judiciary represents society through the way in which people are brought in to be judges. How do we do that? We do it by making sure, at the very first stage, that every single child in this country has equality of access to health, a decent home, which they do not have in this society, a decent background and supports, if they happen to come from unemployed families or poor families. We need to discriminate positively in favour of those who come from the most disadvantaged part of our society. That is not to be soft on crime or soft on anyone who breaks the law. It is to make sure that those who are most likely to end up before the honourable justice will have the best chance not to be there and also have the best chance to become that judge or that lawyer.

When people go into the court, what do they see? They see someone sitting there with a wig and a gown. If someone is representing them, they cannot tell if that person has hair because he or she has a wig and is dressed in funny clothes. It is alien from society and alien from ordinary life. In the Circuit Court, the Central Criminal Court and the High Court in particular, people meet all these guys who speak with posh accents - nothing wrong with that, but most of them do - and who come from privileged backgrounds. How does an ordinary person get represented in that system? They get represented if we have equality of opportunity, if we pick out the brightest and the best and if we encourage people as they come through our schools. As they come up from primary school, the best and the brightest should be identified and we should make sure they get the opportunity to develop. I know our society is much fairer than it was when I was young but it still has significant difficulties and disadvantage.

I would have thought that if someone wants to be a lawyer or a judge, there ought to be a special track for him or her to follow. I understand that in other countries, in particular France, and the Minister of State can correct me if I am wrong, one may opt to go into a career as a judge or in the area of what I understand is called jurisprudence. That point is that if I want to be a judge, I should be able to opt in to a special university course and I ought to be put through a course on understanding our society and understanding all the issues I have raised, for example, why people end up in jail and why they break the law in the first place. There should be an important emphasis on understanding and meeting the needs of society. Ultimately, if someone does become a judge, he or she will have gone on a specific training course. This applies to the point made by the Fianna Fáil Deputy about the person with knowledge who is going to make that decision. A person decides to be a judge and then follows a track that brings him or her on that course in order that he or she is skilled, knowledgeable, well educated and has wide experience before he or she sits behind any Bench or judges any human in front of a court.

That is what I would like to see in the passage of this legislation. I would like to see at the core of our judicial appointments process a recognition of equality, transparency, accountability, fairness, equal access and real justice, which is what people want in this country. That is what this Bill has in its heart. It has change. Obviously, it is resisted by some people, eminent

though they may be. However, the fact is that the more holistic the approach and the more skills and knowledge one brings into that final decision-making process, the better. We pick people of eminence, knowledge and influence in these areas. To me, that makes the most sense and is the only way to go. Some people have criticised this Bill for its inclusiveness. It is inclusive legislation. It is bringing more people into the process and bringing in new skills, new knowledge and a new way of doing business. I understand the Minister for Justice and Equality made it very clear that the President of the District Court, the President of the Circuit Court and the Chief Justice of the Supreme Court will be in position in the context of these judicial appointments as and when they are being made.

There are many positive things in the legislation before us.

Many good things could happen but we have to make them happen. We must ensure this legislation is properly proofed. I welcome the statement from those on the other benches to the effect that they do not want it rushed through next week and that they do not want
12 o'clock Committee State rushed through. That is fine; I do not disagree with them. We should consult more on legislation. When the Minister of State, Deputy Stanton, was Chairman of the justice committee, he often consulted different groups about the legislation that was coming before it. I do not know if that has been done with this legislation yet. If it has not, it should be. Ideally, we should identify the type of people, as opposed to the names of individuals, we want in this process.

I once had the temerity to take a couple of builders to the High Court because they had demolished a listed building in the middle of the night. I brought them to the High Court. It was some experience and we won our case. They knocked down the building and we made them build the damn thing up by handmade bricks. The building stands today and represents the integrity of our historic buildings and the determination which I and other people had to make sure it happened. The funny thing was that we had to go through six High Court judges. Some people opposite might have been before a few in the past, but I was before six. Imagine that. The problem when one goes to a law court is that one must win every time. We had to win six times before the different judges.

An Ceann Comhairle: I ask the Deputy to propose the adjournment of the debate because we have reached 12 o'clock and it is now time for Leaders' Questions.

Deputy Fergus O'Dowd: I was told to keep going for 20 minutes. I propose the adjournment.

Deputy Billy Kelleher: The Deputy is filibustering again.

Deputy Timmy Dooley: The Deputy is a hostile witness.

Deputy Fergus O'Dowd: I will continue with my story in the second half. I hope all Members will be present to listen to me.

An Ceann Comhairle: We will wait for the Taoiseach.

Deputy Billy Kelleher: He was late for Donald Trump and he is late for the Dáil.

Deputy Michael Healy-Rae: We will have to buy him a watch.

An Ceann Comhairle: The adjournment is agreed.

28 June 2017

The Taoiseach: I am sorry to leave the House on hold.

Deputy Michael Healy-Rae: I thank the Taoiseach for coming.

Debate adjourned.

Leaders' Questions

Deputy Micheál Martin: Recently, I met the Wives & Partners of the Defence Forces, WPDF, which was created to give a voice to the men and women of our Defence Forces. Their story is a harrowing one which should be deeply worrying to every Member of the House. Those I met provided me with a compilation of testimonies from wives of personnel in our Army, Naval Service and Air Corps. They are heart-rending. A common theme throughout the testimonies is the inability to make ends meet on a daily basis. One of the testimonies said:

We have no future. We will never own our own house, we will never be able to afford a holiday...to send our children to college. These used to be priorities for us but now all we want is to be able to put food on our kitchen table every night.

There are daily worries right throughout the testimonies about how they will feed their families because "our money is not good enough." Unable to pay electricity and utility bills, some are dependent on moneylenders. Some are worrying about the winter:

I really hope something comes out of this and we as a group can make some changes. It's needed. I don't know how I'm going to cope if it keeps on like this. The constant fear is scary.

Others rely on their parents to bail them out. As I have said, all are filled with anxiety. As one person said, "The Defence Forces has put my family on the breadline and have robbed me of my health and my sanity." Many of these are military families with a proud tradition of service in our Defence Forces and to the nation. They say they have genuine fears about their inability to provide. Every day I hear stories of military families on the bread-line with massive debts and loan sharks at the door. Their pride is ebbing and morale is at an all-time low.

I want to ask the Taoiseach a number of basic questions. Does he accept that morale is at an all-time low in our Defence Forces, that their families are struggling daily to make ends meet and that the State is not treating our Defence Forces personnel with respect and dignity? There are very serious recruitment and retention issues. In this modern era, is it not about time that the Permanent Defence Forces Representative Association, PDFORRA, and the Representative Association of Commissioned Officers, RACO, would have negotiating rights and access to the industrial relations machinery of the State, just as is the case with An Garda Síochána.

The Taoiseach: I have immense respect for our Defence Forces and for the work they do daily throughout the country. I am particularly proud of the roles they played in the commemorations in 2016 for the centenary celebrations and that they will continue to play over the next ten years. All of us in the House are proud of the important role they play overseas, whether in peacekeeping missions in Lebanon and around the world or the really important search-and-rescue role our Naval Service has played in the Mediterranean in recent times. All public servants have had their pay reduced in the past couple of years, starting when Deputy Micheál Martin's party was in office and continuing under mine. We are now in the process of pay restoration.

Pay restoration for public servants, including members of the Defence Forces, began a number of years ago and, subject to the ratification of the Lansdowne Road continuation agreement, which was made only a few weeks ago, it will continue into next year. Salaries are increasing across the Defence Forces and will continue to do so should that deal be ratified. In addition, in recent years we have been reducing the universal social charge which is the other way of improving the take home pay, not just of people who serve in our Defence Forces but people across the economy who pay the universal social charge, USC.

Recruitment to the Defence Forces resumed quite some time ago. It had been stalled previously and has resumed for the Defence Forces. When we advertise for new recruits to the Defence Forces, the number of people applying very considerably exceeds the number of places available. That is very encouraging because it suggests there are lots of people who want to become members of our Defence Forces, notwithstanding the terms and conditions currently in place. I acknowledge that there are some very specialised areas in which there is a particular problem with recruitment but recruiting at entry levels has not been a problem in recent years. In terms of representation, I understand there is a process under way to give RACO and PD-FORRA greater access to industrial relations machinery but no decision has been made on that yet.

Deputy Micheál Martin: I do not get any sense from the Taoiseach's reply that he gets it or that he understands the depth to which morale has plummeted in our Defence Forces. I asked the Taoiseach the very basic question if he accepts there are many families struggling to make ends meet on a daily basis and that morale is on the floor. He did not address that particular issue. We all talk about how proud we are and I am proud. These are people who get up very early in the morning on a constant basis on behalf of the nation and who serve with distinction overseas, as the Taoiseach has said. It is meaningless for us to articulate that we are proud of that if we do not have any sense of the hardship and misery that many families are going through in their daily lives. Something has to change beyond the norm. We talk about the Mediterranean and how great it was on "The Late Late Show" and so on but what happened? It took two years to negotiate the €15-a-day allowance. I am told by the spouses that the €13-a-week extra in the public service agreement of recent times has not been paid yet. The allowance for 24-hour duties when they come back from overseas, which is €20 a day, is also an issue. Much can be done.

An Ceann Comhairle: I thank the Deputy. His time is up.

Deputy Micheál Martin: It can only happen if there is a sense of the real crisis within the forces. I asked the Taoiseach about representation. It would be an important step forward if members of the Defence Forces had negotiating rights, like everyone else has in the modern era. Will the Taoiseach clarify whether the Government is intent on providing for these rights?

On the bigger picture, I put it to the Taoiseach that an overarching commission is needed to examine the future role of the Defence Forces and provide a pathway to restore to them quality of life and dignity and pride in what they do not only in terms of pay and conditions, but also in respect of the overall environment and quality of life they experience as members of the Defence Forces.

The Taoiseach: I absolutely accept that very many families not just in the Defence Forces, but across the country, are finding it very hard to make ends meet. I refer in particular to families that have additional costs, whether they are mortgage, rent and child care costs or loans to

be repaid. It is absolutely the case that very many families of members of the Defence Forces and well beyond are struggling to make ends meet. The question is what the Government is doing about it. First, wages are rising again and pay restoration is occurring in the public service. It has started already and will continue into next year at a faster pace than had been previously planned if the agreement we have reached with the trade unions is ratified, as I am confident it will be. We reduced personal taxation and the universal social charge last year and will continue to do so, hopefully with the support of the Fianna Fáil, in the next budget and the years ahead. We are also trying to reduce the cost of living for families, for example, by introducing the affordable child care scheme and much better child care subsidies for families who need child care. We introduced rent controls in areas where rents are high - the rent pressure zones - to contain the cost of rent. We reduced medical costs, for example, the prescription fee for elderly people, and provided free general practitioner care for all children under six years. The Defence Forces have a much better arrangement than that when it comes to free medical care but this is an important change for many families. There are also provisions funded out of my former Department, for example, the family income supplement which ensures that anyone who works more than 19 hours per week and has a family is not in poverty because he or she can apply for the family income supplement. Second, we announced only last week a 25% increase in the back to school clothing and footwear allowance which will benefit more than 250,000 children in low income families.

Deputy Micheál Martin: What is the position regarding negotiating rights for members of the Defence Forces?

The Taoiseach: No decision has been made on that.

Deputy Mary Lou McDonald: I raise with the Taoiseach the latest debacle surrounding bin charges. Yesterday, the Cabinet agreed a scheme that will bring to an end the flat rate charge and introduce a system that will undoubtedly result in householders paying much more in waste collection charges. This move is a telling demonstration of the political gimmick that is new politics, which is nothing but the same old story.

The new model announced by the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, allows private operators the scope to set exorbitant charges for waste collection. It will allow them to charge whatever they like for what is an essential service. Given that this change will not even come before the Dáil, we truly have arrived at destination privatisation. Many households will not be able to afford these charges. The charging regime takes no account of income or ability to pay. Families know they will face additional charges. The families to whom the Taoiseach referred who are struggling to make ends meet will discover in due course how much more they will have to pay. Citizens struggling with the cost of living crises in mortgages, rents, child care, water charges, the property tax and car insurance will be hit once again.

The new charging model will also impact on small businesses and the farming community, with the prospect of illegal dumping rising across the State. Nowhere within the new model has the Government provided meaningful alleviation measures for the most vulnerable, including those with medical conditions, large families and low-income households. The token gesture of a €75 annual grant for those with lifelong or long-term medical incontinence is absolutely pathetic and does not even amount to €1.50 per week. Is the Taoiseach for real?

The Government is opening the gates for private operators to make massive profits without

protecting citizens, consumers or families. It is doing this in the most cynical manner possible. It is ramming this charge through at the 11th hour of the Dáil session in the hope of minimising political opposition. When officials from the Department of Communications, Climate Action and Environment met my colleague, Deputy Brian Stanley, yesterday they did not mention this scheme, yet it was announced 90 minutes later. I understand the same officials met the Government's friends in Fianna Fáil last week on the issue of waste. I wonder if they informed Fianna Fáil of this new scheme in advance. I notice this morning there has not been a peep on this topic from the soldiers of destiny.

Deputy Micheál Martin: Sinn Féin must not listen to "Today with Seán O'Rourke".

Deputy Mary Lou McDonald: Will the Taoiseach wash his hands and walk away from this mess? What will he do for people who cannot afford these additional charges and have been left to the whim of private operators?

The Taoiseach: There is nothing being rushed through at the 11th hour and there is nothing here that should come as much of a surprise. This has been coming for more than a year when a decision was made to enter into an agreement voluntarily with the 67 waste collection providers to suspend charges for a period. What this is essentially about is the environment and the need to reduce waste and encourage recycling, composting and reuse. As we all know, the State is running out of landfill capacity and the amount of rubbish going to landfill continues to rise. The Minister had to invoke emergency measures last year because of the problems we face with landfill capacity. What we have to do is reduce waste and encourage recycling, composting and reuse. The best way to do this is not to have a system of flat rates where one pays the same amount regardless of how much one throws away. That system will end and the all-in flat rate charging for household waste will start to be phased out, not immediately but as customers' contracts expire or when new contracts are entered into.

The framework will give waste collectors flexibility to offer or introduce a range of incentivised pricing options that encourage householders to reduce or separate their waste, while choosing the service price offering that best suits their circumstances and allows them to manage their costs. There will be many different options, including combinations of standing charges, per lift and per kilogram charges, weight bands and weight allowances. Approximately half of households are already on these types of offerings, which means people in at least half the country should be familiar with this system because it has been operating in their areas for some time.

It is the case that some people will face a rise in bills. This will often be where private providers are providing a service below cost. As the Deputy knows, providing a service below cost is not sustainable. Even if responsibility for waste collection were returned to local authorities, they would not be able to provide a service below cost and, in fact, the increase would be potentially even higher in such circumstances given the associated costs.

This measure makes sense for all the obvious environmental reasons. If people pay a flat fee, they do not have any incentive to reduce the amount of rubbish they throw away, produce, recycle, compost or reuse. It is increasingly important that we put the environment first when it comes to these issues.

Deputy Mary Lou McDonald: I should probably thank the Taoiseach for his open and shut commitment to market forces and unapologetic presentation of the privatised model. I am as-

tonished by his absolute lack of empathy or understanding for many citizens who, having heard this news, are now panicked and fearful of the charges they will face. The Taoiseach seems to live in another place where inability to pay does not even come onto his radar. This new scheme is designed purely and simply to suit the operators. The option as to what type of scheme will be used falls to the operator rather than the household or consumer.

The Taoiseach openly stated he will do nothing to mitigate the costs for people who cannot afford to pay or to support low-income households and households with large numbers of young children. He seems to be happy to wash his hands and walk away from that. I put it to him again that this is the wrong approach to take. I regard it as disgraceful that he would be so indifferent to the experiences of so many people and families. Having set out from his point of view the strengths of this system, will the Taoiseach tell me and our citizens what the Government will do to support and protect low-income families and large families that are fearful of yet another bill?

The Taoiseach: First, and as I have mentioned, roughly 50% of households in the State already pay for their waste collection by systems such as this, so I do not think that people should be panicked and fearful. I am sure that if people are panicked and fearful, Sinn Féin will not try to exploit that panic and fear.

Deputy Dessie Ellis: The Government has done a good job of that itself. None of us needs to.

The Taoiseach: What Sinn Féin will do will be the responsible thing and give people proper information-----

Deputy Mary Lou McDonald: I will put them on to the Taoiseach's office.

The Taoiseach: -----and not try to exploit their-----

Deputy Mary Lou McDonald: I will send them up to Blanchardstown. It is only a stone's throw from Cabra.

An Ceann Comhairle: Deputies, the Taoiseach has been asked a question. Can we let him answer?

Deputy Mary Lou McDonald: I am just obliging him. I will direct people to Blanchardstown.

Deputy Billy Kelleher: Sinn Féin is good at throwing stones all right.

An Ceann Comhairle: Can we let him answer, please?

Deputy Timmy Dooley: There was a time when one would be worried about something else being thrown by Sinn Féin.

The Taoiseach: As I said, I am confident that Sinn Féin and no other politicians in the House will try to exploit panic or fear. They will of course do the right thing and give people accurate information, reassure them and explain to them why this system is being introduced nationwide. It already applies in roughly half the country.

In terms of mitigation, the Minister for Communications, Climate Action and Environment, Deputy Naughten, has announced already that there will be an annual support of €75 paid to

people with lifetime or long-term medical conditions that cause them to have to produce additional waste, particularly when it comes to incontinence sheets and pads and so on. He has already announced that that has been put in place.

There is also going to be an additional fund for local authorities to crack down on illegal dumping, which is something that causes enormous and understandable concern for many different communities. Separate to that, there is going to be an education and information campaign and officers throughout the country to explain to people-----

Deputy Dessie Ellis: Some people will-----

The Taoiseach: -----and assist them in doing what they need to do to reduce their bills, which are those obvious things to reduce the amount of waste that people produce, such as recycling as much as they can and reusing compost. In addition to that, there is going to be a requirement that all waste collectors introduce organic brown bins to all communities nationwide with a population of more than 500 people, thus allowing more and more households to divert waste away from landfill and into compost.

Deputy Maureen O’Sullivan: Is í seo an chéad deis a bhí agam comhghairdeas a dhéanamh leis an Taoiseach. I wish the Taoiseach well in his work.

We are entering pre-budget mode and we know that Departments and Ministers are examining figures. We have had a number of pre-budget submissions and attended pre-budget presentations. The national economic dialogue is on today. Listening to the various figures being bandied about, I was struck by a headline about the Government being in a “budgetary straitjacket”. There will be many justifiable demands on whatever is available and decisions will have to be made. I hope those decisions will be to make the greatest difference possible, especially as regards inequality in society.

One group of people who experience inequality in a more acute way than anyone else are people with disabilities. I acknowledge what the Taoiseach, the Minister for Health, Deputy Harris, and the Minister of State, Deputy Finian McGrath, did recently to get people with disabilities into employment via the Making Work Pay for People with Disabilities report, but many of its recommendations are still to be implemented. People with disabilities tell us that they and us are a long way from the kind of society in which they would like to live. The facts speak for themselves. A February survey of income and living conditions showed some improvement in overall general poverty rates, but they are worsening for people with disabilities. Such people are at almost twice the risk of living in poverty as the general population. Half of all people with disabilities have extra costs, which have been estimated at €207 per week for some. They are also facing housing problems, with fewer wheelchair accessible houses being built. Households headed by people with disabilities are twice as likely to experience unemployment as other households. In terms of consistent poverty levels, people with disabilities suffer more than those without disabilities. We know of poorer education outcomes for people with disabilities. Many people with disabilities are dependent on social welfare as their only source of income. None of this is to mention the various cuts they have suffered in recent budgets. It is an unequal world for people with disabilities.

Instead of giving a little to many that might not make an appreciable difference in their lives, there is an opportunity in budget 2018 to make a real difference in the lives of those with disabilities and a concerted effort to address the poverty and exclusion experienced by many such

people and their families.

The Taoiseach: Gabhaim buíochas leis an Teachta. Gabhaim buíochas freisin leis an Teachta as an gceist. I thank her very much for acknowledging that the recent statistics from 2015 do show that consistent poverty is down and that income inequality is narrowing, albeit still much worse than where we were before the crisis. It is going in the right direction. I note that the Deputy acknowledged it because I think that people often do not acknowledge that.

The Deputy is absolutely right to say that people with disabilities suffer enormous disadvantage and enormous inequalities in our society, and we have very much more to do to improve living conditions and opportunities for them. In the previous budget, the budget for 2017, there was a considerable increase in funding for disability services. If I remember off the top of my head, I think it was in the region of €60 million. I am sure that we will find room for a further increase in funding for disability services for next year, not least in the area of respite, which I think is very important in giving people a break, and carers in particular. We also had in the social welfare package from March the first increase in weekly payments paid to people with disabilities and their carers in eight or nine years. I am not sure if that is going to be possible again next year, but I hope that it will be.

As the Deputy mentioned, under our Making Work Pay for People with Disabilities report, a number of measures were introduced to assist people with disabilities to re-enter the workforce or enter the workforce. For example, as Minister for Social Protection, I extended the free travel pass for five years to anyone who was on disability allowance and took up work. The Minister for Health, Deputy Harris, is working on changes to the medical card thresholds to ensure people on disability allowance and similar payments, if they take up work, do not lose their medical cards. That is an enormous fear people with disabilities have, that if they earn a bit more money, it will be wiped out by the fact they will lose their medical cards. We would hope to have that legislation through this year, which will encourage more people to take up work if they can.

We have also set the target in Departments and public agencies to provide 6% of all jobs to people with disabilities because people who have disabilities, particularly those with severe disabilities like blindness, find it very hard to get through interview processes. One thing that we discussed at Cabinet just this week and agreed to fast-track was a dedicated entry stream for people with disabilities into employment in Departments and Government agencies in order that they could increase their opportunities to enter employment.

In addition to that, my previous Department, the Department of Social Protection, is going to run an information campaign in the coming months informing people with disabilities of the opportunities and entitlements now available to them and the fact they can take a trial of work knowing that their disability allowance will be restored if the trial of work does not work out. Many people with disabilities fear that if they take up employment and it does not work out, they will have a difficulty getting back on welfare. We are going to give them an assurance that that is not the case.

Deputy Maureen O'Sullivan: We are discussing some 600,000 people, approximately 13% of the population. Yesterday, there was a meeting in the audiovisual room on disability being one of the sustainable development goals. A call was made for our aid to be disability inclusive.

There is a glaring omission, that is, Ireland has still not signed the UN Convention on the Rights of Persons with Disabilities. We are the only country in the EU that has not signed it. There was a roadmap to ratification, but that has turned into a very long road. Ratification would be an indication of how important this issue is to the Government. Even a slight tweaking of corporation tax would provide all the resources necessary in order that people with disabilities could participate and contribute fully and equally in society. That also means protecting the services that allow for independent living. Will we see ratification by 3 December, which is the international day of persons with disabilities?

The Taoiseach: I should add to the actions that I mentioned earlier the fact that children in receipt of the domiciliary care allowance are now automatically entitled to a medical card. Ten thousand children who did not receive a medical card previously now have it as an automatic right. I pay tribute to the work of the Minister, Deputy Harris, and Minister of State, Deputy Finian McGrath, in this regard. Thirty thousand young people with disabilities under the age of 16 years in receipt of domiciliary care allowance, DCA, are no longer subject to any review between receiving DCA and reaching the age of 16. That is some real progress with regard to the supports the State offers people with disabilities.

Regarding the convention, I share the Deputy's frustration that it is taking so long to ratify it. We have a different approach from other countries. That convention, for example, has been ratified by Romania and Italy. I do not think anyone would argue that people with disabilities are less disadvantaged in Romania or Italy than they are in Ireland. The approach other countries follow, however, is to ratify first and implement later whereas we like to implement all the legal provisions first and then ratify, which is a much more meaningful approach. We are considering making an exception on this occasion for this particular convention because it is taking so long to ratify it. We will have a meeting quite soon, which will involve the key Ministers and the Attorney General, to see if we can adopt a different approach because we absolutely want to have the convention ratified by 3 December, as the Deputy has said.

Deputy Michael Healy-Rae: I wish to raise the issue of Lyme disease and to highlight an example of where we have really failed in Ireland - the case of Anthony Morris in County Kerry. The Rural Independent Group met Mr. Morris last week, as well as Dr. Joseph G. Jemsek, who is an infectious disease specialist in America and who has worked with Mr. Morris in trying to create awareness around this issue.

As the Taoiseach knows, Lyme disease is spread through the bite of a black-legged tick which is infected with the bacterium *Borrelia burgdorferi*. It is a horrible, debilitating disease which, if left undiagnosed and untreated, can snowball out of control. We are very much lacking in six specific areas in Ireland. The first is a lack of proper recognition. The second is a belief that people cannot get Lyme disease here. The third is the Irish blood test. The blood test available here is called the enzyme-linked immunosorbent assay, ELISA. It tests the blood for antibodies created by the immune system to fight the bacteria which causes Lyme disease. The problem is that, in many cases, the disease affects the immune system in a way which does not cause antibodies to be made. If a person reacts negatively to the ELISA test it does not mean that he or she does not have Lyme disease. It means he or she has no antibodies to fight it. There are varying percentages of accuracy with the ELISA test, all of which are low. Ironically, those worst affected by Lyme disease will most likely have no antibodies to fight it, hence they become so unwell. These people will test negatively on the ELISA test.

The fourth area in which we are lacking is that the number of reported cases per year is

vastly lower than the reality. This is because the person must first test positive on the ELISA test and then his or her doctor must report it. Therefore there is a huge gap between reported cases and the actual number. The fifth area in which we are lacking is that those with Lyme disease fall through the cracks. Many are not well enough to be students or to continue working. Lyme disease is not properly recognised, therefore they are not entitled to any help from the State or even a medical card. They fall through the cracks.

The sixth and final area is the most important. There is a lack of training and knowledge among medical professionals. I will give the Taoiseach some examples of this which relate to the case of Anthony Morris from Kerry. He has had chronic Lyme disease for the last ten years. He has been a shadow of his former self. He was once a very active man and a tough former Kerry football captain. He is now weak, in constant pain and has neurological symptoms. For the last ten years, his partner has been pulling him out of bed and helping him to walk. He is in constant pain and bone-tired with fatigue. Mr. Morris has not had a proper night's sleep in ten years. Being sick for so long is tough but what compounds the misery is years of mixed diagnoses, going from doctor to doctor and specialist to specialist, having test after test, being told he has ME, or that it is psychological or that he is perhaps depressed and that it is all in his head. He has been told to get more air, to get more exercise and to take antidepressants and has been told that will sort him out. One infectious disease specialist said that he could not be that sick and that he should shake himself off and get back to work.

For years Mr. Morris tried to convince the UK and Irish medical professions that he needed to be tested for Lyme disease and that the UK and Irish tests might not give accurate results. Mr. Morris paid to have his blood tested privately by a specialist laboratory in Germany. Guess what? That German laboratory proved that he had chronic Lyme disease.

The Taoiseach: The Deputy is quite right to say that people can get Lyme disease in Ireland. Indeed people can get tick bites in our national parks and contract Lyme disease as a result. There is now a Lyme disease awareness week. That started in 2013 and is led by the Health Protection Surveillance Centre. That is designed to draw public and media attention to Lyme disease, how to prevent infection, how to recognise it and how to be treated. The most recent Lyme disease awareness week happened in May.

Chronic Lyme disease, as opposed to Lyme disease, is a controversial diagnosis. There is a lot of dispute among the medical profession in respect of it. Lyme disease is diagnosed by medical history and physical examination and the infection is confirmed by blood tests which look for antibodies produced in an infected person's body in response to an infection. The testing involves a two-stage process which uses ELISA as an initial screening step. Screening enzyme immunoassays, EIAs, can give false positive reactions in the presence of other viral infections, so the second stage involves an immunoblot test, the western blot, which greatly increases specificity. Using this two-stage approach we are given a greater degree of certainty about the diagnosis of Lyme disease.

All clinical laboratories in Ireland must undergo continuous quality assurance to ensure the quality of the diagnostics they provide is maintained at the highest international level. Some laboratories in Germany, the United States and elsewhere use other types of tests. These tests are not currently recommended by international groups, such as the Centers for Disease Control and Prevention, CDC, in the United States, on the basis that they are not sufficiently specific for Lyme disease and can give rise to over-diagnosis and false diagnosis. As the Deputy knows, Lyme disease can be treated very successfully using common antibiotics.

Deputy Michael Healy-Rae: I thank the Taoiseach very much. If the Irish blood test is accurate and the Irish medical system stand behind it 100%, is it okay for people who have tested positive on the German test to give blood to the Irish Blood Transfusion Service? That is an interesting question for the Minister for Health to think about. In the United States, the CDC, from which we get our guidance and which focuses on disease prevention and control, environmental health, health promotion and health education, grossly underestimated the original figures of people affected by Lyme disease. They now diagnose a minimum of 300,000 people with Lyme disease year on year. It is now so bad that these figures are expected to reach 1 million this year. Lyme disease is almost twice as common as breast cancer and six times more common than HIV and AIDS. Are we going to go down the same road of not acknowledging the severity and gravity of Lyme disease and the problem here in Ireland? What if the CDC is wrong and the German test is accurate?

Why has the National Parks and Wildlife Service not erected signage at all entrances to the national parks? Surely it has a duty of care to protect the members of the public who use them. Nearly all of our park rangers in one particular area, which I will not name, have Lyme disease at present. Nationally, up to 50% have contracted the disease. That is a shocking figure.

Finally, it is only right and proper to thank all the politicians who met, at the gates of Leinster House, sufferers of Lyme disease who came here over recent months. We met teenagers, 16 and 17 year olds, and their parents. They are at home in bed, riddled with pain. They are not able to go to school or to college. It is very wrong and I call on the Minister for Health and the Government to acknowledge Lyme disease and the enormity of what the future holds if we do not create awareness.

The Taoiseach: I assure the Deputy that the Government is advised by the Chief Medical Officer on issues such as this because none of us are medical experts. As even those of us who have degrees in medicine are not experts in all of these fields, we rely on the advice of the Chief Medical Officer when it comes to issues such as this. We absolutely acknowledge Lyme disease. That is why there was a Lyme disease awareness week only last month. It is important to say, however, that chronic Lyme disease is a controversial diagnosis. The test used by the laboratory in Germany is not widely recognised internationally and may give rise to some very sick people, who need a lot of help and medical intervention, receiving a false diagnosis of chronic Lyme disease. We have seen similar issues arise with people who are very sick but attribute the cause of their illness to the HPV vaccine, or with people who have autism who may attribute the cause of their real illness to a cause that has not been established such as, for example, the MMR vaccine. This is an area where we must be guided by the best scientific and medical advice.

Questions on Promised Legislation

An Ceann Comhairle: In moving on to questions on promised legislation, I implore Members to keep to one minute for one question.

Deputy Micheál Martin: With regard to the public service pay element of the programme for Government, the Taoiseach will no doubt be aware that employees of section 38 and 39 organisations, the organisations which provide a range of health and disability services and hospice care throughout the country, are still awaiting the most recent interim pay increases.

The Minister said yesterday in the Seanad that these people were not public servants. There is an extraordinary cop-out going on. I put it to the Taoiseach that he cannot get away with saying to these organisations that while we have these national pay agreements, they must find the money within their existing resources and that no additional allocation is made through the HSE to these bodies. Services will be cut as a result or there will be unnecessary industrial action. I am talking about a range of disability organisations throughout the country. The public would generally be shocked that people working in our hospices and disability organisations are now treated in a separate zone from public servants. It is wrong and the Government should change its tack on it.

The Taoiseach: The fundamental difference, of course, between people who work for section 38 bodies and section 39 bodies is that people who work for section 38 bodies are public servants. They are employees of something that is recognised as a public body, whereas people who work for section 39 organisations are not employees of the State, but employees of NGOs, charities, religious orders and sometimes even companies. Therefore, their terms and conditions differ from those who are public servants. For example, in the main, they do not have public service pensions, so they are not public servants.

Deputy Micheál Martin: Come on.

The Taoiseach: Those NGOs, charities and companies are funded by a block grant and it is up to that body to pay its staff and provide the services out of the total grant it is given. We certainly will not stand over any body - a charity or an NGO - that has had its budget increased, cutting back on services. If that happens they will be called out over it.

Deputy Micheál Martin: That is just a cop-out. It is not an honest response. Come on.

Deputy Mary Lou McDonald: In March 2015, six houses at Milford Manor, Newbridge, County Kildare, were destroyed by fire in less than an hour. A subsequent engineer's report commissioned by the residents detailed serious shortfalls in building and fire safety standards. In the aftermath, the then Minister, Deputy Kelly, announced that an independent review would be undertaken to support owners and residents living in developments where there is non-compliance with fire safety requirements.

Last week, the Minister for Housing, Planning, Community and Local Government, Deputy Eoghan Murphy, confirmed in reply to a parliamentary question from an Teachta Ó Broin that an independent fire safety expert has completed his review and that a report on the matter has been received by the Department. If this independent report is ready, why is the Department of Housing, Planning, Community and Local Government sitting on its content? In the aftermath of the tragic fire in Grenfell Tower, the public has a right to know if this State's building standards and fire compliance regime are up to scratch. When will this report be published?

The Taoiseach: The Minister, Deputy Eoghan Murphy, spoke about this on the radio this morning. I am not sure if the Deputy had a chance to listen to his comprehensive interview. He indicated that the report is now in the Office of the Attorney General because, obviously, the Attorney General has to review it and potentially redact it before it can be published. Therefore there is not date for publication at this stage. Certainly the Minister would like to publish it as soon as it is possible to do so.

Deputy Brendan Howlin: Yesterday, the Taoiseach told the House how a decision of the HSE was devoid of common sense and humanity. He also spoke about the commitment in

the programme for Government to greatly expand home care packages. Since March of this year, I have been raising the case of a constituent, Mr. Jonathan Leech. Mr. Leech had a fall in October 2016 and the HSE has acknowledged that since then he has been unable to carry out independent daily activities. He requires an intensive home care package to support him. The Centre for Independent Living has made clear that it is in a position to provide that. Those hours - 90 hours - have been approved by the HSE, but no funding is available. As a result Mr. Leech is stuck in the intensive care section of the National Rehabilitation Hospital. Obviously the economics of that makes no sense. My efforts to raise the case and bring it to a sensible solution, as in the case we discussed yesterday, have come to nought. I understand that the HSE has received letters from the Minister, Deputy Harris, and the Minister of State, Deputy Finian McGrath. My question is simple. Is it only through national media that these matters are resolved or will the Government address this case too?

The Taoiseach: I do not have any information on that individual case and I do not have access to individual patient information, nor should I really. If the Deputy wants to pass on details to me or the Minister, Deputy Harris, I will make the necessary inquiries.

Deputy Bríd Smith: This morning at the Dáil reform committee, I raised a question on the status of motions passed in this House. This time last year a motion on bin charges tabled by the Government and supported by Fianna Fáil was passed. At least five measures in that motion have not been implemented. However, today privatised waste collection companies, practically all of which are registered offshore so we have no idea what profits they make, are being given *carte blanche* to raise waste collection charges while none of the measures the Government proposed have been implemented. They include an intensive awareness campaign to promote pay by weight, to support users in order that they can identify the best charges and to publish due lists. None of that has happened and yet the Government is giving *carte blanche* to these companies.

This morning the Minister, Deputy Naughten, said that we had no control over them, by which he meant the bin cartel of waste management companies which consistently lobby the Government to leave them alone and let them do what they like. The people who will pay the most are the poorest and the most vulnerable.

An Ceann Comhairle: I thank the Deputy.

Deputy Bríd Smith: Will the Government ensure that a Government motion passed with the support of Fianna Fáil is actually implemented or does this House mean what it says?

Deputy John Curran: We raised this issue yesterday during questions to the Minister. The problem is that the Government has now distanced itself by stating that the industry will charge as it sees fit and that the Government is not playing an active part in that. That is a significant change on what has gone on over the previous 12 months when it entered an agreement. It was based on the actions of the previous Minister, which proposed a minimum charge per kilogram of waste. The industry was going to put up prices significantly and an agreement was put in place for a temporary price freeze. That is now gone and people have every right to be concerned about what is going to happen because it was visited on them this time last year. It is not sufficient to walk away and say that we are not in a position to interfere. The Government must take an active role to ensure any future price increases are manageable and modest and not the prices that were presented to us this time last year.

The Taoiseach: Motions are the opinions and views of the House, as voted by the House, but, obviously, are not legislation. There are 67 firms operating in this market, which is very competitive. The Deputies will be aware that some people in some parts of the country are having their bins collected at very low prices, paying an annual charge which may be below cost, which is not sustainable.

In the past many local authorities provided the services themselves. However, as a result of campaigns encouraging people not to pay waste collection charges, local authorities -----

Deputy Bríd Smith: Not true.

The Taoiseach: ---- exited that market.

Deputy Bríd Smith: The Government has always wanted to privatise it and opened the incinerator.

An Ceann Comhairle: Please, Deputy, let the Taoiseach respond.

Deputy Michael Creed: Deputy Bríd Smith and her colleagues drove local authorities out of bin collection.

The Taoiseach: In response to Deputy Curran, the Government is taking a number of measures, as I mentioned earlier. One of the mitigation measures being put in place is a €75 grant to people who have a long-term illness that necessitates them producing additional waste, particularly incontinence pads etc. There will be a public information campaign in place. Officers have already been appointed who will provide information on how people can reduce the amount of waste they produce by recycling, reusing and composting. All those things will help people to reduce their waste collection charges.

In addition all waste collectors will be required to phase in the brown bin in all communities with a population of more than 500 people. That will assist people enormously to reduce the amount of waste they produce and therefore reduce the cost.

Deputy Bríd Smith: The Taoiseach should go back and read the Government motion.

An Ceann Comhairle: Deputy, please-----

Deputy Michael Healy-Rae: Today's edition of *The Kerryman* has reported that parents of children attending St. Francis special school in Beaufort are appealing to the HSE to provide the school with five-day nursing services. Students with profound special needs are being forced to miss days each week at this school.

An Ceann Comhairle: That is not promised legislation.

Deputy Michael Healy-Rae: It is. I have checked it. It relates to the commitment in the programme for Government to people with special needs. The HSE is only providing St. Francis special school with general nursing hours on a three-day-a-week basis. Many of the school's students suffer with serious physical conditions that require full-time medical assistance, but general nursing hours are provided only on Mondays, Wednesdays and Fridays. It is leading to deep stress among parents who are fearful for their children's welfare in the event of a medical emergency.

The Taoiseach: I am sorry but I do not have any information on that particular school but I

will ask the Minister for Health to contact the Deputy directly.

Deputy Catherine Connolly: Maidir le Bille na dTeangacha Oifigiúla, chuireamar go léir fáilte chroíúil roimh an scéim ghinearálta agus dréacht chinn an Bhille. Céim dhearfach amach is amach is ea an chéim sin. Tá ceist shonrach agam, áfach. Cén uair a bheidh an Bille ag teacht os ár gcomhair? Tá práinn leis an reachtaíocht sin. Scála ama atá i gceist. An féidir a rá liom cén scála ama atá i gceist?

The Taoiseach: The drafters are currently working on the new Irish language Act but we do not at present have a date for publication.

Deputy Eugene Murphy: Déanaim comhghairdeas leis an Taoiseach. Tá súil agam go mbeidh sé ag obair go crua ar son daoine na tíre seo. I wish to refer to the clear commitment in the programme for Government to reopen six Garda stations. It is said that two out of three is not bad but one out of six is very poor. The Taoiseach should not get me wrong in terms of what I will say next. I love my capital city. I love Dublin and I have lots of friends here, but the one thing I want for my people in Roscommon is equality with Stepside. Therefore, I ask the Taoiseach to reopen the Garda station in Tarmonbarry, County Roscommon. It should never have been closed. The village is located on the River Shannon and it is on a national primary route. The area has had a significant population increase of 30% in the past 15 years. The Garda station should be reopened. When will that happen? It is included in the commitments as one of the six pilot Garda stations to be reopened.

The Taoiseach: The commitment was to open six Garda stations in urban and rural areas as part of a pilot scheme to see whether the reopening of the stations has an impact on crime levels in those areas. However, the Government is not going to make a decision on which ones are opened and which are not.

Deputy Eugene Murphy: What about Stepside?

The Taoiseach: That is an operational matter for the Garda authorities and the Commissioner.

Deputy Danny Healy-Rae: Much has been said about the provision of housing but there are blockages caused by the Department. In the context of grant aid for the elderly, the age was increased to 66 years when, previously, people in their 50s were considered eligible to apply. People are presenting now but there is no grant to cover them. If one is 50 years of age or over, it is unlikely that one will get a job if one is unemployed so the age criteria need to be reduced.

The improvement works in lieu grant is really a loan rather than a grant. That is not working because one of the stipulations is that in order to be considered for it, the walls of a house have to be built with cavity blocks. If one has a house with cavity walls, that is fine but the walls that need to be addressed are old stone walls. The grant must be expanded to allow people with old stone walls to qualify for the improvement works in lieu grant.

An Ceann Comhairle: That sounds like a Topical Issue. I call on the Taoiseach to reply.

Deputy Danny Healy-Rae: What happens to these people is that if they cannot get the schemes to work for them, they go on the council housing list and add to the numbers on it.

An Ceann Comhairle: The Deputy is correct.

The Taoiseach: I do not believe any legislation is promised in this area but I will mention the matter to the Minister for Housing, Planning and Local Government and ask him to contact the Deputy directly in respect of it.

Deputy Marc MacSharry: There is a reference on page 66 of the programme for Government to building further capacity in child and adolescent mental health services, CAMHS. On page 75 there is a reference to “Prioritising the Early Years” and on page 80 to “Giving Vulnerable Young People the Best Chance in Life”. I put it to the Taoiseach that so far the programme for Government has been an abject failure in the context of CAMHS. As a trained physician himself, what is the Taoiseach going to do to meet the very reasonable demands of the Enough is Enough national campaign? I speak on behalf of Deputy Scanlon and myself - I am sure Deputy Martin Kenny would agree - in saying that Sligo represents a case in point given that there are some 400 children on a waiting list, many for years, and that 87 of them are in serious need of help. Up to recently, they have only had the benefit of the goodwill of a retired psychiatrist who returned to give 20 hours in order to see the urgent cases. We gather that a locum has been put in place recently for a longer period. Will the Taoiseach take action in respect of this matter and, if necessary, use the €15 billion that still has not been touched in terms of the National Treatment Purchase Fund in order to look after those most vulnerable children in society? In raising this matter, it would be remiss of me not to acknowledge the presence in the Gallery of members of the Enough is Enough campaign from around the country, including Councillor Healy and others from the north west.

The Taoiseach: Currently, 68% of children referred to CAMHS are seen within 12 weeks and cases that are assessed by CAMHS professionals as being urgent are seen as a matter of priority over those that are assessed as being routine.

Deputy Marc MacSharry: With respect, perhaps that is the case in Castleknock but it is not the case in the north west.

An Ceann Comhairle: The Deputy should please not interrupt.

Deputy Marc MacSharry: We cannot hide behind statistics. The reality is that 400 children have been left waiting.

An Ceann Comhairle: Deputy MacSharry is taking up time that should be available to other Deputies.

The Taoiseach: If the question is a local issue and not one relating to promised legislation, I suggest-----

Deputy Marc MacSharry: It is a national issue. The people in Sligo are citizens of this country. It is not just a local issue.

An Ceann Comhairle: I thank the Taoiseach. Deputy MacSharry should please not interrupt.

The Taoiseach: If it is a national issue, I am happy to give the national answer. If, however, I am interrupted with a local issue, I do not see how I can answer that.

Deputy Marc MacSharry: The Taoiseach cannot stand the heat. He wanted the job; what is he going to do now that he has it?

Deputy Pat Buckley: I remind the House that not too long ago Fianna Fáil voted against the provision of €37.5 million in funding.

I wish to ask the Taoiseach about the commitment in the programme for Government to improve the uniformity, effectiveness and timelines of support services to families and communities bereaved by suicide. Last week, UNICEF published a damning international report on child well-being, which revealed that the teenage suicide rate in this State is the fourth highest in the EU and OECD region. It also found that we had an above-average international suicide rate of 10.3 per 100,000 of population in the 15 to 19 years age group between 2008 and 2013. It is also a fact that youth mental health staff numbers are at half the recommended HSE level. That is a shocking indictment of the failure of successive Governments to tackle suicide, especially among young people. Clearly, the Government is not meeting its programme for Government commitments. Will the Taoiseach now commit to the provision of fully-staffed and adequately-funded mental health services? Will the Government ensure there is a significant increase in mental health funding in budget 2018 when it is published during the recess?

The Taoiseach: The Government is very committed to improving the services that we provide to people with mental health difficulties, with a particular focus on reducing the number of people who very sadly take their lives. Since 2012, for example, the year after my party came to office, the budget for mental health was increased by €140 million. This year, funding for mental health will increase from €826 million to €853 million.

The recent UNICEF report shows that Ireland is fourth highest in terms of youth suicide, which is a matter of enormous concern to the Government, and to everyone in society. That is based on 2010 figures. It is important to point out that funding for suicide prevention has been increased substantially since then. In fact, it was more than doubled from €4 million when the party I lead came to office and currently stands at €11 million. Based on more recent figures from 2014, Ireland is now below the EU average for young suicides. Of course, we want to do much better than be below average - we want to be much better than that again.

Deputy Pat Buckley: There is a gap.

Deputy John Lahart: I congratulate the Taoiseach on his elevation to the office he currently holds. I wish him well in his new role. As he is aware, I introduced the Local Government Reform (Amendment) (Directly Elected Mayor of Dublin) Bill 2016 on behalf of my party last autumn and it met with much support in the House. Both Deputy Eamon Ryan and I agreed to park our two Bills at that time at the request of the Minister, Deputy Coveney, who committed to come back with solid proposals by the end of this month. Deputy Eamon Ryan raised the matter with the Taoiseach yesterday and the response, which was that no legislation is planned or on the books, is disappointing. What is even more disappointing is a comment the Taoiseach made on the issue. During the debate on the matter last year, we discussed the difficulty of having a super-mayor over the four Dublin local authorities. What he said contrasts greatly with the comments he made to the Dublin Chamber of Commerce in December 2016 when *I o'clock* he said, "Many of you will know that I am a passionate advocate for a single mayor and stronger local government for Dublin." That raises a number of issues. Will the Taoiseach commit to allowing Dublin people to decide for themselves by a vote in a plebiscite whether they want a mayor for their capital?

An Ceann Comhairle: The Deputy is over time.

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Deputy John Lahart: I am sure the Taoiseach will agree that it is the modern way.

The Taoiseach: I am very glad the Deputy read my speech to the Dublin Chamber of Commerce. I am disappointed he did not read it in full because-----

Deputy John Lahart: I did read it in full.

The Taoiseach: -----the model I proposed for Dublin was more like the London model, which is a single authority for Dublin City Council with a strong executive mayor, and below that a large number of borough councils similar to London representing areas that people associate with, such as Lucan, Blanchardstown, Malahide, Castleknock or Tallaght. With regard to the legislation I will ask the Minister of State, Deputy Phelan, to reply to the question.

Deputy Joan Burton: Just one year ago the Labour Party's Education (Admission to Schools) Bill was put into one year of cold storage by the Government because the Government did not want to address the issue of children who, if they have not been baptised, are frequently denied admission to their own local schools in favour of children from outside the area who may be of the appropriate religion. The Labour Party Bill goes on to Committee Stage today as the one year of cold storage is over. The Taoiseach puts himself forward as a modern and modernising Taoiseach. Is he really in favour of children not being able to go to local schools, including in areas of high demand, because the parents have not had their children baptised? He knows and I know from the area we both represent that some parents absolutely feel it is essential to baptise their children in order to secure a local school place.

An Ceann Comhairle: I thank the Deputy. She will allow us to discuss the issue.

Deputy Joan Burton: Does the Taoiseach propose to stand over this situation and to continue to allow his Government and its supporters-----

An Ceann Comhairle: I thank the Deputy.

Deputy Joan Burton: -----actually to refuse to make this essential change for a modern Ireland?

The Taoiseach: The Minister for Education and Skills, Deputy Richard Bruton, will be at the Committee Stage today and based on my-----

Deputy Joan Burton: The Minister, Deputy Bruton, is refusing to do anything about it.

An Ceann Comhairle: Will Deputy Burton please allow the Taoiseach to answer?

The Taoiseach: There is a real issue in the House where people do not want to hear the answer to a question, even interrupting in the first sentence of a reply. I can understand being interrupted after three or four sentences, but when one is interrupted halfway through the first sentence, it indicates that the Deputy who has asked the question does not want an answer. I shall give an answer. The Minister, Deputy Bruton, will be before the Select Committee on Education and Skills where he will indicate a policy on behalf of the Government that we should end the practice of children being denied entry to schools based on their religion. There will need to be safeguards put in place to protect the ethos of minority schools. He will outline today how we believe that can be done.

Deputy Joan Burton: Is a five-year transition period modern and new?

Deputy Joe Carey: I wish to ask the Taoiseach about the status of the commercial rates Bill. When does he believe it will be brought to the Chamber for discussion?

The Taoiseach: I thank Deputy Carey for raising this important issue. I know the impact of commercial rates on many towns and villages is very severe. It is creating huge difficulties for businesses, particularly in main streets. The heads of that Bill were cleared by the Cabinet in April and it is currently being drafted. We hope it will be published by the end of this calendar year.

An Ceann Comhairle: If the other Deputies are quick we will get through everyone.

Deputy John Brady: As the Taoiseach is aware, on 1 June the Oireachtas Joint Committee on Social Protection issued a report on the proposed changes for the restructuring of the Money Advice and Budgeting Service, MABS, and Citizens Information. This report was presented to the Taoiseach when he was the Minister for Social Protection, before it was actually published on 1 June. We are at the end of June and there has been no response from the Government on the serious changes and restructuring proposals that are totally opposed by MABS and Citizens Information. It is being rolled out by the Citizens Information Board but unfortunately there has been no input from the Government. I received a response today from the chairman of the Citizens Information Board which has said that it pays no heed whatsoever to the serious findings and recommendations in the report from the Oireachtas Joint Committee for Social Protection and that it is ploughing ahead with the restructuring and the regionalisation of the service. It is up to the Government, and the Government has the power. It seems the Citizens Information Board does not care. It is up to the Government now to use the powers under section 9 of the Citizens Information Act 2007 to stop the restructuring of the service which is going to drive it into the ground and destroy a very good and essential service that is working right across the State. What is the Taoiseach going to do? Is he going to act on the report that he has sat on for a number of weeks? What is he going to do and will he use the powers that he has?

The Taoiseach: There is no legislation promised on this matter and it does not feature in the programme for Government. The Attorney General has advised the Government that such a power does not exist.

Deputy John Brady: That is not true and the Taoiseach knows it. He has the power. It was used previously to stop the regionalisation of MABS.

Deputy Mattie McGrath: In 2016 alone the total amount of horses that were seized, reclaimed, re-homed or indeed euthanised in the State was an astonishing 1,741. There were 129 horses seized in Tipperary and 122 of them had to be put down. I have it from one constituent who works in animal rescue that they paid €1,000 to treat a horse after it was seized, and there are many cases such as this. The Department of Agriculture, Food and the Marine is now insisting that the horse be returned to the owner because he has produced the horse's passport. The issue of sulky racing and the abuse of animals and horses in Tipperary, and other areas, is appalling. Last Sunday the county was overrun with gangs. The gardaí were trying to keep up with them on roads that are unsafe-----

An Ceann Comhairle: To which promised legislation is the Deputy referring?

Deputy Mattie McGrath: The Horse and Greyhound Racing Act. This is a crazy situation of cruelty and the frightening intimidation of people. When animal rescuers are trying to do voluntary work they are not being supported. The Department will not stand up to these gangs.

Imagine insisting that a sick horse should be returned to the people who abused it.

An Ceann Comhairle: Will there be any amendments to the Horse and Greyhound Racing Act?

The Taoiseach: I am advised that there are no amendments proposed to that legislation.

Deputy Martin Kenny: I wish to ask the Taoiseach about the issue of respite services, especially in the north west. I know the Taoiseach has answered questions previously from Deputy MacSharry around Child and Adolescent Mental Health Services, CAMHS, which is a similar service, but there are issues with both of them. There are people in the Gallery who have met the Minister of State, Deputy Finian McGrath, about it. While we can quote summary statistics from across the country the reality is that in many areas families are not getting a service. We have people in Sligo and the north west who have not had respite for more than one year. Will the Taoiseach ensure that adequate provision is put in place? We need to see more resources put in to these blackspots. There are a couple of blackspots around the State, and Kerry is another area that has a problem in this regard. In Sligo, the Solis centre has been closed and put as residential care, where it was a purpose built respite service. Will the Taoiseach ensure it can be re-opened and that decision reversed?

Deputy Eamon Scanlon: With regard to respite services, in Sligo we had a state-of-the-art centre built at a cost of €1.35 million six years' ago and specifically built for that purpose. It has been closed and I understand it is going to be used for decongregation. This is very unfair to the service users who were using the centre. They now must travel a 320 km round trip to Carrickmacross in County Monaghan. It is absolutely outrageous for anybody who needs respite services in Sligo to be forced into that situation. It is wrong. I agree with Deputy Kenny that the centre in Sligo that was specifically built for respite should be re-opened again for the people of the north west.

The Taoiseach: In 2018 additional resources will be provided for respite care. It is of enormous importance that family carers in particular are able to take a break and avail of respite. Even though the carers' support grant has been fully restored, many people cannot avail of respite because of the difficulties in supplying it in many parts of the State. Obviously, if that funding is increased it will be a matter for the HSE, not me, to decide how to allocate it around the country. This is perhaps something that could be best directed to the Minister for Health, Deputy Harris.

An Ceann Comhairle: There are three Deputies offering. I shall call them together and then we will take the reply. I ask each to be brief.

Deputy Tom Neville: Page 41 of the programme for Government relates to the regional action plan for jobs. In my area of Limerick there is a job vacancy rate of 4.47 which equates to the similar rate in Dublin. This is very welcome with an unemployment rate down to 6%. In parts of the county, however, there are economic blackspots in particular sections. Does the Government have any proposals for trying to marry or transition this, to alleviate this vacancy and offset it against the economic blackspots? If not, will the Government consider such an approach?

Deputy Thomas P. Broughan: I want to ask the Taoiseach about two reports provided by the Tánaiste in her previous role as Minister for Justice and Equality. The first query is about the Garda investigation into-----

An Ceann Comhairle: The Deputy should raise one matter only.

Deputy Thomas P. Broughan: They are closely related. An Garda Síochána is supposed to be investigating the inflated figures relating to breath tests. Another Garda working party is looking at issues relating to summonses. When will those two reports be presented to the Dáil?

Deputy Billy Kelleher: I would like to ask about the potential amendment of the nursing home support scheme legislation to address the assessment of the assets of small businesses and family farms. It seems that forensic accountants could be brought in to assess the disparities in the cost of the provision of nursing home care across the State. The issue of overcharging in nursing homes, or services not being provided on foot of nursing home charges, has been identified by the Ombudsman. Will an overall review of the nursing home support scheme be carried out when the amending legislation is being introduced?

The Taoiseach: I agree with Deputy Neville that it is encouraging to see unemployment falling and the number of people at work increasing in all parts of the country. There are good numbers in respect of Limerick in particular. According to a CSO report that was published recently, there are a number of black spots of very high unemployment in various parts of the country, including some small areas of deep intergenerational disadvantage. The best way to tackle this is through a forthcoming Government initiative - the action plan for jobless households - which will identify a number of global measures that are to be introduced across the country to reduce the number of jobless households and give people greater opportunities to engage in work or education. Five pilot areas in various parts of the country will receive particular attention under this initiative. Deputy Neville might want to speak to the Minister, Deputy Regina Doherty, about the possibility of one of these pilot areas being in County Limerick.

I am advised that the Minister for Justice and Equality will speak to the Garda authority about the Garda murder statistics today. We will get a further statement at that point.

There is enormous variability in nursing home charges and costs across the country. There is a big gap between the costs in public nursing homes and the costs in private nursing homes. The costs differ in various parts of the country. There might be legitimate reasons for all of that. The needs of people in public nursing homes tend to be greater than the needs of people in private nursing homes. Of course, land and building costs are higher in the cities than they are in rural areas. It is important to figure out the reason for the differential and to assess whether it is legitimate. That work is currently under way.

An Ceann Comhairle: That concludes Questions on Promised Legislation. I remind Members that if they stuck to the allocated time and did not interrupt when questions are being answered, we would get everybody in.

Ministerial Rota for Parliamentary Questions: Motion

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): I move:

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

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Minister for Finance

Minister for Education and Skills

Minister for Defence

Minister for Justice and Equality

whereupon the sequence established by the Order of 6 May 2016 shall continue with Questions to the Minister for Housing, Planning, Community and Local Government.

Question put and agreed to.

Mortgage Arrears Resolution (Family Home) Bill 2017: First Stage

Deputy Michael McGrath: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the establishment of a Mortgage Resolution Office; to provide for a non-judicial Mortgage Resolution Order concerning mortgages over family homes; to provide for an independent appeals process against decisions of the Mortgage Resolution Office; and to provide for related matters.

I am pleased to introduce this important Private Members' Bill on behalf of Fianna Fáil. The mortgage arrears crisis is not over. Over 41,000 family home mortgages have been in arrears for a year or longer. These mortgages have a combined value of €8.8 billion, with arrears of €2.6 billion. Behind each one of these statistics is an individual or a family struggling with debt and often with little hope for the future. The programme for Government promised that a new court would be established "to sensitively and expeditiously handle mortgage arrears and other personal insolvency cases, including through imposing solutions, including those recommended by the new service". We have seen no such legislation from the Government and we do not have a date for such legislation.

The Bill I am introducing today on behalf of my party is designed to help mortgage holders in arrears to secure sustainable solutions and to help them to stay in their family homes. An independent mortgage resolution office will be established. It will work from a suite of restructuring options and will have the power to impose a resolution in a mortgage arrears case. In the case of the family home, the effect of this Bill will be to remove the bank veto. Home owners who are in mortgage distress will be able to engage with the Money Advice & Budgeting Service, MABS, and the Abhaile service throughout the process so they can obtain independent legal and financial advice on their situations and on the options open to them.

Stiff penalties, including the ultimate loss of the home, can currently be imposed on home owners who do not engage with their lenders when they get into financial trouble. There are no such issues when banks choose not to engage with the insolvency process. The bank can simply walk away. This Bill would put a stop to that by removing the veto from the banks when it comes to mortgage arrears. MABS and other personal insolvency practitioners, including the Association of Personal Insolvency Practitioners, have said the bank veto is one of the major issues in mortgage arrears cases.

This Bill would rebalance the scales in favour of the home owner, who will be able to apply

to the mortgage resolution office to seek to have the office make a mortgage resolution order. The lender would have to find sustainable solutions in each mortgage arrears case. If it does not do so, the mortgage arrears office would analyse the case and make a mortgage resolution order that can be binding on both the lender and the borrower. All legal action would be halted while cases are being analysed and when orders are made. This would remove the pressure that is currently on the courts system and remove the threat to the home owner, which is currently a source of major distress, as we know.

The mortgage arrears office would have an entire suite of solutions available to it when it is making orders. These solutions would include split mortgages, interest-only payments, mortgage term extensions, etc. Critically, the office would also have the mortgage-to-rent scheme as a potential option. As we all know, this scheme is not working at the moment. It is hoped that by giving it statutory recognition and including it in a menu of options open to the independent office, the Government would have to reform and stand behind the mortgage-to-rent scheme. Many media reports have suggested that the Government is planning a large-scale mortgage-to-rent scheme, but nothing has happened. All the while, more and more mortgage holders are losing their homes through voluntary surrender, voluntary sale and, in some cases, repossession following a court order.

In our view, the banks should not have been given a veto in the insolvency process. Under the code of conduct on mortgage arrears and under existing law, the bank decides which restructuring option, if any, should be offered to a mortgage holder. It is also the bank that decides whether a mortgage is sustainable or can be made so. In our view, the key missing ingredient in resolving mortgage arrears cases is giving an independent office the power to make the final decision on the future of a mortgage. Our Bill seeks to remedy this. I look forward to a full debate on it in this House shortly.

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 Michael McGrath: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Ceisteanna - Questions

Cabinet Committee Meetings

1. **Deputy Gino Kenny** asked the Taoiseach when the Cabinet committee on health will next meet. [30165/17]

The Taoiseach: The Cabinet committee on health last met on 30 May. A date for the next meeting has not yet been confirmed. I have said that I intend to reconfigure the Cabinet com-

mittees into a smaller number. I expect to do this shortly.

The committee provides a basis for the political oversight of the development and delivery of key health service reforms in line with the commitments in A Programme for a Partnership Government.

The programme's priority is access to safe and timely care that is provided as close as possible to patients' homes. This will be achieved by making a decisive shift to primary care, guaranteeing the future sustainability of practice in rural and disadvantaged urban areas, creating a healthy Ireland, building capacity for our emergency and acute services, improving waiting times for hospital procedures, reforming the HSE into a more efficient and transparent health service for patients and staff and developing a new funding model for the health services.

Deputy Gino Kenny: I raised this issue with the Taoiseach last week. I am raising it again to make a point about the high cost of medicines in this country. I think the Taoiseach is aware of the case of a lady called Charlotte Connolly from his time as Minister for Health a few years ago. Charlotte suffers from Degos disease, which is extremely rare. She is the only person with it in Ireland at the moment. I spoke to her husband Declan approximately an hour ago. He is in a very precarious position as Charlotte's husband. He wants to see the best for Charlotte, who was diagnosed with this illness three and a half years ago. Somebody who is diagnosed with Degos disease usually has a four-year limitation on his or her lifespan. Declan is extremely worried about his situation. The drug Charlotte is trying to access is called Soliris, made in Blanchardstown by Alexion, and it costs €400,000 per year, which is extraordinary. There was also a lot of publicity around Orkambi. Does the health committee review the price of drugs in this country? They are exorbitant. When the drugs are made in Ireland, those prices seem to be extortionate.

The Taoiseach: The Cabinet sub-committee on health, as is the case with all Cabinet sub-committees, has a very wide remit and there is no reason why it could not include in its remit an examination of the cost of medicines. However, one of the reasons some of these medicines cost so much is that they are produced for very rare diseases. There may be only a few dozen or a few hundred patients in the country or in all of Europe and America with a particular disease and the cost of developing medicines for rare diseases, known as orphan drugs, is very high for that reason. Any bespoke preparation of a product or service will cost more than a product for the mass population, say 20,000 or 30,000 people.

One thing that could be done, which would not be possible for a small country such as Ireland but which might be possible on a transcontinental or international level, is to have greater investment by governments in research and development, with governments producing and owning the patent for these medicines.

Deputy Micheál Martin: I support Deputy Gino Kenny in respect of this case. It is more than just costs, it also involves some engagement with the company on the application of the drug to this particular condition. People should knock heads together to find a solution.

In recent years there has been growing confusion as to what exactly constitutes Government policy on health. Since the enforced departure of Senator James Reilly from the Department and the mothballing of the compulsory insurance scheme, it has not been clear what the Government's policy on health is. During the Fine Gael leadership campaign, the Taoiseach said the implementation of the Oireachtas committee's report would be policy. Can he confirm that this

report is now official Government policy? He also said he would take personal charge of, and a personal oversight role in, health policy. Can he outline to the House what he means by that? The Taoiseach's predecessor said the same and resiled fairly quickly from that commitment.

The Cabinet sub-committee on health has had a terrible record in recent years. It cleared the uncosted and abandoned White Paper on compulsory health insurance. It was supposed to be overseeing budget control. How does the Taoiseach intend to change this poor performance? He said he would change how committees would work and clearly the sub-committee on health has not worked. Can he give a commitment that there will be no repeat of the practice of amending the HSE's annual plan to promise the delivery of more services than the budget actually provides for?

Deputy Mary Lou McDonald: What is the view of the Taoiseach on recent reports that up to nine hospitals have suffered outbreaks of the lethal superbug, carbapenemase-producing enterobacteriaceae, CPE? An unspecified number of deaths have resulted and Tallaght hospital was particularly affected, with wards closed and 700 operations cancelled. The increase in superbugs in hospitals is the result of too few staff, overcrowding and the especially high number of patients on trolleys. In Tallaght, much of the blame is being laid at the door of financial cuts to the cleaning budget. Clearly, short-sighted cuts to hospital budgets and an inadequate response by Government to overcrowding in our emergency departments have created a worsening crisis. Will the Taoiseach instruct the Minister for Health and his Department to provide an urgent report on this situation and to publish an emergency action plan to tackle this crisis?

The Health Service Executive was €31.5 million over budget in the first three months of this year. At the same time, there are continually high numbers of citizens waiting on appointments and on trolleys. According to the Irish Nurses and Midwives Organisation, INMO, last month there were new record levels of overcrowding in our emergency departments when compared with previous years. There were 8,154 admitted patients on trolleys during that period. It is clear that our service is in crisis and remains too small and unable to cope with the demands placed on it. Is the Taoiseach of the view that the HSE can deliver its planned services for the remainder of the year and remain within the €14 billion allocated by Government?

Deputy Brendan Howlin: I have three brief questions. Where exactly stands Sláintecare? I have been trying to get a clear view from the Department of Health. Is the Sláintecare accepted by Government and has the process of implementation begun? Who is going to drive that implementation? Will it be the Taoiseach, through the cabinet sub-committee, or is there another implementation mechanism?

My second question relates to capital investment and we are currently in the middle of a capital review. How are the health care requirements to be prioritised? Will there be a debate about that? Will it be determined by the Cabinet sub-committee in advance of the Department of Public Expenditure and Reform reaching its conclusions?

My final question is on the outstanding moneys due to consultants under an agreement concluded with a previous Minister for Health, Mary Harney, which will now crystallise into a bill of some €300 million. Where stand the negotiations on that and how will it fit into the budgetary arithmetic?

Deputy Joan Burton: I wish to raise the issue of hospices throughout the country, including our own area on the north side of Dublin and in Cork and Donegal, which are section 39

organisations. Their nursing staff, who are highly prized and highly efficient, have to be paid the restoration increases in recognition of the pay cuts they voluntarily took at the time of the financial crisis. The Departments of Public Expenditure and Reform and the Taoiseach have been pulling their punches on whether the hospices' budgets will be recompensed in respect of the increases they have to give to these fabulous staff who are caring for our families. The home care services of the hospice movement have expanded in recent times to provide end-of-life care and home care visits to people in long-stay institutions. It has been incredibly successful and is reducing some of the accident and emergency pressure on hospitals. I know the Taoiseach has personal experience of this issue and is sympathetic. We have a mutual interest in our local hospices. Can he address the issue for hospices in general? I know he has been made aware of it.

Deputy Gino Kenny: I spoke about Charlotte Connolly's situation and I ask the Government to intervene. Charlotte is looking for a three-month trial of the drug in question. Other people with the same condition have taken it in the United States and have experienced huge health benefits. Charlotte was diagnosed three and a half years ago. If it was the Taoiseach's loved one in this scenario, he would do absolutely anything to extend his or her life and Charlotte just wants to have a go at life, which she deserves. As somebody who lives out in Blanchardstown, where this drug is made, can the Taoiseach make an exception so that Charlotte Connolly can have the chance she deserves?

The Taoiseach: The Government policy on health is as detailed on a significant number of pages in the programme for Government. In regard to the Sláintecare report-----

Deputy Micheál Martin: What about the report of the Committee on the Future of Healthcare?

The Taoiseach: I am getting to that. There were many questions on this topic and it may take more than 30 seconds to answer all of them. I will start again.

The Government policy on health is as outlined in the programme for Government. That is where Government policies are detailed unless an alternative policy is subsequently produced by the Government. The Sláintecare report was discussed at Cabinet last week and the Minister for Health, Deputy Harris, has undertaken to consider it in full and develop a reasoned response to it on behalf of the Government and decide whether to accept it in full or in part. Several issues need to be teased out, not least that the initial view of the Department of Public Expenditure and Reform is that the costings in the report are not accurate and do not adequately provide-----

Deputy Micheál Martin: Was that not in the Taoiseach's manifesto?

The Taoiseach: I will get to that issue but I can only answer questions if I am allowed to do so. A number of issues need to be teased out, not least the costings, and also other matters. I did not produce a manifesto; I produced a policy ideas paper, on the front of which it is stated that it is a policy ideas paper. It is not a manifesto, it is an ideas paper----

Deputy Micheál Martin: Better to have the exit door.

The Taoiseach: -----and says specifically in its introductory section that it does not supersede the programme for Government or the confidence and supply agreement made with Fianna Fáil.

Deputy Micheál Martin: Excellent. It is meaningless.

Deputy Brendan Howlin: The Taoiseach thinks out loud.

The Taoiseach: I did not say I would take personal responsibility for or charge of health; I said I would take an interest in it and I will do so. Tomorrow I will meet the Minister for Health, Deputy Harris, and the Secretary General of his Department in order that they might give me a better overview of what is happening in the health service and to consider how I can bring the support of the Department of the Taoiseach behind the great effort that is needed to turn our health service around. We have demonstrated in recent years what can be done to turn around the economy and the employment situation and to put our public finances back in order. I would like to be able to use the Department of the Taoiseach to lead in that way and improve our health service considerably. We will never have a perfect health service. No country does. However, Ireland is an outlier in terms of the charges people have to pay and the time they have to wait to access either elective or emergency services. I would like it to become a normal country in the context of such matters. I appreciate that will not be done overnight but will take several years of reform.

I do not have any specific information regarding CPE. Deputy McDonald may wish to raise the issue with the Minister for Health. There are many reasons why hospital-acquired infections or superbugs become more or less prevalent. Notwithstanding the factors mentioned by the Deputy, another superbug, methicillin-resistant staphylococcus aureus, MRSA, is much less prevalent now than it was several years ago. The reasons for any infection being more prevalent in a hospital or community setting are multi-factorial and influenced by many issues. Overcrowding and staffing levels are only two of the many factors that affect the prevalence of any infection in either a hospital or community setting.

I am not party to any negotiations with consultants regarding their legal claim and it would not be normal for a Taoiseach or Cabinet committee to be involved in such.

Deputy Brendan Howlin: Would the Taoiseach not be aware of it given the potential cost of €300 million, which would have a significant impact on the budget?

The Taoiseach: I am aware of estimates in that regard, as is Deputy Howlin because we spoke about the issue when he was Minister for Public Expenditure and Reform. I am aware of the potential cost of the case being decided against the State. However, if one was to add up the potential cost of all legal cases being taken against the State, it would be many billions of euros, not just hundreds of millions.

Deputy Brendan Howlin: Is the Taoiseach not negotiating a settlement?

The Taoiseach: Not that I am aware of.

In regard to section 39 organisations, I refer Deputy Burton to the answer I gave to Deputy Micheál Martin on this exact issue during today's Leader's Questions. I reiterate that the Government will take a very dim view of any body that tries to reduce services when it has had its budget increased and that will be-----

Deputy Micheál Martin: That is a twist of the truth.

Deputy Joan Burton: That is not the case.

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Deputy Micheál Martin: That is outrageous. The Taoiseach said the same thing previously. He is wrong on that point.

Deputy Joan Burton: He is wrong.

An Leas-Cheann Comhairle: The Taoiseach to conclude.

Deputy Micheál Martin: He is being disingenuous. Hospices are being bled dry.

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

Deputy Joan Burton: They are not suggesting that services be reduced.

Deputy Micheál Martin: Can the Taoiseach clarify that issue?

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

The Taoiseach: The Deputy was suggesting that services might be reduced at a time when budgets have increased and obviously we would need to understand that-----

Deputy Micheál Martin: We have met representatives from the hospices. The Taoiseach should not be disingenuous.

Deputy Mary Lou McDonald: Deputy Micheál Martin did not say that.

Deputy Joan Burton: That is not what he said.

Deputy Micheál Martin: The hospices are not being given any money for the pay increases and they are screwed as a result. That is the reality.

An Leas-Cheann Comhairle: I cannot allow another round of questions. We will move on to Questions Nos. 2 to 5.

Deputy Joan Burton: The staff voluntarily took those pay cuts and deserve pay restoration.

Deputy Brendan Howlin: Money has been provided to all other public service employees.

Deputy Micheál Martin: Deputy Howlin is correct. It is unfair.

Deputy Joan Burton: The Taoiseach is avoiding the answer.

Departmental Staff

2. **Deputy Richard Boyd Barrett** asked the Taoiseach the changes he plans to implement in his Department. [29819/17]

3. **Deputy Brendan Howlin** asked the Taoiseach the number of advisers he will employ; the number employed to date in 2017; and the responsibilities of each. [29823/17]

4. **Deputy Brendan Howlin** asked the Taoiseach the number of Ministers of State assigned to his Department; the responsibilities of each; the payments they will receive; and the staff they have been assigned or allowed recruit. [29824/17]

5. **Deputy Gerry Adams** asked the Taoiseach the number of advisers he plans to appoint; and the areas in which they will be working. [29835/17]

The Taoiseach: I propose to take Questions Nos. 2 to 5, inclusive, together.

Having appointed Ministers and Ministers of State to their various portfolios across Government, I will reflect on how my Department can best support the important work ahead. I will continue to meet officials in the Department and decide over the coming weeks what changes might be required.

Four Ministers of State hold portfolios in my Department: Deputy Joe McHugh is Government Chief Whip; Deputy Helen McEntee has responsibility for European affairs; Deputy Paul Kehoe has responsibility for defence; and Deputy Pat Breen has responsibility for data protection. The payments these Ministers of State will receive are sanctioned by the Department of Public Expenditure and Reform and their staffing entitlements are those set out in that Department's instructions on ministerial appointments for the 32nd Dáil.

I am also considering the advisory supports that I might need in my role as Taoiseach and Head of Government. While I have not as yet finalised the make-up of my team, I intend to recruit a number of special advisers, including a chief of staff. All such appointments will be subject to Government approval.

Deputy Richard Boyd Barrett: While I am aware that he ran out of time, he did not answer Deputy Gino Kenny's question regarding Charlotte Connolly. Given the life-threatening nature of her condition, she and her family deserve a response from the Government.

In terms of changes in the Department of the Taoiseach and sub-committees that will be established, under the previous Taoiseach there was no education sub-committee. Will the Taoiseach have an education sub-committee? I ask that he does so for many reasons which I will not enumerate. I ask that he consider as a matter of urgency the issue of school lands being sold off by religious orders and the consequent degradation of schools' facilities and amenities. On several occasions I have raised the case of Clonkeen College, a non-fee paying school in my constituency that is to have effectively all of its playing pitches sold to developers, which is a massive blow to the school. There are still hopes that the Government will intervene and prevent that from happening by securing those facilities and amenities. This issue does not solely concern a school in my area as there is a vast number of playing fields that are being sold or will potentially be sold. Ironically, in some cases that is being done to finance a redress scheme, which means that, as a consequence of one group of people being abused, the facilities of another group are now being attacked. Will the Department of the Taoiseach examine this matter and consider securing these school lands into State ownership?

The Taoiseach: The Minister for Education and Skills, Deputy Bruton, answered this question yesterday in a very straightforward way. He said that the Department of Education and Skills acquires lands as it sees fit. It has a capital budget which it can use to buy land and build schools and it has to prioritise how it spends that money.

On the matter raised earlier by Deputy Gino Kenny, I am always loath to answer queries about individual cases because I am not a decision maker on any individual case in the health service or beyond. I have read a little about the case in newspapers and I understand that a request has been made to use the drug for an unlicensed purpose as an experiment or trial. The Government would never intervene in order to get a person onto a trial. It is for doctors to set up

a trial to use a drug for an experimental purpose and the pharmaceutical company would then generally provide the medicine at no cost if it is to be used as part of a clinical trial.

Deputy Brendan Howlin: I note from media reports that Dr. Patrick Geoghegan, a noted historian, has joined the Taoiseach's team. His influence is self-evident from all of the references to history in recent times, which is to be welcomed. I would like to get an idea of the Taoiseach's thinking. It is clear that he has not recruited everybody he requires as of yet, but what are the component parts of the advisory team that he is seeking to recruit? I take it that he will seek to recruit an economic adviser. His predecessor had quite an influential economic adviser. The norm is that the Taoiseach would have oversight of the economic performance of each Department and I would be interested to know the totality of the support team that he envisages having around him.

On the issue of the Ministers of State, we are now in the unprecedented position of having four Ministers of State with the right to attend at Cabinet. I raised the issue of payments to be made to those Ministers of State. I understand that a statutory instrument will be required to pay any additional allowance over the basic Minister of State rate. Is it the intention of the Taoiseach or the Minister for Public Expenditure and Reform to bring such an instrument to the House or are the four Ministers of State simply to be paid the normal Minister of State rate? If there is to be a statutory instrument, is it envisaged that the Taoiseach will select two of the four Ministers of State in order to comply with the law?

The Taoiseach: I have not figured out the composition of my advisory team yet. I want to have a working understanding of my new role before I form a full working team and I also want to have a better understanding of what good expertise exists in the Department already and which I will avail of fully. Where there are gaps I will try to fill those with my advisory team. I will of course endeavour to ensure that the total cost of my team is no greater than that of my forebear and much less than that of Taoisigh from previous Administrations.

I have Deputy Howlin's letter on the matter of payments to Ministers of State at Cabinet. The issue is being examined at present and we should understand within a few weeks exactly what is legal and what is not. The law will of course be complied with. I do not have any plans to bring forward a statutory instrument to provide any additional payments.

Deputy Mary Lou McDonald: There was considerable commentary on the Taoiseach's choices for Ministers of State, particularly with regard to gross gender imbalance. In the media coverage the Taoiseach or someone from his camp was reported as saying that the advisers appointed would make up for this gender imbalance. Not alone that, it seemed to be a formula for the lovely girls entering the fray. Can the Taoiseach clear that up? The manner in which this was reported in the press was quite odd.

Who advises the Taoiseach most directly on Brexit? What is the capacity around him on that issue? He has taken a very particular whole-of-Government approach and has vested in the Minister for Foreign Affairs and Trade, Deputy Coveney and the Minister for Finance and Public Expenditure and Reform, Deputy Donohoe, in particular responsibility on these issues, but what capacity does the Taoiseach, as Head of Government, have available?

Who advises the Taoiseach on the North and issues such as the Good Friday Agreement and the propositions around a White Paper on reunification that have emerged in the course of the Fine Gael leadership contest? What is the advisory capacity there?

The Taoiseach: I cannot clear up that particular issue because I am not sure what it refers to. It may refer to a story I saw in the *Irish Mail on Sunday*, which certainly was not quoting me and did not claim to quote me. It claimed to quote some anonymous source, and as is always the case from things I see from anonymous sources in the newspapers, I may have my suspicions as to who said it. These things are rarely said in one's interests. I do not know who it was. I cannot clarify it because it is something that I did not say and is attributed to nobody.

Deputy Mary Lou McDonald: The Taoiseach might clarify that it is not his thinking.

The Taoiseach: It is absolutely not my thinking. On the issue of gender balance within my ministerial team, as the Deputy knows we select our Ministers from Parliament. It is different in other countries, where Ministers may be selected from outside Parliament. Of the 12 female Deputies who support this Government, seven are Ministers, including the Tánaiste and five women who sit at the Cabinet table, and two are committee chairs. Nine of the 12 hold promotional paid positions within the Government. I would like that figure to be much higher because I believe that diversity leads to better decision making but the best way that I can do that is to increase the number of female Deputies who support the Government. If I could increase the number of female Deputies supporting the Government from 12 to 24, I could have 14 or 18 female Ministers, and that is much closer to the position that I would like to be in. What I would like, of course, is total gender equality, but even if I appointed all female Deputies to ministerial office, including those only elected last year, it would still only amount to one third. The real problem we have in this House is that there are not enough female Deputies. My party has more female Deputies than any other party but it is still far fewer that we should have.

In anticipation that this question might come up, I had a look at the gender composition of the Sinn Féin Front Bench, which has four female members from 18 positions. That is slightly worse than what we have around the Cabinet table, in case the Deputy had not noticed.

Deputy Micheál Martin: The most basic fact on which no one is clear is exactly what the situation is on the Department's role in staffing for the Brexit process. While the position of the second Secretary General and the head of the international division is clear, very little else is. The overall European co-ordination role was returned to the Department of Foreign Affairs and Trade last year and a fortnight ago, the Taoiseach placed the Minister for Foreign Affairs and Trade, Deputy Coveney, in charge of co-ordinating the Government's Brexit response, which was a significant change from the position of his predecessor, who placed the Department of the Taoiseach in the lead role in this co-ordination. Can the Taoiseach explain the exact responsibilities of the two Departments on Brexit, and when the long-delayed studies on Brexit staffing needs will be finalised and published?

In the Taoiseach's six years in government, no one has ever doubted the ability of his staff to promote him in the media. What is less obvious is an engagement with the hard substance of policy. It was interesting to hear that the Taoiseach has not yet identified what advisers he will be selecting. Is he in a position to outline the policy-related roles he will assign to advisers or where he might take on advice?

Following on from Deputy Howlin's question on the Ministers of State, is the Taoiseach in a position to say which two Ministers of State will get the allowance and which two will not? Why will it take three or four weeks to get legal clarity on this? Surely this is a straightforward issue one way or the other. Could the Taoiseach indicate to us what advice he has received on this issue already?

The Taoiseach: On the issue of Brexit, as Taoiseach I will be attending the European Council. The treaties and the rules are clear as to who can attend the European Council and who cannot. I will be attending the European Council and dealing with European affairs and Brexit at that level, that is, at the level of Prime Minister, the Commission and the Council. I am ably supported by a team led by Mr. John Callinan, the second Secretary General, who is also the sherpa in that regard. The Minister for Foreign Affairs and Trade, Deputy Coveney, will report to me, but aside from that fact he will co-ordinate the more general response to Brexit. That is the work done by the Minister for Foreign Affairs and Trade - alongside the Minister of State, Deputy McEntee - namely, attending GAC engagements with other foreign ministers but also pulling together the responses from different Departments, for example the response of Deputy Fitzgerald's Department and the response from the Department of Justice and Equality that may be required to deal with visas and other matters. All of that will be done under the leadership of the Minister for Foreign Affairs and Trade, Deputy Coveney, but he will of course report to me as Taoiseach. It will be my responsibility to attend the European Council and to engage with Heads of State and Government and the Presidents of the European institutions.

I have not assigned policy roles to different advisers yet and I am still trying to figure out what the best way is to employ the people that I have working around me. The previous Taoiseach had two assigned to policy roles, one of which pertained to economics. The position was not subsequently refilled and there were a number on press and other matters. I need to figure that out.

In terms of policy substance, over the past six years there have been 20 Bills brought from initiation to full enactment, which is a reasonably good record for legislation produced in three Departments in that time. On the allowances, we are trying to work out what the law provides for and whether the Chief Whip's allowance can be treated separately from the allowances paid to the other Ministers of State. I hope to get solid legal advice on that within a couple of weeks.

European Council Meetings

6. **Deputy Micheál Martin** asked the Taoiseach the issues that were discussed and, in particular, if he requested the need for special status for Northern Ireland in the context of the Brexit negotiations in his meeting with President Tusk; and if he invited him to address the Houses of the Oireachtas on Brexit. [29801/17]

7. **Deputy Micheál Martin** asked the Taoiseach the bilaterals he had at the European Council meeting. [29806/17]

8. **Deputy Seán Haughey** asked the Taoiseach the bilaterals he had at the June 2017 European Council meeting; and the issues that were discussed. [29807/17]

9. **Deputy Seán Haughey** asked the Taoiseach if he will report on the European Council meeting on 22 June 2017. [29808/17]

10. **Deputy Joan Burton** asked the Taoiseach if he has had contact with President Macron of France. [29838/17]

11. **Deputy Joan Burton** asked the Taoiseach if he has had contact with Chancellor Merkel of Germany. [29966/17]

12. **Deputy Joan Burton** asked the Taoiseach the main issues he will be hoping to address at the European Council meeting in June 2017. [29968/17]

13. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his telephone conversation and other engagements with President Macron of France. [29973/17]

14. **Deputy Gerry Adams** asked the Taoiseach if he had any engagement with the British Prime Minister, Ms Theresa May, during the European Council meeting on 22 and 23 June 2017. [29981/17]

15. **Deputy Micheál Martin** asked the Taoiseach if he will report on bilateral meetings held at the European Council meeting in June 2017; and the issues that were discussed. [30192/17]

The Taoiseach: I propose to take Questions Nos. 6 to 15, inclusive, together.

I travelled to Brussels on 22 and 23 June to attend a meeting of the European Council. As I reported to the House last week, the agenda dealt with security and defence; external relations; the Paris Agreement on climate change; jobs, growth and competitiveness; digital Europe; and migration. There was also a presentation by Prime Minister May following the launch of negotiations between the UK and EU last week, followed by a separate meeting of the European Council in its Article 50 format, of 27. As I will cover the substance of the European Council in my statement to the House later this afternoon, I will focus here on a number of contacts I had before and in the margins of the meeting.

Over the course of last week's meeting I spoke to most of the other leaders. In my conversations, I reiterated to them my strong commitment to keeping Ireland at the heart of the Union and highlighted the unique difficulties the departure of the UK presents for Ireland. I can assure the House that there is broad sympathy for our situation and a commitment to work together to find workable solutions.

Following my election as Taoiseach, I spoke by phone to both Chancellor Merkel and President Macron. I updated both leaders on developments in Northern Ireland, and we agreed to work closely together to address the challenges facing the Union, including Brexit.

On Monday 19 June, I met Prime Minister May in London. We discussed Northern Ireland and the need to re-establish devolved government there, as well as Brexit, particularly the need to avoid any adverse impact on the rights and freedoms of our citizens, on trade and on the economy.

I took the opportunity of being in Brussels for the European Council on Thursday and Friday to have bilateral meetings with President Tusk, President Juncker, Chancellor Merkel and Estonian Prime Minister Ratas. These meetings dealt with a range of issues, with a particular focus on Brexit. I expressed my thanks for the engagement and support of our European partners in prioritising Ireland's particular concerns, and I stressed the need to make as much progress as possible on these in the first phase of the negotiations.

There was general agreement that the talks got off to a relatively positive start last Monday, and we look forward to staying in close contact as they proceed. I also updated my interlocutors on recent developments in Northern Ireland and my meeting with Prime Minister May in London the previous week.

In my meeting with Prime Minister Ratas of Estonia, representing the incoming Presidency,

I offered Ireland's best wishes and support to that country as it begins its term in office next week, the first time it will do so. As a fellow small member state, we know what a significant undertaking that represents.

On the broader agenda for the European Council, I expressed strong support for EU efforts on jobs, growth and competitiveness, including the emphasis on free and open trade, and said that progress here could have real and positive impacts on the lives of our citizens. I highlighted a letter to President Tusk calling for greater ambition in relation to the digital Single Market that I co-signed with other leaders, and I welcomed the focus of the incoming Estonian Presidency on digital issues.

The European Council also agreed to renew our commitment to the Paris Agreement on Climate Change. As I stated previously, I am determined that the Government should show new ambition on tackling climate change, and this will be the subject of a half-day strategic meeting of the Cabinet.

I did not invite anyone to address the Oireachtas, as such invitations are a matter for the Ceann Comhairle.

Deputy Micheál Martin: If there is to be any form of special status for Northern Ireland, Dublin will have to propose it, especially in the absence of working institutions in the North. It is unacceptable that such a long period has passed without any Executive or assembly in the North given the urgency of the Brexit debate. The Minister for Foreign Affairs and Trade said last week that we are in favour of a special status and, without deflecting that by talking about the UK staying in the European Union, will the Taoiseach say whether seeking special status is official Government policy? Nothing has been published so far outlining any proposals on this. My understanding is that models such as a cross-Border special economic zone have received official attention. Will the Taoiseach confirm that? Will he explain how much work is being carried out on this? Have any external experts been commissioned to advise on models of special status which could be pursued?

The Taoiseach said he thought the talks got off to a good start. I would have to qualify that. The proposal for a partial offer of long-term security to EU citizens in the United Kingdom is a poor start. The answer is simple. Both sides should agree to recognise the full rights in place today for UK citizens in Europe and *vice versa*. Negotiations can deal with the rights of new migrants, but it is disgraceful that there is ongoing uncertainty about the treatment of millions of people who are now bargaining chips in a negotiation that has not got off to a great start. There are 130-odd individual treaties that have to be renegotiated. We are still stuck on this issue which in some respects should be easier to resolve than the other issues.

Deputy Seán Haughey: As this was the Taoiseach's first European Council meeting, it was an opportunity for him to build up new friendships and establish coalitions and alliances on his own part and on behalf of the country. I note he has spoken to most EU leaders since his election. In his discussions with them, has he given any consideration to the future of Europe? The White Paper on the Future of Europe was published on 1 March by the European Commission outlining several scenarios for how Europe might develop in the coming years: one, carrying on; two, nothing but the Single Market; three, those who want more do more; four, doing less more efficiently; and five, doing much more together. These are big issues for the Irish people. I am sure the Taoiseach will be able to establish how other EU leaders feel about these issues in the coming months. Ireland needs to be at the forefront of this debate as a country and the

citizens need to be consulted about this as well. The European Commission has said it is going to organise a series of debates and publish reflection papers. The Government needs to do a lot to engage the citizens on this in order that the Taoiseach knows what the people of Ireland want and can convey that to the other EU leaders as these discussions and negotiations take place.

I note that the European Council dealt with the relocation of the European Medicines Agency and the European Banking Authority and that the decision will be taken by the autumn of 2017. How do Ireland's bids stand? Will they be successful?

Deputy Brendan Howlin: I agree with the views expressed by Deputy Micheál Martin about citizenship. One would imagine that it would have been a very easy win at the beginning and have established a pattern of goodwill on both sides simply to acknowledge and accommodate fully UK citizens who have been resident for many years in other EU countries and *vice versa*. That should have been an easy open concession. I am concerned that Ireland seems to have no view on that because our citizens will be covered separately.

My question was about the Taoiseach's discussions with President Macron and especially on his proposals for the eurozone.

In his own campaign and subsequently, he has set out a programme of proposals, including the establishment of a eurozone parliament, a eurozone finance minister and a eurozone common fiscal policy. My concern is that a great deal is happening which is not being communicated to us or perhaps even debated within the broader European family. Were these matters discussed between the Taoiseach and President Macron?

Deputy Mary Lou McDonald: Is special designated status an official Government policy and supported by everyone around the Cabinet table? What has the Taoiseach done to advance that proposition? I share concerns that there might be a tendency to rely on others to do the work which rightfully falls to the Government, State and Taoiseach in particular.

Deputy Joan Burton: I refer to the Taoiseach's conversations with President Macron and Chancellor Merkel. They have put forward a renewed leadership of the Franco-German alliance concentrating on issues such as the development of a eurozone government with a finance minister and the capacity to levy taxes on citizens directly. What really concerns me is the following. Can the Taoiseach indicate whether he explained to them that Ireland is a neutral country and that neutrality is much valued here? Did he make it clear whether he backed their proposals and those of the eurogroup around a bolstered defence capacity for what are called by them "core EU eurozone members"? Will the Taoiseach recommit to Irish neutrality or does he favour changes on Irish neutrality on the lines they have been suggesting? It is suggested countries might provide for a eurogroup military presence. Where does the Taoiseach stand on that?

The Taoiseach: As we are speaking about engagements with foreign leaders, I take the opportunity to inform the House that the Prime Minister of Canada, Mr. Justin Trudeau, will visit Ireland next Tuesday with his family. I look forward very much to his visit and to renewing the long-standing bonds of friendship that exist between Canada and Ireland. As countries, we have a great deal in common given our commitment to free trade, multilateralism, personal freedom and liberty.

I share Deputy Micheál Martin's view that we need to have the Executive and assembly up and running in Northern Ireland as soon as possible. People voted for devolved government in Northern Ireland and they should have it. It is important that Northern Ireland has a unique

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voice when it comes to Brexit. It should not just rely on Dublin and London to deal with these matters. A joint letter on Brexit was issued by the late Mr. Martin McGuinness and Ms Arlene Foster and it contains the basis of a position the Northern Ireland Executive could take on the future of Northern Ireland. It behoves the parties now to form that Executive and to adopt a common position in the interests of the people of Northern Ireland.

Our primary interest in respect of EU citizens' rights relates to the rights of Irish citizens in Britain and maintaining the effective common citizenship which exists between our two islands. Irish and British citizens can reside, work and access social security, pensions, welfare and housing in either country as if they were citizens of both. I am glad Prime Minister May feels the same way as I about that and that Irish citizens will continue to be treated not as foreign in the United Kingdom. I do not differ from the sentiments expressed by others here in that EU citizens who live in Britain should not lose the rights they currently have but then I do not think Britain should leave the EU in the first place. I have no say in that, nor does any other Member of the House.

During my talks on the phone with Prime Minister May last night, we discussed the negotiations under way in Belfast and I impressed on her the need to ensure that the outcome is balanced, that there is parity of esteem and that the Irish language Act agreed is sufficient. She mentioned that of course there are language Acts in Scotland and Wales and if there are language Acts in Scotland and Wales, why should there not be one in Northern Ireland? What we are trying to do on the Border is secure an outcome which reflects Ireland's unique position because of the land border between the Republic of Ireland and Northern Ireland. However, a great deal of what happens will depend on the final arrangements between the EU and the UK. For example, if the UK were to negotiate a free trade agreement with the European Union which is not dissimilar to the customs union and the Single Market, very little will have to be done. However, if the UK does not negotiate a free trade agreement with the European Union, we will then be in a very different space. What we are working towards at the moment is the best possible outcome, which is Britain staying in the customs union and Single Market. If we are unable to achieve that, it will be the United Kingdom having a free trade agreement or transition agreement which would be as good as staying in the EU. If we cannot achieve that, we will be in a lesser position. We have to think about the options in all scenarios. Officials have done a great deal of work on this already. I do not know if outside expertise has been hired. I would have to check on that.

On the agencies, we have agreed at the European Council a mechanism by which the different agencies will be decided on. It will not be decided at European Council level but rather at ministerial level. We have put in very good and attractive bids for both agencies but approximately 20 countries are bidding for the two. Most countries will be disappointed. The decision will be made later in the year.

I have met President Macron three times so far and had the opportunity to discuss different things. I am aware of his vision for the future of Europe albeit of all the things we discussed on the three occasions, that was not one. It was not something he tabled or raised at the European Council meeting on Thursday and Friday last. I imagine there will come a time when we have to talk about the future of Europe and what may happen beyond the existing treaty arrangements. Everyone is of the view that the time is not now given that we are in the middle of negotiations with the United Kingdom and must focus on much more practical issues.

European Council: Statements

The Taoiseach: Last Thursday and Friday, I travelled to Brussels for a meeting of the European Council where I joined with other leaders to discuss a range of important issues facing the Union. This was my first meeting of the European Council since being elected Taoiseach and it was a very useful opportunity to meet all my EU counterparts. In addition to informal exchanges in the margins of the meeting, I had excellent bilateral meetings with the European Council President Donald Tusk, European Commission President Juncker, accompanied by Michel Barnier, Chancellor Merkel and Prime Minister Ratas of Estonia, who will take over the EU Presidency on 1 July. As I said earlier in the Dáil, these discussions focused on Brexit and the ongoing need to respond to Ireland's particular concerns. I thanked the partners for their engagement and support to date and emphasised our commitment to remaining at the heart of Europe. The agenda of the European Council included security and defence, migration, jobs, growth and competitiveness, external relations, the Paris Agreement on climate change and digital Europe. I was reassured by the strong show of unity on these issues with partners displaying a commitment to move ahead together and a certain degree of optimism for the future. We also discussed Brexit, which I will deal with first.

During the meeting, Prime Minister May outlined her thinking about the rights of EU citizens living in the UK. The rights of such citizens and those citizens living in other EU member states is a priority issue for both sides in the Brexit negotiations. The UK presented its more detailed paper on the matter on Monday and we will be studying this carefully with our EU partners. The EU set out its own position clearly in the negotiating guidelines and directives and in its position paper. I hope progress can be made as quickly as possible in order that some certainty can be provided early in the withdrawal process to citizens and their families and friends.

Prime Minister May then left the meeting and we continued as 27, in Article 50 format, discussing issues relating to Brexit in her absence. Monsieur Barnier provided an update on the opening of negotiations with the UK and, in line with the EU guidelines, the Irish-specific concerns of protecting the Good Friday Agreement and the peace process, avoiding an economic border through imaginative and flexible solutions, and maintaining the common travel area and everything that it means will be prioritised in this first phase of negotiations, before we move on to discussions about the shape of the future relationship between the United Kingdom and the European Union.

It is worth saying that we also adopted and agreed to publish the minutes of the previous Article 50 meeting of the European Council. These confirm that, if the provisions in the Good Friday Agreement on unity by peaceful and democratic means is invoked at some time in the future, EU membership for all of Ireland is assured. These outcomes all indicate that our extensive campaign of strategic outreach at political, diplomatic and official level over the past year has been effective in ensuring our unique circumstances and particular concerns on Brexit are well understood and acknowledged.

We also agreed on procedures for relocating the two EU agencies currently located in the UK, namely, the European Medicines Agency and the European Banking Agency. As Deputies will be aware, Ireland has launched bids for both agencies, and I believe that we offer a good location in terms of business continuity, connectivity, facilities and other factors. We will formally submit our bids before the deadline at the end of July and will continue our campaign ahead of the vote by Ministers. In the discussions, the need for continuity, unity and a single voice by the 27 was also emphasised.

Returning to the main part of the European Council, we considered a range of economic issues under the heading of jobs, growth and competitiveness. The President of the European Central Bank, ECB, Mario Draghi, gave a presentation about the EU and the eurozone economies. This was generally upbeat, indicating that growth and a broad-based recovery are now taking hold. Increased confidence is being translated into more investment, more consumption and, most importantly, more employment. I asked Mr. Draghi about the general direction of monetary policy in the Union and interest rates and was reassured by his emphasis on stability and no sudden policy changes, particularly as interest rates affect so many Irish people with mortgages. He provided us with some certainty that interest rates will not rise swiftly or dramatically.

We noted the progress achieved in the European Fund for Strategic Investments, EFSI, and called for its rapid expansion and reinforcement. We also generally endorsed the country-specific recommendations, thereby completing the 2017 European semester. We discussed the Single Market and trade policy. As Deputies will be aware, I support a high level of ambition for the Single Market, especially with regard to cross-border trade in services. Together with a number of my counterparts, I ensured a specific reference to services was included in the Council conclusions. Progress on a genuine Single Market in services has been far too slow in my opinion and that of the Government.

I also joined 16 other Heads of State and Government in writing to President Tusk in advance of the Council, calling for much greater ambition and political prioritisation of the digital Single Market and highlighting the importance of adhering to our deadlines. I strongly supported the priority the incoming Estonian Presidency has attached to Digital Europe.

We had a very dynamic and interesting discussion on trade. I stressed our support for a robust free trade policy, upholding an open and rules-based multilateral trading system. At the same time, we have to recognise that it is becoming ever more the case that Europe is a smaller part of the world economy. There are issues around third countries obtaining control of certain key interests such as public infrastructure and military and aerospace co-operations. While we understand the views of some member states about controlling sensitive or strategic assets, companies can also benefit from foreign cash and expertise, and we should not put unnecessary barriers in the way of inward investment. The Council conclusions provide a reflective, targeted approach and I am pleased with the text which responds to our concerns as a pro-enterprise, pro-trade, anti-protectionist, small country.

The discussions on security and defence covered both the internal and external aspects. I offered Ireland's continuing solidarity with those who have suffered the terrorist attacks and emphasised our strong commitment to working closely with partners to fight terrorism, hatred and violent extremism. We discussed efforts to combat the spread of radicalism online, and its financing, and called upon industry to play a greater part in detecting and removing content that incites people to violence. The challenges inherent in tackling terrorist communications while at the same time safeguarding privacy were also acknowledged.

On the external dimension, we heard a report from the High Representative, Federica Mogherini, on the implementation of the EU global strategy one year after its adoption. We are strong supporters of this strategy, and I have emphasised the need for the comprehensive implementation of all five of its priorities, which is important if all member states are to contribute and play an active part. Using the Union's unique mix of diplomatic, civilian and peacekeeping capabilities will help to protect our citizens and contribute to peace and security in our neighbourhood

and beyond. The strategy also provides for EU co-operation with NATO, focused on peace-keeping and maintaining international peace and security. This is conducted in full respect for the decision-making autonomy of both organisations and for the security and defence policies of individual member states, including Ireland.

Just as new security threats have evolved, so too has the EU response in terms of what can be done to confront cyber, hybrid and terrorist threats. International peace support requires the availability of suitable military capabilities, and there have been some developments around financing, including a Commission communication on a European defence fund, proposals around the European defence industrial development programme, and an invitation to the European Investment Bank to examine its role in this regard.

Ireland's neutrality was restated and is, of course, fully respected. We do not participate in any military alliances. However, we favour initiatives to strengthen the EU's capacity to act as an international peace provider, particularly in support of the United Nations and its missions, and to defend itself as a Continent. We also support co-operation within the Union to achieve common objectives in response to the range of new and growing threats.

The discussion on migration included updates on the implementation of the Malta declaration, with its particular focus on the central Mediterranean route, as well as developments relating to the migration partnership framework and the EU-Turkey statement. While there have been positive developments, especially along the eastern Mediterranean route, the situation remains critical in terms of irregular arrivals through the central Mediterranean. We agreed to improve our co-ordination efforts here to provide more support for Italy and to try to end the tragic situation where so many people are risking losing their lives.

Ireland has consistently called for a comprehensive response to the migration crisis that responds both to its effects and the underlying causes. From our perspective, this has included a commitment to take in up to 4,000 asylum seekers and refugees under the EU relocation and resettlement programmes and under our own programme with the UNHCR. We have also committed to provide naval vessels to help with the search and rescue operations in the Mediterranean and to supply humanitarian assistance to those affected by the war in Syria. To date, we have provided €76.5 million.

Notwithstanding the serious challenges we face, the European Council revealed a strong sense of unity in working together to find solutions to our shared problems. Ireland's interests are clearly best served by remaining at the centre of this work. I took the opportunity in engaging with my EU counterparts to reiterate our strong commitment to European membership and integration and our intention to play an active and constructive role in these efforts.

The Minister for European Affairs, Deputy Helen McEntee, will provide further detail in her wrap-up statement about our discussions on external relations.

Deputy Micheál Martin: Last week's summit took no significant decisions and all its specific outcomes were well signalled in advance, yet this is an important moment for Europe, where the future shape and direction of the EU is receiving more attention than at any time in the last quarter of a century. This divergence between the official agenda and the background discussions is striking. Unfortunately, Ireland appears to stand, as do many other countries, on the sidelines rather than seeking to participate in or influence these discussions.

As I mentioned last week, it is long past time for Ireland to engage with the major reform

proposals under discussion. The lack of a Government White Paper on Europe has been a significant problem over the past three years, during which time much of Europe has been considering the post-crisis agenda. No one knows what Ireland's position is. More importantly, we are not building alliances and shaping discussions. While we talk about Europe in Dáil Éireann a lot more than in the past, this has become almost solely focused on short-term discussions. I acknowledge there are substantive sessions in committees but these receive little attention and tend to be focused on specific proposals. While I and my colleagues have delivered a series of lengthy speeches on long-term European Union issues in other fora, there is undoubtedly a need for the Dáil to take time to have a fuller debate on the core direction of the European Union. Brexit is only one part of a much bigger challenge and we have been too silent for too long. By completely replacing the ministerial team that was responsible for Europe, the Taoiseach clearly had some changes in mind which he is yet to outline. The Government press secretary has rejected reports that changes were made purely on the basis of support in the leadership contest. Perhaps the Taoiseach will clear up the issue.

While Brexit was a minor part of the summit's agenda, there have been very significant developments in the past two weeks which we should address. The opening of the formal negotiations involved an acceptance by the United Kingdom of the proposed sequencing. We do not know yet if this marks a flexibility on previous opposition to a financial settlement. If we take together the various statements of various British Ministers, the most likely conclusion is they are starting to address the issue of transitional arrangements more seriously. A significant part of the financial settlement will be rendered moot if the transitional arrangements stretch to the end of the current budget period thereby removing one cause of excitement for the hysterical elements of the anti-EU establishment in English political and media communities. Transitional arrangements will also allow time for a complementary series of transitional arrangements which support communities and industries that are being disrupted by Brexit. The other significant decision in the negotiations was to establish a distinct process for addressing issues specific to Ireland. On the face of it, this is welcome because it allows for much greater flexibility and focus in addressing issues than would be possible if Ireland were confined to the monthly negotiation sessions. It should also allow a greater direct input from Ireland and allow us to be more active in submitting material. What this sets in relief yet again is the fact our Government needs to table specific proposals concerning special status for Northern Ireland and the Border region. Given the levels of poverty in Northern Ireland and its relative underdevelopment, a form of special economic zone which operates across the Border and is recognised by both the United Kingdom and the European Union is a reasonable proposal which should be immediately tabled. While we do not know the exact nature and timing of Brexit, we do know that at some point the United Kingdom will almost certainly cease to be in the Single Market or the customs union. Let us base our proposals on this assumption and scale them down if something surprising happens to change this. People should know that the leader of the United Kingdom Labour Party is unlikely to change the basic scenario. On 24 June 2016, he called for the immediate triggering of Article 50. Subsequently he ordered Labour MPs to vote for the triggering of Article 50 and Labour's recent manifesto committed the party to what is essentially a hard Brexit under another name. While he has changed his previous position of being against the European Union, and while much of Labour's increased support came from pro-EU younger voters, there is no indication that the fact of Brexit will change irrespective of political developments in London.

One year after the end of a dark and nasty referendum campaign, the United Kingdom Government is only starting to set out the specifics. The proposal for a partial offer of long-term

security to EU citizens in the United Kingdom is a poor start. The answer is a simple one. Both sides should agree to recognise the full rights as in place today for United Kingdom citizens in Europe and *vice versa*. Let negotiations deal with rights for new migrants. The ongoing uncertainty and treatment of millions of people as bargaining chips is a disgrace. It should be noted the growing evidence is that the United Kingdom is already suffering significantly from the Brexit vote. The economy has been sustained purely by Central Bank interventions and a 14% decline in the value of sterling. Government borrowing and taxes are up. Business uncertainty is up and long-term growth forecasts are down. Those on the left - such as our own People Before Profit alliance - who championed and campaigned for Brexit, should also understand it is workers who are already feeling the pinch the most. Inflation is up and wage growth is down while the Tory agenda on regulation is to remove measures that protect workers. Quite apart from defining a new relationship with the European Union, there are 759 agreements with international institutions and countries that the United Kingdom has to renegotiate. Thus far, it is not clear that even one of these negotiations is in hand. The summit agreed the rules to be followed in deciding where to relocate the two UK-based agencies. The guidelines state the agency should be capable of moving on the day Brexit happens. This seems like an unreasonable condition, given how few cities have free office, housing and international education places lying empty and ready to be filled at short notice. While of course we support the submission of bids for the agencies, it is likely a special deal allowing for the direct subsidy of Irish business will be more economically important for us. The decisions of the summit on security matters explicitly respect the positions of the six neutral member states. The proposals adopted appear reasonable. We would welcome a more detailed statement from Government concerning its attitude to the future workings of co-operation in this field.

The final communiqué states the role of security and defence capabilities in a civilian crisis management was discussed. This is a challenge for Ireland. International crisis management in conflict and humanitarian disaster situations is something in which our Defence Forces have a proud record. As the Taoiseach has no doubt been briefed since he called for the establishment of an Irish COBRA-style unit, the Department of Defence already runs just such a facility and co-ordinates major emergency management across Government. When the current national plan in this field was published by Deputy O'Dea, the European Union had not yet been given competencies in the area of assisting states with major emergencies. Fianna Fáil once again calls on the Government to update the national plan and incorporate within it measures to ensure Ireland is fully prepared to provide and receive assistance during the increasingly frequent natural disasters and other events.

One of the reasons for the increased numbers of weather-based disasters in Europe is climate change. Fianna Fáil welcomes the summit's agreement to restate its full commitment to the Paris accord. The stakes are too high to allow one or two countries to sabotage the genuine effort to limit the appalling consequences of man-made climate change. The downgrading of climate change by the Fine Gael-Labour Government was damaging. Many real opportunities for Ireland to embrace more sustainable actions were missed. Hopefully this is in the process of changing.

We also welcome the agreement of the summit to undertake an urgent review of cyber security in the Union. This has been identified as Ireland's most significant risk in the national risk assessments carried out by our Government. We, just like every other country, are highly vulnerable particularly due to the commitment of one powerful country to use cyber activity to undermine neighbours and democratic systems. On Monday there was a nearly successful at-

tempt to take down the Ukrainian power system. Ireland should actively support new and more urgent action at EU level to help states protect themselves against this new type of aggression.

On Thursday evening, President Tusk stated a report from France and Germany concerning the non-implementation of the Minsk accord should provide the basis for extending sanctions on Russia. The decision last week by Russia to accept passports issued by the rebel governments they fund is a further step towards the formal partitioning of Ukraine. I hope the Taoiseach will maintain the policy of Ireland defending the territorial integrity of Ukraine against Russian interference and aggression.

On economic matters, the summit did very little other than restate previous policies. We welcome the commitment to continue to promote the idea of freer trade. Ireland benefits as much as nearly any country in the world from trade. Greater trade barriers would lead immediately to dramatically fewer jobs and falling incomes. Irish workers would bear an incredible price if the companies they work for suddenly faced extra barriers to trade. Investment in increasing the productive capacity of the economy and especially our infrastructure is also vital for our long-term success. The summit made passing reference to the European Fund for Strategic Investments, which was established under the so-called Juncker plan. This provides long-term low-cost financing for productive investment. The outturn so far shows Ireland very much in the second division when it comes to seeking and securing funding under the fund. No doubt the infrastructure plan, which has been delayed so it can be claimed as a major new initiative, will include within it proposals for increasing our drawdown of these funds. I caution the Taoiseach against using them to displace ongoing activity. The bulk of the project submitted by Ireland so far involved facilities previously announced by Government on multiple occasions. Not discussed at the summit was the proposal by President Macron to significantly reform the workings of the Union on fiscal matters, particularly within the Eurogroup. The proposal for a permanent finance minister who would chair the Eurogroup is one we should strongly support. However, this position should be based in the Council and not in the Commission. Until there is a significant change in the treaties to create some elements of a fiscal union, the role should primarily be about co-ordination and facilitation. Such a role does not fit within the Commission's standard approach.

Before the start of the summit, I attended a meeting of party leaders from the Alliance of Liberals and Democrats for Europe, ALDE, which included various Commissioners and prime ministers and the European Parliament's chief Brexit negotiator. I am pleased to note that goodwill towards Ireland remains high and the determination that Ireland does not suffer because of Britain's europhobia is as strong as ever. The most important issue, however, was that the leaders were not clear on what specifically Ireland is seeking beyond what has already been agreed. As I have stated repeatedly, we must step forward and start presenting specifics. We cannot wait for London to get its act together. Along with the interest which others are showing in Ireland's concerns comes an expectation that they will be kept up to date with Ireland's proposals.

An Leas-Cheann Comhairle: The Deputy should conclude. He has significantly exceeded his time.

Deputy Micheál Martin: To do this, we need to have sufficient staffing and expertise in place. The review of staffing resources engaged on Brexit, which was first promised almost a year ago, needs to be finished and its recommendations implemented. I thank the Leas-Cheann Comhairle for his forbearance.

An Leas-Cheann Comhairle: My apologies to the House.

Deputy Richard Boyd Barrett: I hope we will all be shown the same latitude.

Deputy Pearse Doherty: With another European Council gone, another opportunity has been missed to put forward Ireland's demands and another chance has gone to tell the European Union that while moral support and rhetoric are fine and well, what this country, North and South, needs is real practical support. A first step would be for the Taoiseach to follow through on a promise he made to his party faithful while in election mode in Donegal when he gave an undertaking that, if elected Taoiseach, he would campaign for the North to remain within the customs union and Single Market. I ask him to spell out whether this remains his position and if it is, Sinn Féin would welcome it. Did the Taoiseach take the position at the European Council that this is a desirable outcome from the negotiations on Brexit? While we all know it is not certain that such an outcome can be secured, it will certainly not be secured if we do not ask for it.

I was taken by the comment made by the former Taoiseach, Deputy Enda Kenny, that we do not know what the British Prime Minister, Theresa May, wants from Brexit. She obviously believes we are telepathic. The Oireachtas also needs to know what the Government wants from Brexit and whether the Taoiseach will give the commitment he made during his election campaign to Members of the Oireachtas and, more important, people in the North of this island who want to remain in the customs union and Single Market.

Tá a fhios againn gurb é an seasamh atá glactha ag an Stáit go dtí seo ó thaobh an Aontais Eorpaigh ná a bheith ina ghasúr is fearr sa rang agus é ag cuartú pat ar an cheann ó am go ham. Tá a fhios againn fosta nach bhfuil mórán buntáiste, nó buntáiste ar bith, leis an seasamh sin. Cinnte nach mbeidh buntáiste leis an uair seo.

We need to drop the rhetoric and produce concrete proposals. Many Deputies, including the leader of Fianna Fáil, have stated the DUP's deal with the British Government may result in a softer Brexit. They appear to be unaware that the DUP wants to leave the customs union and Single Market and supported Brexit. Moreover, the party was paid, under much suspicion, to adopt this position in the Brexit referendum campaign. We sometimes grasp at straws but it is time to get down to the nuts and bolts of this issue.

On behalf of Sinn Féin, I have made concrete proposals which must be addressed in the context of Brexit. In addition to securing special status for the North within the European Union, state aid exemptions and guarantees on cross-Border funding streams are needed. We must not rely on the word of the Tories. We must ensure our research community, North and South, has security in funding. The European Globalisation Fund must be reconfigured to deal with unemployment and the threat of unemployment linked to Brexit. Our transport and energy infrastructure must be prioritised in the European Union's trans-European networks. We cannot be allowed become an isolated region of the EU adrift in the Atlantic Ocean. All of these demands are fleshed out in a policy document Sinn Féin submitted to Departments.

It is critical that we secure flexibility in the fiscal rules. We saw in the sale of part of the State's shareholding in Allied Irish Banks how constrained we are under the fiscal rules. While I am pleased to note the conversion of other parties to Sinn Féin's view on the fiscal rules, perhaps if they had listened to us earlier, we would not be scrambling around for off the book ways to build houses for citizens and the homeless. The fiscal rules are not fit for purpose. Unfortunately, Sinn Féin's assessment at the time, that the rules are a right-wing ideological straitjacket,

has been proved correct. They must be renegotiated from top to bottom.

We must ensure that additional breathing space for dealing with the potential consequences of Brexit is built into the fiscal rules. This breathing space must be used in an appropriate manner and cannot be used to fulfil the type of commitment the Taoiseach gave this morning when he undertook to find money to cut taxes whatever it takes. In his campaign to be elected leader of his party, he gave a commitment to reduce the marginal tax rate to 50%. Is he aware that all those earning less than €70,000 pay tax of less than 50% on their earnings? The Taoiseach's commitment to cut taxes for the wealthiest would cost €441 million and benefit those who earn more than twice the average national wage. He will not make a commitment to find the money needed to fix our hospitals or ensure that the one fifth of breast cancer patients in County Donegal who are waiting to see a specialist are treated on time. Coronary care rehabilitation services in the county have been suspended as a result of faulty equipment and we do not have the money to fix them, yet the Taoiseach is committed to finding money to cut taxes for those earning most. He must dump that commitment and get real about the economy.

I have made realistic and winnable demands which Ireland must push at every European Council meeting. I genuinely hope the Taoiseach has made some allies and friends in Brussels but he should not mistake a smile for the concrete friendship we need. As a small country in a big club, Ireland must speak up.

The European Council meeting also focused on the development of the EU's Common Security and Defence Policy. Is iad na pleananna go bunúsach atá ag an Aontas Eorpach ná arm Aontais Eorpaigh a chruthú a bheidh in ann idirghabháil míleata a dhéanamh agus cogadh a sheoladh agus é sin chun cur le NATO. Tá aon bheartas atá ag an Aontas Eorpach a bhfuil mar aidhm aige cur le míleatú an Aontais Eorpaigh ina bhagairt ar neodracht na hÉireann. Tá sé dochreidte nach bhfuil focal labhartha ag an Taoiseach in éadan na bpleananna seo go dtí seo. Ní hamháin go bhfuil an togra seo mícheart ach tá cáiniocóirí an Aontais Eorpaigh ag íoc go hiomlán as.

The latest plans to update the European Union's military capability will be funded to the tune of €1.5 billion per year directly from the EU budget. When the Government and European Union claim they have no spare money for positive social and economic programmes, we know it is a lie as this is a matter of choice. We can clearly see that there is no problem finding €1.5 billion a year when it is to be used for regressive military projects. Sinn Féin wants Irish and European taxpayers' money spent on health care services, ending the trolley crisis, making education more accessible, improving public services and creating good quality jobs in urban and rural areas, rather than on developing an aggressive standing EU army which will dismantle Ireland's long-standing stated position of neutrality.

The Taoiseach will be aware that last week was refugee week. One would expect the European Council to send out a strong message to some of the 22.5 million refugees in the world who are fleeing conflict, oppression and destitution. Instead, we got a recommitment to the EU-Turkey agreement and an agreement to equip the Libyan coast guard to return refugees escaping from Libya to that war torn country. Turkey is backsliding into an autocracy under President Erdoğan. Civil and human rights are being violated with impunity, journalists and opposition politicians have been arrested, the army has laid siege to Kurdish majority areas in the south east of the country and the annual Istanbul Pride parade was banned for the third year running, with LGBT activists who gathered to mark it on Sunday tear gassed, beaten up and arrested. Despite all of this, the EU continues to label Turkey as a safe country of origin, which

allows us to send back to Turkey refugees who have arrived in Europe from that country. This is completely wrong and the Government's support for the agreement is a stain on our international relations.

Furthermore, the Taoiseach either offered support or said nothing when those attending the European Council agreed to support the Libyan coast guard in capturing and returning people fleeing Libya and attempting to reach sanctuary in Europe. As my colleague, Deputy Crowe, pointed out in his pre-European Council statement, those who are returned are taken to so-called detention centres where they are likely to face abuse and exploitation by armed militias. Reports by non-governmental organisations on conditions in these centres and the abuse meted out to those imprisoned in them are shocking. Tá sé náireach go dtacaíonn ár gceannairí i mballstáit an Aontais Eorpaigh le córas ina bhfuil dídeanaíthe atá tarrthála ó bhaol a mbáite curtha ar ais go priosún sa Líbia i gcoinníollacha uafásacha.

These Council meetings will become a regular part of the Taoiseach's agenda and, on behalf of the country, I wish him and the Minister of State, Deputy McEntee, well in their participation. I also congratulate the latter on her appointment. However, the question needs to be asked of whether we will see any change in the Government's attitude. Are we going to see a new Taoiseach standing up for Ireland or, indeed, other EU countries and people in need around the world at these meetings? We need to know the answer. Alternatively, will it be more of the same - more hoping that the EU bosses will give us another pat on the head while their policies and rules hurt society and leave us vulnerable to the shock of Brexit?

Next time, will the Taoiseach go with a clear message based on the mandate of this House - special status for the North within the European Union - and the result of the referendum in the North and say that the people of Ireland do not accept that there will be a border in this country? Will he repeat the commitment that he gave in Donegal - no better place to give it - that he as Taoiseach would campaign for the North to remain within the customs union and the Single Market and that he wanted the support of his European Council colleagues to try to achieve that objective?

Deputy Brendan Howlin: I hope that the Taoiseach enjoyed his first Council meeting. I congratulate the Minister of State on her new responsibilities and wish her well in that regard. It seems from reports that the Taoiseach enjoyed his visit to Brussels and had a busy schedule there.

Last week, Deputy Micheál Martin raised with the Taoiseach his frustration with the level of debate and engagement on EU issues. He has done so again today. There is a lack of appropriate briefing material being circulated to us in advance of and after Council meetings. We rely on European Council websites for agenda items. The Taoiseach's press releases are summaries of what will be, and what was, discussed. The House can do better. It would be worthwhile were the Taoiseach's office and Department to circulate in advance of these statements the agenda and positions about to be taken by Ireland and, afterwards, a note on what was achieved and what the attitude of others was exactly.

There is little coverage or debate in Ireland regarding the major agreement coming out of the Council, that being, co-operation on defence. Nor has it been reported or debated widely as to what Ireland's position was stated to be on this matter and whether we are in favour of the EU proposals. Mr. Paddy Smyth in *The Irish Times* reported: "On Thursday, Ireland was saying to fellow member states that it is enthusiastic about the project, wants it to be 'ambitious', but we

are not necessarily committed to participating in each and every iteration.” The Taoiseach’s pre-Council statements focused on security with no mention of defence. He stated:

I will offer Ireland’s continuing solidarity and our strong commitment to working closely with our partners in combating this growing threat. The meeting will send out a strong message that Europe stands united and firm against terrorism, hatred and violent extremism.

Clearly, no one would object to that. The Taoiseach told reporters: “We believe that by being a country that is neutral, but not being part of any military alliance, that it actually makes us stronger in the world”. However, we still do not know what Ireland’s attitude is to the growing view among so-called core EU member states about common defence.

The EU will now use a provision of the Lisbon treaty, known as permanent structured co-operation, PESCO. This enhanced co-operation requires the agreement of all 28 countries. Speaking after the summit, the French President, Mr. Emmanuel Macron, described the move as historic. He stated: “For years and years there has not been any progress on defence, there has been one today”. Those views were shared by Chancellor Merkel, who stated: “In the next few weeks and months, we will look at possible projects”.

As the Taoiseach outlined, the Commission is proposing to add €500 million of EU funds in 2019 and 2020 to finance EU defence research and new military development. After 2020, the figure will increase to €1.5 billion every year for research and development of new military technology. We are slowly seeing the militarisation of the EU. As the Taoiseach referenced, Ireland has a long history of military neutrality. I am not sure what our current position is, but I doubt that the Taoiseach’s own party does not have some level of ambivalence towards these new trends in Europe.

The Council has clearly taken steps to intensify co-operation on defence and there is now a plan to expand the range of common military activities. This is designed to complement NATO structures but Ireland is not a member of NATO. What is Ireland’s position on these steps driven by France and Germany in a move towards enhanced military integration embraced wholeheartedly by the European Commission? This approach is gathering pace due to the exit from the EU of the United Kingdom, which had traditionally opposed it, seeing any co-operation within the umbrella of the European Union as a duplication of NATO activities.

Interestingly, I noticed that the Taoiseach added a sentence to his circulated script in the paragraph beginning with “Ireland’s neutrality was restated and is, of course, fully respected”. The second sentence in the circulated script reads: “However, we favour initiatives to strengthen the EU’s capacity to act as an international peace provider, particularly in support of the United Nations and its missions”. To this, the Taoiseach added “and to defend itself as a Continent.” We need a fuller debate on these matters, given that there are different views in the House. As other Deputies have mentioned, much future thinking happens in the EU without our participation. We are reactive instead of being shapers of policy. It would be good for us to have an open and frank debate on our position as opposed to allowing others to be pace setters while we determine *post factum* what our position is. The Irish people demand at least that. I would welcome a debate on this matter.

In the three and a half minutes remaining to me, I will move on to Brexit. Did the Taoiseach discuss with his European colleagues the sequencing of negotiations? I raised this matter with him last week. Did he raise it with the chief negotiator, Mr. Barnier, or Presidents Tusk and

Juncker? I am concerned that Irish aspects of the negotiations may be delayed towards the end of the first phase, which means that it might be more difficult to find imaginative solutions to deal with the Border issues Members have discussed time and again. Had the Taoiseach any engagement with EU Heads of State or Government or officials on the common travel area? Is there a consensus view on this among all member states? Will some member states see it as something to be negotiated in light of the rights afforded to their citizens within Britain after the UK exits?

On climate change, the Taoiseach mentioned in his pre-Council statement that he was determined that the Government would show a new ambition when it comes to tackling the matter and that this would be the subject of a full-day strategic meeting of the Cabinet. He also spoke to President Trump yesterday. Given that we debated the issue beforehand, I presume that the Taoiseach raised the question of the Paris Agreement with him. That would have been important in the context of the role that the US will play in climate change mitigation.

Most of the discussions at the Council on Friday focused on jobs, growth and competitiveness, including the European Fund for Strategic Investments. This has particular relevance for the economic fallout that Ireland may experience after Brexit. I have raised this matter time and again with the Taoiseach and his predecessor. Has the Taoiseach flagged the impact of Brexit on jobs and growth in Ireland? Is there now a united EU view of the uniqueness of Ireland's case? As other Deputies have asked repeatedly, where stands the resolution of this House in respect of the special status for Northern Ireland in a post-Brexit scenario?

On Brexit, to date the Government has focused on high-level issues. It also needs to begin planning in respect of the mitigation of impacts which we know will come. Three core policy areas in particular require attention: investment in infrastructure, state aid rules, and making the European globalisation adjustment fund fit for purpose. I have said repeatedly that we now need to plan for investment in roads and ports and in ensuring the facilities are ready in the event of Ireland having to strengthen its direct links to the Continent. Ports such as Rosslare will become pivotal in this regard.

I have proposed, and I am interested in Sinn Féin's view, that the proceeds of the AIB sale should be used for infrastructure. It is not actually the fiscal rules which are impacting on that. It is the Stability and Growth Pact rules under the Treaty on the Functioning of the European Union. These rules, which go back to the creation of economic and monetary union the bones of 20 years ago, determine that the proceeds of asset sales should not benefit the general government balance. There is a separate issue about the spending of that but I think that can be addressed and I have begun that discussion.

Has the Taoiseach begun negotiations at EU level to ensure we have the flexibilities in respect of expenditure which will allow us to address the issues of Brexit?

Deputy Richard Boyd Barrett: I am quite amazed at the bland, anodyne, passionless statement we received from the Taoiseach about the challenges which face the European Union, some of which are dire and which include issues such as migration, global security and economic and social challenges. That bland, anodyne, passionless account, which says nothing at all about what was discussed at the European Council except in the most summary way, contrasts very sharply with the fairly extraordinary outbursts we have had from the Taoiseach in recent days. He has spoken about the Bolshevik revolution, Venezuela and Cuba and about people who apparently support these things. There is a lot of passion there. He has a lot of passion to

attack the populists, or people's apparent populist or radical credentials, but he has no passion or interest whatsoever when it comes to things that matter and that are happening now to real human beings.

Last week, during pre-European Council statements, I raised the issue of 14,000 human beings - men, women and children - who have drowned in the Mediterranean since the beginning of 2014. This continues because the apparently pragmatic, reasonable centre in Europe, which the Taoiseach claims to represent, tolerates people like Viktor Orbán and other hardline anti-immigrant racists who head up European countries and are quite happy to see 14,000 people die in the Mediterranean. This centre compromises with them. It does not engage in tirades against them for their racist filth directed against Muslims and immigrants. No, there is no passion there. The Taoiseach's party is, indeed, affiliated with Mr. Orbán, who describes migrants as poison. Imagine that. Some 14,000 people die in the Mediterranean and Fine Gael is associated with a party which describes them as poison. If one thinks people are poison, one does not mind if they drown in the Mediterranean, does one? Clearly, Mr. Orbán does not mind.

It is the same case with the Slovakian Prime Minister, Mr. Fico, who speaks about the need to monitor every Muslim and how Islam has no place in Slovakia. It is also true of the Bulgarian Prime Minister, who has spoken about the threat represented by Roma people and by immigrants from the Middle East. That is why people are drowning in the Mediterranean. It is because our Taoiseach and the other moderate figures in the political establishment in Europe tolerate this sort of thing and allow Europe to put up fences in order that people drown. These are people who are fleeing war in Syria. They are in the most appalling, unimaginable circumstances. Their lives have been destroyed and their cities and towns have been decimated, but Europe closes the door on them.

Europe then does rotten deals with regimes such as that of Turkey, where currently dozens of opposition parliamentarians, journalists and academics who speak out against the Turkish regime are summarily rounded up and put in prison. That is what is going on in Turkey. Democratically elected people are in prison because they oppose Mr. Erdoğan. Despite this, we do deals with this man, who is brutally suppressing his own population, to send immigrants back to him. The European Union is doing similar deals, with which we are going along, with the Afghan regime and with the Libyan regime, which should not even be called a regime. It is doing these deals with Egypt. All these countries are brutal dictatorships.

When we talk about security threats to Europe in respect of terrorism, we say nothing. We have a polite telephone conversation with Donald Trump, during which I suspect we did not even bring up the fact he has just signed the biggest arms deal in human history with the Saudi regime, which sponsors ISIS and which is a savage, brutal and undemocratic dictatorship, but that is okay. We will send them billions of euro worth of arms. Why not? Someone is making money out of it. What do we discuss at the European Council? Let us beef up the European military development programme. Let us get in on the act. Let us make money from selling arms to these people ourselves in the name of so-called security. It is absolutely shocking. Donald Trump is literally putting a gun to the head of the world with arms sales to Saudi Arabia, which is then escalating tensions with Iran and Qatar. Let us pour the arms in there, as it were. When it destroys countries such as Syria and Yemen and, prior to that, Iraq, and millions of people are displaced and try to flee to Europe for safety, we will let them drown in the Mediterranean, and we will say nothing while European leaders whip up poison against them. Is there any wonder there is disillusionment, which the Taoiseach calls populism, with the European Union when these are its standards and priorities as human beings, lives and countries are de-

stroyed because of the cynical profiteering and rotten political priorities of Mr. Trump, Europe and the European arms industry?

The other issue in which the Taoiseach seemed to display some sort of interest in his summary was the debate about outside, third countries getting hold of our strategic infrastructure and assets. This totally anodyne statement does not really say anything, but in so far as it says something it says that some countries in Europe are worried about outside investors, presumably big multinationals from the United States and so on, coming in and buying up assets and infrastructure. Does that sound familiar? Does it sound like the vulture funds buying up all the land and property, sitting on it, evicting people and profiteering from the housing and homelessness crisis? What does the Taoiseach say about this? At least someone is expressing concern about this in Europe, but the Taoiseach reminds us that while, “While we understand the views of some member states about controlling sensitive or strategic assets, companies can also benefit from foreign cash and expertise, and we should not put unnecessary barriers in the way of inward investment.”

That says a lot about what is happening in this country. The vulture funds swoop in to buy up the land and property assets which NAMA sells to them, and the housing crisis is thereby exacerbated and perpetuated. Apparently that is good for us. It indicates how it was actually encouraged. That is why there were 65 meetings with these vulture funds. It is because Fine Gael asked them to come in and buy up the property and said, “By the way, if you do come in, we have a thing called section 110 where you won’t pay any tax on the capital gains and all the profits you make.” The net result is the worst housing and homelessness crisis in the history of the State.

We are positioning ourselves on the extreme neo-liberal wing of the European Union. At a time when some in the Union are questioning whether it is a good idea to allow these vultures and multinationals to come in and buy up our assets and strategic infrastructure, the Taoiseach and his Fine Gael colleagues are saying that it is actually quite good to let these people in and that we should not put barriers in their way. I find that bizarre, particularly in the context of Brexit. As has already been stated, what we need to do is say that the fiscal rules make no sense now because they are crippling our ability to invest in the infrastructure we need. In addition, the state-aid rules make no sense whatsoever at a time when we need to give state aid to particular sectors, industries and enterprises in the face of the economic challenge Brexit represents. However, the Taoiseach’s commitment to the free-market, neo-liberal orthodoxy means we probably are not asking to do that either.

Acting Chairman (Deputy Declan Breathnach): I call Deputy Maureen O’Sullivan who is sharing her ten minutes with Deputy Wallace.

Deputy Maureen O’Sullivan: I first wish to speak about the Malta declaration, which is supposedly about capacity building, training and adequate reception capacity in Libya for migrants. In April, €20 million was added for the protection of migrants on top of the at least €120 million already provided. The reality in Libya is very disturbing. It is a country in turmoil and chaos. There are three ostensible governments running the country, which is sliding towards bankruptcy. There are shortages of electricity, fuel and medical care, and armed groups are roaming about. This is one of the countries that is getting EU funding to look after migrants.

During a recent Topical Issue debate, I referred to the inhumane conditions in the so-called migrant centres in Libya. Those centres are dangerously overcrowded with no light or ventila-

tion. There is a shortage of water, and there are sanitation issues and health hazards. There are reports of extreme violence, including forced prostitution and forced labour. There are also accounts of acute malnutrition. As people feed from communal bowls, one can imagine the scramble for food there.

Many were rescued - I use that word reservedly - in the Mediterranean before being brought to these centres in Libya. The EU is also providing training and support for the Libyan coast guard, but there is evidence that members of the latter are not treating people with the respect they deserve or even in a humane way. They are relieving them of their phones or of whatever money they possess. A doctor working on one of the rescue ships has said that every day Libya haemorrhages people to the bottom of the sea. I asked the previous Minister for Foreign Affairs and Trade to raise this issue at the Foreign Affairs Council; I do not know if that happened. The EU needs to look seriously at accountability and transparency when it comes to this funding. It needs to revisit where it is going and the Malta declaration.

Europe also depends on Turkey in the context of migration. We continue to receive disturbing reports of human rights abuses in Turkey. A week ago, a journalist reported that thousands of people are languishing in Turkish jails, some of them for peacefully protesting or because they were suspected - not convicted - of links with the US-based cleric, Gülen. Amnesty International has advised that the authorities have fired more than 100,000 civil servants. Many reporters and journalists have been detained. Turkey now accounts for one third of all jailed journalists worldwide. Where is Ireland's voice at the EU on this?

The second issue I wish to raise relates to Palestine and the statement on achieving a just and meaningful solution. Matters relating to Palestine have reached a stalemate. The situation is moving further and further away from the so-called two-state solution. I do not believe there can be a two-state solution while the settlements continue to be built. The peace negotiations to date can only be described as a charade. How can there be negotiation between two powers when there is such inequality between them? We know the effects of the occupation and we usually look at the political effects. The World Bank compiled a report on the economic effects of occupation. Is Palestine being considered at all by the EU? In the Quartet roadmap, Israel agreed to halt settlement activity prior to negotiations. However, neither the EU nor the UN has insisted on that. I have not even mentioned Gaza. People need to come to the table, but first the imbalance needs to be redressed.

My third issue relates to the areas of need for development aid. I know the EU is a formidable contributor. I want to ask about funding for the increasingly difficult famine situation in east Africa. It is a human crisis that has been described as unprecedented. Given that we have had many other human crises, it is very alarming to hear it described in that way. Some 24 million people - six times Ireland's population - rely on food aid in a number of countries in east Africa. This is as a result of drought, which is caused by climate change. It is also caused by conflict, land grabs and displacement. It is a crisis that is receiving very little attention. The appeals for funding have been underfunded.

I am struck by a quote from Pope Francis, who said, "Today we cannot be satisfied with simply being aware of the problems faced" The EU is a major contributor to aid and the question is whether it is going to the most needy. The health system in Yemen is on the verge of collapse, medical services are under fire, hospitals are being bombed and those who are providing assistance are being obstructed with complete disrespect of humanitarian principles. Those are really important issues that need to be raised at the European Council and the Foreign Affairs

Council in a real and meaningful way.

Deputy Mick Wallace: I congratulate the Minister of State on her new appointment. I again express my disappointment that the Taoiseach does not feel we are worth listening to. Perhaps we need to give him more reason to show some respect.

The EU tends to view the refugee crisis as a defence and security issue. However, this is deeply destructive and separate from the real problem. As others have said, we are throwing money at despots to keep desperate people from leaving countries we have helped to destroy. Giving money to countries such as Egypt, Libya and other African states, as well as Afghanistan, to stem the flow of refugees is nothing short of immoral. I wish the Taoiseach would say so. The Turkey deal is just one of a number of disastrous deals. The amount of money we have given that country beggars belief, particularly in light of what is going on there. The European defence action plan, which includes proposals to use European Investment Bank funds to develop the arms industry - or so-called security research in Europe - was also discussed.

Despite the Stability and Growth Pact restrictions on public infrastructure spending in member states, it is planned to use a loophole which exempts increases in the European Investment Bank's capital from being governed by the pact. Therefore, while member states must abide by EU fiscal rules when it comes to housing, education and social security spending, the best lawyers in Europe are paid to figure out how we can divert more funds to arms research. What should we expect when the defence industry is probably the biggest and most powerful lobby in Europe?

Climate change was discussed, but not its impact on the refugee crisis. Along with the disastrous imperial wars of recent years, climate change is driving people to a situation where they must flee or die. According to United Nations estimates, nearly 20 million people are at risk due to famine or near-famine conditions in South Sudan, Nigeria, Somalia and Yemen alone. More than 120 refugees, mainly Sudanese, died in a shipwreck off the Libyan coast last weekend. These people are fleeing hunger, death, rape and other human rights atrocities being perpetrated by all sides in the conflict that has been raging since 2013. The US has been arming, training and funding the government army that recruits child soldiers and rapes, tortures and has carried out massacres of civilians. The EU is giving the same administration hundreds of millions of euro to stem the flow of refugees from the country. This money is nearly impossible to track and many human rights organisations fear it is being funnelled into the military.

Instead of pouring arms into these countries, picking sides in battles where every player is in the wrong and exacerbating the breakdown of the structures needed to deal with climate disaster, we should be dramatically increasing humanitarian aid and engaging in research aimed at helping farmers and making it possible to sustain the lives of people in these countries, rather than, as at present, facilitating their being bombed.

On a different subject, I want to touch on the role of the European Union, and in particular the European Commission, during the establishment of NAMA. When NAMA was originally set up in late 2009, it was in clear breach of the EU state aid rules, under Article 107 of the Treaty on the Functioning of the European Union. However, as we know, the European Commission granted Ireland a special exemption to receive state aid due to the ongoing banking crisis, albeit with a number of conditions. The Commission stated that, with regard to the state aid exemption, it had received commitments from the Irish authorities at the time that the rights and exemptions contained in the NAMA Act would not lead to a distortion in the market in NAMA's

favour. At this stage it now looks as though we have not held up to our end of the bargain. Under the reign of the previous Minister, Deputy Noonan, the Department of Finance allowed NAMA turn into an entirely different animal than it was originally intended to be, and in my opinion, in direct contravention of the NAMA Act. NAMA is now one of the largest developers in the State, with plans to build 20,000 houses by 2020. NAMA was set up to remove the bad loans and related assets of same from the balance sheets of the Irish banks and to manage them. It was not set up to develop expensive houses that the majority of Irish people could not afford. To my knowledge, there have been no amendments to the NAMA Act since 2009 yet it seems it can ride roughshod over its statutory obligations.

Another area where NAMA has ignored the provisions of its own Act is in relation to auditing. In the most recent financial statements, the chair of the NAMA audit committee, Brian McEnery, stated: “As the NAMA group entities are 51 per cent privately owned and operate to return dividends to shareholders, the companies were deemed to be trading for gain and the C&AG is not therefore in a position to audit the statutory financial statement of the NAMA group entities after 15 June 2015”. That seems to be in direct breach of section 57(1) of the NAMA Act, which states: “NAMA and each NAMA group entity shall submit its accounts to the Comptroller and Auditor General for audit within 2 months after the end of the financial year to which they relate”. It seems that the Comptroller and Auditor General is to be punished for exposing the truth about how NAMA operated on Project Eagle. Is the Government happy for NAMA to do that? If it is, that would beggar belief.

Deputy Michael Healy-Rae: I wish to share time with Deputies Danny Healy-Rae and Mattie McGrath.

Acting Chairman (Deputy Declan Breathnach): Is that agreed? Agreed.

Deputy Michael Healy-Rae: At the outset, I wish the Minister of State, Deputy McEntee, well. As Chairman of the Joint Committee on European Affairs, I wish to say on behalf of the committee that we look forward to engaging with her in the very near future. Like many in this room, I am as interested in the issues that were discussed informally as those that were on the agenda, in particular the proposal presented by Prime Minister May for EU citizens who currently live in the UK. There has been a lot of commentary about that and it is important that all of us across the EU get this one right and get it right as early as possible. It has been a most uncertain time for the many EU citizens who study, work and live in the UK today and it is important that all of them are given clear notice of what they will be able to do. We all noticed that the proposal is for Irish citizens to be in a slightly different situation because of the common travel area and while I welcome that, this is a strategically important issue for the EU and we need to consider it carefully.

We all share the condemnation expressed by the Taoiseach and the other leaders of the recent terrorist attacks. I am interested in learning which of the measures that were mentioned in the conclusions he intends to introduce here. I refer to the establishment of an industry forum; new technology for the detection of inciting material on the web; potential new legislation on data encryption; and the new entry-exit system, among others. I presume that as we are one of the member states that is not a part of the Schengen area, the measures will not automatically apply to us but that we could opt in to them. In addition, there was discussion on the strengthening EU co-operation on external security and defence and the establishment of a European defence fund. I am interested in hearing which Minister intends to consider that issue. What level of involvement in the soon-to-be established permanent structured co-operation, PESCO,

is envisaged for Ireland?

I was very pleased to see how much attention was paid to supporting the increase in jobs, and supporting growth and competitiveness across the EU. At the end of the day, that is what our citizens need, namely, to make sure that we have created the right environment for companies to invest and grow and to be able to hire people. While I agree that we need to continue to support and deepen the European Single Market, it is most important for Ireland to make our partners aware that when it comes to the energy union and interconnectors, Ireland may need understanding as we go backwards before we go forward again. As we are aware, a significant amount of Ireland's energy comes through the electricity interconnector via Wales, as well as gas via Scotland. That leaves us meeting the current rules and exploring whether it would be a good idea to build another interconnector directly to France. Depending somewhat on the Brexit negotiations, we will need the appropriate derogations to be allowed the time to develop new infrastructure and to find new solutions if the current infrastructure is not considered to be within the EU. If that is the case, Ireland will need to work over the next couple of years to get back to where we are now.

I note from the conclusions that the European semester process for 2017 is now considered finished. I would be interested to know what the Taoiseach thinks were the main lessons for this year and what we might bear in mind for next year.

Deputy Danny Healy-Rae: It is what was not spoken about at the meeting that concerns me. As I said previously, the decrease in the value of sterling is seriously impacting on small businesses right around the country who are exporting to Britain and the North of Ireland. Such people are experiencing a reduction in income. That issue and the impact of Brexit that is already being felt must be highlighted to the foreign affairs Ministers and others in Europe.

Farmers will be affected right around the hills, valleys and glens of this country and when farmers are affected, all the businesses that feed off them will be adversely affected as well. That issue must be highlighted.

The motor industry is already starting to suffer. There is a decline in car sales because cars are being imported from across the water and from the North of Ireland as they can be bought more cheaply there due to the reduction in the value of sterling.

IBEC has already said the regions will suffer following Brexit. When it talks about "the regions" I understand it to mean rural areas. It has been said that urban areas will prosper. The Taoiseach must understand that urban regions are already doing very well but rural areas are not and if they are affected any further it could mean a significant decline in population as there will be an exodus of people leaving rural areas.

I note the Paris Agreement was discussed at the European Council. It is important to bear in mind that one cannot get blood out of a turnip. Is that all that was gained by the talks in Europe last week? I am concerned that farmers, who face a reduction in the amount of money they get for their produce, will be expected to pay for the Paris Agreement. I do not believe there is any hurry attached to the Paris Agreement because as I said previously in the Chamber, we cannot do anything about the weather. God above is in charge of that. If farmers and business people are expected to pay more in carbon tax because of the Paris Agreement they will be hurt more. I repeat; one cannot get blood out of a turnip.

There is much talk about exemptions for the North of Ireland and that is fine, but we must

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remember that we are representing the Twenty-six Counties and the people who are trying to live and work in this country and they need to be looked after. If we do not do that then we will not be here either.

Deputy Mattie McGrath: I too am pleased to speak here today. I wished the Minister of State, Deputy Helen McEntee, well already.

In the remarks by President Donald Tusk after the European Council meetings on 22 and 23 June 2017 he indicated that the leaders made three important decisions. The first was the agreement to extend the sanctions against Russia for another six months. The second was that Europe will continue to work to implement the Paris Agreement on climate change, to which Deputy Danny Healy-Rae referred, in co-operation with our international partners, as though that was important to us at this time. The third decision taken is that the EU 27 leaders agreed the procedure on relocating the two UK-based EU agencies. If that is all the work they have done, they are as useless and toothless as some of our own Departments. It is astonishing that European Council President Tusk has said, "As a matter of fact, Brexit took up very little time at this European Council." He said "as a matter of fact". He nearly told us not to worry about Brexit at all, that he was just trying to protect the EU. He went on to speak about:

[A] renewed hope in the European project [the dream again] which positively impacts on our economy. This confidence translates into strong growth, more consumption, more investments, and above all, more jobs.

What medicine is this fellow on? Does he even know what is going on and the impact that Brexit will have on our island? It is up to the Minister of State, Deputy McEntee, in her new role with special responsibility for European affairs, and it is up to the Taoiseach to tell Donald Tusk that we are here to try to look after our people and that he is on a different planet. What planet is the man living on? He went on to speak about the great strength in employment. Where is the great strength in employment in Ireland? The view from the top of the European Council is clearly very different from the view at the bottom where people have no jobs. There are farmers and small business people all over our island, North and South, but we are worried now about those in the South. When we meet the Irish Farmers Association, Irish Business and Employers Confederation or any business groups, they tell us how frightened they are. We see IDA Ireland had ten positions and it only filled two of them.

There is a blasé, sleepwalking approach to Brexit and we seem to be bystanders and admirers of Donald Tusk. We need to tell him that this is a mess and they need to sort it out. They need to treat us seriously in Ireland. Brexit will have a massive impact on our Twenty-Six Counties and the island. The very thought of a hard Border is just one thing we cannot even contemplate. We see it in Croatia and Bosnia and Herzegovina, where I have travelled. It is impossible. The Acting Chairman, Deputy Breathnach would know also this well from the North. We cannot go back to the days of Newry, Crossmaglen, Aughnacloy and all those crossing points. We just cannot, and yet these fellows are talking about more consumption. I am sure he is able to eat and drink plenty and is consuming enough but he needs to consume the views and the hardship this will cause to Ireland's economy. It will be a flight from the land worse than the Famine because farming especially depends on exports to Britain and elsewhere. We need to wake up and someone needs to pinch this guy and tell him to get real. The reason that Britain is leaving the EU is because of arrogance such as this from senior people in the EU and we do not want any more arrogance. We want understanding and we want to be treated as equals in the EU. We do not want to listen to that kind of baloney. We need to step up to the plate and we need to have

a Taoiseach who will do so. I am disappointed he is not here. The Taoiseach was late coming in to Leaders' Questions this morning and he fled away from here early.

Acting Chairman (Deputy Declan Breathnach): The Deputy's time is up.

Deputy Mattie McGrath: The Minister of State, in her new very important role, understands the Border counties as she is quite near them. We need action and we need to be treated as good Europeans, as we have always been, not lapdogs. We need respect now and support, not his kind of baloney where Tusk says that Brexit took up very little time in fact.

Acting Chairman (Deputy Declan Breathnach): The Deputy is way over time.

Deputy Catherine Murphy: It was with interest that I noted the remarks of President Donald Tusk following the most recent European Council. He wanted to emphasise the point that Brexit had in fact taken up very little time at the Council. On the one hand, I am delighted that elements such as the Paris Agreement and the horrendous migration humanitarian crisis in the central Mediterranean Sea route are getting the prominence among European leaders that they deserve, but I also feel strongly that Brexit is not something that can be allowed to develop in an out of control way as a footnote to these gatherings. I suspect that geography and the size of Ireland are part of the problem. It is not as if we can float ourselves off nearer to the Continent. There is a real issue in relation to our geography.

According to Mr. Tusk, there was a quick agreement which confirmed unity and a determination to reduce the uncertainty caused by Brexit. It is very important for us in Ireland to be vociferous in having our voice heard around the impact of Brexit on us and we must also look to our own readiness to deal with the fallout.

There are two perspectives on Brexit: the European one and ours. While it is all very well looking at it from the point of view of making sure the books balance, there are other concerns regarding our voice in Europe about which we must be conscious. For example, on the one hand, we are speaking about fiscal space, balancing the books and not having money for capital investment. On the other hand, we are missing our climate targets. We are going backwards and we are going to end up with significant fines from the European Union while the EU is constraining us from investing in public transport or retrofitting housing and buildings that would save energy. This is indicative of the problem we have and one that may well increase in the wake of Brexit unless we strongly take control of the situation and refuse to continue what has become a culture of kowtowing to the EU and being pacified with pats on the head.

Mr. Tusk's remarks also referred to his belief that things have changed for the better in the European Union and that there is now renewed hope in the European project. What does that mean? What does this European project - this organisation we are all supposed to be partners in - mean when we carried the lion's share of the burden around the banking collapse? We got a commitment to retroactive recapitalisation but it did not mean anything. We need not just commitments but also to see the hard facts. What is going to be done to overcome some of the issues that will present really serious problems for Ireland if they are not addressed in advance of Brexit? By virtue of the straitjacket we are in, we do not have the ability to invest, especially with regard to investing in items where we could spend now and save later such as housing.

We have a difficult time ahead, more so than any other European country, when it comes to dealing with Brexit. Ireland must have a strong voice to navigate that uncharted course and be in agreement with Mr Tusk's commitment to reduce the uncertainty caused by Brexit. The

German car industry will be concerned about the fallout for it in terms of sales into Britain, but Ireland has a whole economy that is much more exposed. We need to have this understood and forensically dealt with. It must not be some sort of side note, footnote or quick agreement at the end of a meeting. For Ireland this has to be much more centre stage and much more about what the EU is going to do to make sure we can cope with the fallout and that it will not just be by virtue of our size. It must not be another case of “Whoops, we got that wrong”, which is pretty much how the bank debt was dealt with.

Deputy Eamon Ryan: I want to make three points in response to the Taoiseach’s report back from the European Council. I regret he is not here but I welcome the Minister of State, Deputy McEntee. It is a real issue in terms of speaking arrangements that the Taoiseach is never in the Chamber for later contributions.

The Taoiseach said in his speech that he wants to see progress as quickly as possible on the Brexit negotiations. He said something similar in his earlier presentation to the national climate dialogue. We need to think tactically and slow down the Brexit process. I asked the Taoiseach a question last week about the political tactics given the very uncertain political environment in the UK. It is my concern that there is a keen interest among certain elements in the UK to have a fast crash-out Brexit. They would like it to be very quick, and according to the *Daily Express* this morning, it can all be done in a week. The UK will get it all sorted out, leave the EU and take back control. There are other people on the EU side, I fear, who similarly think that Brexit could be done very quickly in that, if the UK crashes out, then it is the UK’s fault, and the clock is ticking, so we had better move on quickly. That is not in Ireland’s interest. We do not necessarily need to speed up this process or force the pace on it. We need to create a sense that there is a space for people to reconsider, look at different options and not be looking at the process at breakneck speed. This is why I was concerned when I heard the Taoiseach earlier. I am equally concerned about his comments in his speech. Speed is not necessarily our ally in this issue.

My second point is about the comments made on Dublin and regional development. I am afraid that the chances of us getting either the European Medicines Agency or the European Banking Authority are slim to nil. When we look at the competing cities such as Vienna, we see that they have public transport, housing and schools ready to go. Any rational assessment of Dublin that is done by the end of July will look at how it matches up to the competing cities. I am sorry to say we do not have the public transport and housing infrastructure in place. I hate to say this about my own city. This supports the case for such investments to be made. This is not about Dublin versus rural Ireland. The European Medicines Agency and the European Banking Authority are not going to move to remote areas. They are going to relocate close to an international airport. If we are to get those sorts of agencies to come here, we need to invest in Dublin.

I would like to speak about the most important issue of enhanced security co-operation. I was particularly concerned to hear the Taoiseach say in his speech that when this issue was discussed, it was agreed to invite the European Investment Bank, EIB, to consider its role in investing in the munitions and armaments industry. There had been rumours in this regard, but it was deeply concerning to hear it mentioned in the Taoiseach’s official report on this meeting. I have multiple concerns in this regard. The EIB raises a lot of funds when it sells its ethical bonds on the international markets. All of them will have to go if the EIB decides to invest into the armaments industry. Such a move would completely change the character of the bank and its business model. Such a move would be utterly wrong from an ethical perspective. It was interesting to hear the Minister for Communications, Climate Action and Environment making

the point today at the National Economic Dialogue that the Brexit bill will possibly be €300 million over a three-year period. He made the valid point that the climate bill we are facing from Europe as a result of our failure to meet our targets is ten times greater than that. It has the potential to reach €6 billion.

I think the EIB has a critical role to play in investing in the transformation of our economy that we need to make. We do not need it to invest in armaments as an alternative which would draw funding away from the climate action we need to take. Last week, I attended an event in the Oireachtas audiovisual room at which it was pointed out that the EU currently spends €1 billion a day on imported fossil fuels. The vast majority of that €1 billion a day is going to Saudi Arabia and Russia. I believe the EU's peace and security strategy should involve using the EIB to invest in the switch to clean energy alternatives. This would ensure we do not continue to give €1 billion a day to Saudi Arabia to buy American weapons to be fired into Yemen. This is a basic key tactical and strategic issue. Are we in favour of the EIB investing in armaments? I would be very keen to hear the Minister of State's response to that question in her reply. I think we should express our outright opposition to such a development. We should see the bank as an investment bank for the transition to a more secure future in which we invest in our own people and jobs, as well as in climate and economic security, instead of giving €1 billion a day to Russia and Saudi Arabia. This is the thin end of a very worrying wedge. Ireland's involvement in and support for the increased militarisation of Europe is wrong and we oppose it. What did this country's representatives say in response to the proposal to turn the EIB into an armaments-lending bank?

Acting Chairman (Deputy Declan Breathnach): There are approximately 20 minutes left for questions and answers. The Minister of State will have five minutes to respond at the end. Deputies Haughey and Tóibín have indicated. In the interests of giving everyone an opportunity, I ask them to curtail their questions to the Minister of State to approximately a minute, if possible.

Deputy Seán Haughey: I congratulate Deputy McEntee on her appointment as Minister of State with responsibility for European affairs. As a member of the Joint Committee on European Union Affairs, I look forward to working with her.

Obviously, the big issue of security and defence was discussed at the European Council meeting. The Council agreed to strengthen EU co-operation on external security and defence. It reaffirmed its commitment to the EU-NATO relationship. It reiterated the need to strengthen defence-related research capabilities and operations. Reports were presented on a European defence fund which could support the joint development of capability projects and contribute to greater European defence co-operation. It was also agreed that permanent structured co-operation is needed to strengthen Europe's security and defence. Where does Irish neutrality stand in all of this? The Franco-German axis at the heart of the EU has now been firmly re-established. That will have a dynamic of its own. I spoke earlier about the options that are available for the future development of Europe. One of the options is a multi-speed Europe with more enhanced co-operation. I presume security and defence is one of the areas in which a multi-speed Europe with more enhanced co-operation might apply. I assume that having regard to our traditional policy of military neutrality, Ireland does not have to participate fully in all of these initiatives.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee): I thank the Deputy for his question. It is absolutely the case that our neutrality will not come into question in this context. I think our long-standing policy of military neutrality is

sufficiently safeguarded, particularly through the existing constitutional provisions, including the protocol to the Lisbon treaty. Our commitment to this policy was reconfirmed in the Global Island foreign policy review and in the White Paper on Defence, which was published in 2015. I think it is time to start looking at security and defence in a different way. We will remain neutral with regard to our Army and its activities. We are talking about a different kind of threat now. We are talking about cyber-threats. People are walking down the street wielding knives, or walking into concerts to blow up young children, their parents and others who are with them. We need to start engaging with our European counterparts. We need to start tackling information that is being spread through the Internet to encourage these kinds of acts. We will remain neutral when it comes to our military defence. This cannot be changed other than by means of a decision of the Irish people.

Acting Chairman (Deputy Declan Breathnach): I know Deputy Tóibín is anxious to raise a few matters. If time permits, we will get around to a second round.

Deputy Peadar Tóibín: I have a couple of questions.

Acting Chairman (Deputy Declan Breathnach): If Deputies are succinct in their questions and the Minister of State is succinct in her replies, we will be able to go around again. I have to take two more Deputies after Deputy Tóibín.

Deputy Peadar Tóibín: Go raibh maith agat. I want to congratulate the new Minister of State and wish her luck. She might need it, given that some of her votes have been given to the Minister, Deputy Humphreys, overnight. They might go to Deputy Ó Caoláin - we never know.

Deputy Helen McEntee: I might run in Cavan-Monaghan.

Deputy Peadar Tóibín: The Paris Agreement on climate change was discussed at the European Council meeting. Ireland is currently on track to face financial penalties of up to €600 million by 2020. This would account for a significant proportion of the available fiscal space. Ireland is facing between €3 billion and €6 billion of penalties by 2030. Our climate targets involve a 20% cut in emissions by 2020, a 30% cut in emissions by 2030 and a 80% cut in emissions by 2050. However, we are going in the other direction at the moment. According to the Environmental Protection Agency, our emissions are increasing. The current policies of the Government will mean that emissions will increase further. It is interesting that this Government is quick to lambaste Donald Trump for his shocking decision to pull out of the Paris Agreement on climate change even though it is flouting the agreements to which it is currently signed up. Was the Government's poor climate record discussed at the Council meeting?

Deputy Helen McEntee: Obviously, there was a discussion on the Paris Agreement. I think everyone agreed that we do not want to see the US pulling out of the agreement. Ireland is being particularly ambitious with its targets. I understand that the energy Ministers met this week. Ireland has set very ambitious targets for 2030. One of the biggest challenges we face as we try to reach those targets and to improve the current situation in Ireland is to ensure we engage properly with communities. Deputy Tóibín and I have seen that in our constituencies. Wind, solar and other projects are less likely to go ahead when plans are not made properly, communities are not engaged with properly and proper plans are not put in place. This, in turn, makes it more difficult for us to reach our targets. There is a way we can work with communities that helps us to reach our targets. However, there is a lot of work to be done in that regard. The Minister, Deputy Naughten, is openly engaging in the various areas. He recently published

a document on wind. He is asking people to come back with their own recommendations on that. I think we are being ambitious. We have to set ambitious targets. The Taoiseach has said we need to be ambitious in this respect. We need to communicate with communities and educate people on what needs to happen.

Deputy Eamon Ryan: I will return to my question. What was the Government's position on the invitation to the European Investment Bank to examine its role in lending to the European defence industry? Do we have a position on whether the EIB should change its remit, its statutory provisions and its whole business model to include lending for armaments and other defence provisions? Is it concerned that it would lose funding by not being seen as an ethical lender, which is a growing area of international finance? What was the Government's position at the Council? Did we agree to the invitation? What conclusion do we expect and under which mechanism will it be agreed? Will there have to be unanimity to change the European Investment Bank lending brief or will it be by qualified majority voting, QMV?

Deputy Helen McEntee: There is no question of Irish money going into something we do not support, and Ireland will continue to watch this very carefully. The meeting dealt with whether the EIB should examine ways to support investment in defence research and development activities, but there has been no definitive agreement on this as of yet.

Deputy Richard Boyd Barrett: Why are we supporting this ramping up of European military and defence investment? Should we not be speaking out against it? An annual increase in spending for the defence fund of €5.5 billion is being spoken about. Are we not speaking out against the development of a bigger arms industry? Is any concern being expressed about the huge sales of arms from a number of quarters to Saudi Arabia, given its sponsorship of groups like ISIS, what it is doing in Yemen, the actions it is now taking against Qatar and its generally pernicious role in the region? We should be speaking loudly against it.

Are we also speaking up loudly and robustly against people like Viktor Orbán? He described migrants as poison and encouraged putting up shutters against the desperate people who are drowning in their thousands in the Mediterranean. Are we not saying we should be allowing more of these desperate people in? We should be speaking out against Viktor Orbán.

Deputy Helen McEntee: Ireland's neutrality will not be conflicted but we need to invest more in conflict resolution with other member states. The EU global strategy sets out a vision for the EU foreign and security policy and commits the European Union to promoting peace, prosperity, democracy and the rule of law. We need to play our part in that. The Deputy referred to statements regarding Turkey, but this is a political agreement. There need to be engagements with other countries to get to the core of why these people are fleeing in the first place. If they are fleeing from persecution, we need to be able to work with other member states to get to the core of what is happening. If we do not have any engagement, we will not be able to do that. There is an agreement to ensure people do not lose their lives and, while thousands of people have lost their lives, we must remember that 11 vessels from Ireland have already saved more than 16,800 people. A great deal is happening, but a significant amount of work needs to be done to get to the core issues. A significant amount of support needs to be put in place and lines of communication need to be open.

Deputy Seán Haughey: It was important that the European Council recommitted itself to the Paris Agreement on climate change. This will be a key factor in modernising the European economy and will lead to economic growth. In the area of internal security, the meeting con-

demned recent acts of terrorism in Europe, and that is to be welcomed. The European Union is a force against terrorism, hatred and violent extremism.

The Council called on the online industry, including Internet providers and social media sites, to develop new technology and tools to improve the automatic detection and removal of content that incites to terrorist acts. Where does that go from here? Many of the Internet providers in question and social media sites are based in the Republic of Ireland and the Irish Government should play a very active role in this and should co-operate with our European partners to implement the objective. Will the Minister of State assure me that the Irish Government will play a full role in this regard, given that many of the companies in question are based here?

Deputy Helen McEntee: The Taoiseach confirmed earlier today that this is a priority for us, as it needs to be for many of the companies involved, which I will not name but are based in Ireland. There was a lot of discussion on jobs, growth and competitiveness, and the development of the digital Single Market strategy is a key priority, not least for Estonia which is taking over the Presidency. There is talk of data becoming the fifth freedom of the European Union after goods, capital, services and labour, and we need to encourage this to continue. The free movement of data should also include security data in order that we can freely communicate with our counterparts in the European Union to identify risks or threats that may have passed through social media sites or other modern forms of communications. The Taoiseach raised the issue at the European Council and it ties into a number of key priorities. It will remain firmly on the agenda.

Acting Chairman (Deputy Declan Breathnach): Does the Minister of State want to continue with questions or make statement at the end?

Deputy Helen McEntee: I will continue with questions.

Deputy Peadar Tóibín: The Minister of State mentioned supports for businesses. The InterTradeIreland business monitor report found that 98% of firms, on either side of the Border, are still not making plans for Brexit. This information is up to date and dates from the past month. Were there any discussions on what was available to buttress small and medium Irish businesses against Brexit?

It was reported in Britain yesterday that EU citizens living in Britain would have to join a special ID register. Would this include Irish people living in Britain?

Deputy Richard Boyd Barrett: I forgot to wish the Minister of State, Deputy McEntee, the best of luck in her new position. I referred to the discussion on infrastructure and third countries coming in and buying up infrastructure assets. The statement does not tell us very much. Will the Minister of State elaborate on the concerns and on our stance? It seems to suggest we were effectively defending the continued intrusion of external players in getting infrastructure assets within Europe. I would be very concerned about that.

Acting Chairman (Deputy Declan Breathnach): I ask the Minister of State to conclude within the time on the clock.

Deputy Helen McEntee: In regard to the earlier questions on jobs, enterprise and trade, the first phase of the negotiations are particularly focusing on EU citizens' rights and the UK's bill for leaving the European Union. Many of these discussions will take place at the next phase. Up to 40% of businesses in Ireland have started to make plans regarding the possible threats or

advantages from Brexit. However, 100% of businesses need to make such plans. The newly appointed Minister for Jobs, Enterprise and Innovation, Deputy Fitzgerald, has, within the past week, engaged with many organisations, representative groups and individual companies and is openly asking organisations what support they need in the interim before it becomes clear what form Brexit will take. If possible, interim supports will be put in place for companies in the upcoming budget.

The Taoiseach will further address issues in regard to EU citizens living in Britain. The British Prime Minister, Theresa May, published a more detailed explanatory note on the issue last Monday, but it will be addressed by the 27 EU member states rather than just the United Kingdom. I will revert to Deputy Boyd Barrett after the debate with a more detailed answer to his question.

I was honoured to accompany the Taoiseach to Brussels last week in my new role as Minister of State with responsibility for European affairs. The Taoiseach earlier reported on many of the items discussed at the European Council, including security and defence, jobs, growth and competitiveness, digital Europe, migration and Brexit. Several external relations issues as well as the Paris Agreement on climate change were also discussed by leaders at the European Council, and I will now report to the House on these issues.

The European Council was unanimous in its profound regret at President Trump's decision to withdraw from the Paris Agreement on climate change in its current form. The agreement remains the cornerstone of global efforts to tackle climate change effectively and cannot be renegotiated. It is also a key element in the modernisation of Europe's economy and industries. The European Council and member states reaffirmed their commitment to implement the Paris Agreement swiftly and fully, contribute to fulfilment of the climate finance goals and continue to lead in the fight against climate change. The Taoiseach has said that this is an area in which Ireland should be ambitious and it is intended to play an active role in this regard.

Notwithstanding the differences over the Paris Agreement, the EU and the United States remain each other's most important strategic partner. This was demonstrated at the G7 meeting in Sicily and will again be made clear at next month's G20 meeting in Hamburg. The EU and its member states, including Ireland have proactively engaged with the US Administration to reaffirm commitment to this relationship. Ireland's links with the US run very deep, span many centuries and, as was seen during the St. Patrick's Day festivities this year and previously, transcend any one point of difference. This close relationship will continue and we will similarly work to maintain the close relationship between the US and the EU. I am informed by the Taoiseach that he did not leave President Trump waiting for 90 seconds before taking his phone call and there was just a delay in the connection.

The European Council also discussed relations with Russia, which remain under particular strain. In their capacity as members of the Normandy group, French President Macron and German Chancellor Merkel provided an update on the ongoing effort to resolve tensions between Russia and Ukraine. The EU's targeted economic sanctions against Russia in response to Russian actions in Ukraine have been in place since 2014. These are clearly linked to the full implementation of the Minsk accords. An absence of political will is the main reason for the failure to make any headway over the past six months in implementing the security and political provisions of the Minsk accords, while Russia's refusal to use its influence over the separatists is also a key factor. The Government strongly believes that any relaxation of the EU sanctions can only be considered if there is clear evidence of concrete progress in eastern Ukraine.

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Russia's ongoing actions there have left little choice but to renew the restrictive measures for a further six months. The Government fully supports this decision. All members would like to see a constructive and predictable relationship between the EU and Russia, but the current stalemate in Ukraine and developments elsewhere do not suggest that currently interests the Russian Government.

The European Council also discussed relations with Turkey in the context of last month's meeting between President of the European Council, Donald Tusk, President of the European Commission, Jean-Claude Juncker, and Turkish President, Recep Erdoğan. Relations between the EU and Turkey have been under considerable strain, in particular since the attempted coup in July 2016 and constitutional referendum in 2017. Nevertheless, Turkey remains an important partner of the EU, including in the management of migration, and the EU will continue to work with Turkey on all aspects of the relationship.

The President of Cyprus updated the European Council on the ongoing UN-sponsored talks between the two communities on that island. While some good progress has been made, in particular over the past 12 months, the situation remains complex and much depends on the approach taken by Turkey. Member states expressed support for the Cypriot President, with some noting that maintaining links with Turkey will be crucial to advancing those negotiations.

Acting Chairman (Deputy Declan Breathnach): I wish the Minister of State well in her new role. She represents a constituency neighbouring mine and works hard in that role.

Message from Select Committee

Acting Chairman (Deputy Declan Breathnach): The Select Committee on Justice and Equality has completed its consideration of the Mediation Bill 2017 and has made amendments thereto.

Message from Seanad

Acting Chairman (Deputy Declan Breathnach): Seanad Éireann has passed the Inland Fisheries (Amendment) Bill 2017, without amendment.

Topical Issue Matters

Acting Chairman (Deputy Declan Breathnach): 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 James Lawless - the findings of the Nevin Economic Research Institute and the impact on the economy; (2) Deputy Niall Collins - the need to review the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994; (3) Deputy Pearse Doherty - the insurance premiums being charged by livestock mart owners; (4) Deputy Peadar Tóibín - the anti-social behaviour, street drug dealing and violence in provincial towns; (5) Deputy Mary Butler - the financial position of St. Carthage's rest home, Lismore, County Waterford; (6) Deputy Frank O'Rourke - the need for the HSE to review its home care package; (7) Deputy Niamh Smyth - the status of the Holy Family special school in Cootehill, County

Cavan; (8) Deputy Eugene Murphy - the withdrawal of banking services in Roscommon and east Galway; (9) Deputy Peter Burke - the progress on the rebranding of a midlands tourism strategy; (10) Deputy John Brassil - ambulance services and response times serving the Killarney area; (11) Deputy Thomas Pringle - fire safety concerns at Letterkenny University Hospital; (12) Deputy Mattie McGrath - census data on high unemployment levels in Tipperary; (13) Deputy John Lahart - recent assaults in the Rathfarnham Garda district area; (14) Deputy Martin Ferris - weekend home help hours; (15) Deputy Pat The Cope Gallagher - cardiology rehab and telemetry monitoring service at Letterkenny University Hospital; (16) Deputy Bríd Smith - the new proposals on waste management charges; (17) Deputy Fiona O'Loughlin - the closure of the L6047 Coughlanstown road in Kildare; (18) Deputy Donnchadh Ó Laoghaire - the need for light rail in Cork city; and (19) Deputy Mick Wallace - the status of the refugee reception centre in Rosslare strand.

The matters raised by Deputies Lahart, Tóibín, Lawless and Burke have been selected for discussion.

Ceisteanna - Questions (Resumed)

Priority Questions

European Fund for Strategic Investments

22. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport if his Department and transport agencies under its aegis are promoting the use of the European Fund for Strategic Investments, EFSI, in terms of background work on identifying public infrastructure projects that may meet the criteria for project selection in terms of additionality and revenue generation and may attract private co-financing investment; and if he will make a statement on the matter. [30503/17]

Deputy Robert Troy: I compliment and congratulate the newly appointed Minister of State at the Department of Transport, Tourism and Sport, Deputy Griffin. I look forward to working with him in the months and years ahead. I ask the Minister for Transport, Tourism and Sport what level of engagement his Department and the transport agencies under his remit have or are engaged in to promote the use of the European Fund for Strategic Investments in terms of background work on identifying public infrastructure projects that may meet the criteria for project selection in terms of additionality and revenue generation to attract private co-financing investment, and if he will make a statement on the matter.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I join the Deputy in publicly congratulating Deputy Griffin on joining me at the Department of Transport, Tourism and Sport. I am delighted at his appointment. I also thank Deputy Patrick O'Donovan for the work he did in the Department and congratulate him on his new role.

The European Fund for Strategic Investments is one of a number of European Investment Bank, EIB, and other financing options available to transport project promoters. There has been ongoing liaison with agencies under my remit on EU co-funding and financing options,

including the EIB. My Department, in conjunction with the EIB, the European Commission and the Innovation Network Executive Agency, hosted an information day on 30 May 2017 for project promoters on funding opportunities from the Connecting Europe Facility and on EIB financing options, including EFSI. This follows a similar information session in 2015 that was also hosted by my Department. The objective of these information sessions was to raise awareness of EU co-funding and financing options for project promoters and to facilitate one to one discussions between the EU institutions and the project promoters.

The potential of Exchequer-funded projects to participate in EU co-funding and financing is subject to the spending constraints of the public finances. However, as part of its work on a mid-term review of the capital plan, the Department of Public Expenditure and Reform has set up a high-level group to provide the Minister for Public Expenditure and Reform with an evidence-based analysis and recommendations on the future role of using public private partnerships, PPPs, as a procurement option in the delivery of capital infrastructure compared with traditional procurement methods. This will include an assessment of risks arising from traditional as compared with PPP procurement of large capital projects. Decisions on the financing aspects of public transport projects will take account of the outcome of this work.

Deputy Robert Troy: The Minister would have to agree that there is a huge deficit in investment in our transport infrastructure and the consequences of that are quite serious in terms of the deficit in our road, rail and public transport systems.

Whenever we have raised the issue of the need for additional funding, the Minister has always stated the current capital plan is adequately funded and that new projects must be reviewed as part of the review of the new capital plan. Last week I was part of a party
4 o'clock delegation in Brussels meeting with the European Commission's Directorate General on Mobility and Transport. What was patently clear was that the Government is not making applications for potential EU funding. The Commission wants the Department of Transport, Tourism and Sport and agencies under the auspices of that Department to put forward transport infrastructure projects to avail of the funding under the Juncker plan. Why has the Minister not been doing this? Will he publish his Department's submission to the review of the capital plan?

Deputy Shane Ross: The Deputy is correct about the deficit. We would like to have an enormous amount of additional money for infrastructure. That is absolutely true. We are exploring and have sent out many signs to Europe that we are interested. We have drawn down from the EIB more than €523 million in transport financing in Ireland in the 2014-2017 period. This includes €143 million for the Gort to Tuam motorway, €21 million for the New Ross bypass, €100 million for the Dublin Port development, €150 million for the Dublin Luas cross-city project and €109 million for the M11 from Gorey to Enniscorthy, which amounts to €523 million. The Deputy referred to the European Fund for Strategic Investments, EFSI, and I note a project involving the Irish Continental Group has used €75 million in EFSI funding and a total investment of €154 million was approved on 1 June 2017. This project involves the construction of a cruise ferry, and is a very useful one.

Deputy Robert Troy: Is the Minister saying his Department has made an application and has been successful in accessing funding under the EFSI? Our information is that no application has been made, despite the fact that €500 billion is available at extraordinarily low interest rates. Once a project meets the necessary criterion, that is, is able to attract private funding, we as a country can avail of that. Metro north was shelved, the DART underground was shelved

and the M50 and M20 need to be upgraded, as does the M4 motorway in my own constituency. All of these critical infrastructure projects have been delayed or postponed for the want of funding, and at the same time the European Commission told us last week that applications are not forthcoming from this Government. Why is that? Will the Minister publish his submission to the review of the capital plan? The previous Taoiseach said there should be no reason not to make public that submission.

Deputy Shane Ross: I spelled out some figures on projects which have been successfully drawn down. The Deputy must realise that all borrowing must comply with Government borrowing procedures and in turn the State must comply with the EU fiscal rules. There has been a great deal of interaction with the EFSI, as I explained in my earlier reply. In 2015 the Department arranged, as part of an event, for a number of bilateral introduction meetings between the EIB, the Innovation and Networks Executive Agency, INEA, and transport companies and agencies. A similar information session was arranged on 30 May 2017. The Deputy asked why the EFSI take-up is so low for transport project promoters. That is a fair question. I can only answer that the introductions have been made, one-to-one meetings have been held and the take-up is somewhat low. Anecdotal feedback to the question the Deputy has asked suggests that EFSI take-up is low due to a number of factors, including Exchequer co-funding limitations, and the fact that there are more attractive loans available from the EIB and other financial institutions in other places.

Deputy Robert Troy: Is the Minister going to publish the review of the capital plan?

Deputy Shane Ross: I am not going to publish it in the next fortnight but I will consider publishing it shortly.

Acting Chairman (Deputy Declan Breathnach): Perhaps the Minister will communicate with Deputy Troy directly.

Deputy Shane Ross: I will do that.

Semi-State Bodies Remuneration

23. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport the position regarding the discrepancy in his Department in which seven chief executive officers, CEOs, of semi-State bodies have been *in situ* for longer than the seven-year limit deemed appropriate in codes of practice for the governance of State bodies, some of whom are employed under contracts of indefinite duration; whether he has considered amending the Protection of Employees (Fixed Term Work) Act 2003 in respect of CEOs of semi-State bodies; the way in which he plans to remedy this anomaly; and if he will make a statement on the matter. [30242/17]

Deputy Imelda Munster: I ask the Minister to provide clarity on the discrepancy in his Department in which seven CEOs of semi-State bodies have been *in situ* for longer than the seven-year limit deemed appropriate in the codes of practice for the governance of State bodies, some of whom are employed under contracts of indefinite duration, whether he has considered amending the Protection of Employees (Fixed Term Work) Act 2003 as it relates to CEOs of semi-State bodies, how he proposes to remedy this anomaly, and if he will make a statement on the matter.

Deputy Shane Ross: I thank Deputy Munster for this question, which was due for a run at the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach recently but which for legal reasons was not. I am happy to answer as far as I can here and hope the reply will be full and adequate.

The remuneration of chief executive officers of commercial State bodies had historically come within the remit of the Review Body on Higher Remuneration in the Public Sector established in 1969. A major feature of the review body's Report No. 37 in 1996 was its recommendations for the introduction of new remuneration arrangements predicated on the introduction of a fundamental change in the nature of the contracts, including tenure, for such positions.

As a result of the above, the policy adopted by the Government was that statutory positions such as CEOs of State bodies should serve for a limited term, thereby ensuring that top management in the body benefits from fresh perspectives and new thinking. Arising from this, Government policy was that CEOs of State agencies should be engaged on contracts not exceeding seven years. Initially, the standard CEO template contract, which is drawn up by the Department of Public Expenditure and Reform, was an annual rolling contract for a maximum term of seven years. Subsequently, based on legal advice provided to the Minister for Public Expenditure and Reform, the standard template for CEO contracts in commercial State companies was changed to provide for an initial contract period of three years and on expiry, at the discretion of the board, a further single contract period of up to four years.

With regard to the CEOs of agencies within the remit of my Department, there have been a number of challenges taken under the Protection of Employees (Fixed Term Work) 2003 Act, or assertions of a right to a contract of indefinite duration as a result of that Act, which have resulted in a contract of indefinite duration being confirmed. Where CEOs have challenged or threatened to challenge the nature of the fixed-term contracts, it is ultimately a contractual and legal matter between the board and the CEO. My role and that of the Department is to provide the shareholder view. In the addition to these CEOs, there are also two CEOs who are on contracts to retirement age.

The 2003 Act does not come within my statutory functions but my Department has highlighted previously the potential conflict between the Act and the nature of the contracts concluded with CEOs. This has been taken on board and the standard template contract currently provided to new chief executives is for a single fixed-term contract of not more than seven years and not normally less than five years.

Deputy Imelda Munster: Members all know that for many years, the Minister has been very outspoken about his disdain for and intolerance of cronyism, clientelism and jobs-for-the-boys appointments. We have some guidelines when it comes to governance of semi-State bodies to ensure that semi-State bodies are governed properly right across the public sector. However, the Government is issuing guidelines and contracts that are not in line with the 2003 Act. There is an anomaly there which allows for loopholes. Why has the Minister worked so hard on changing the manner in which judges are appointed and yet he ignores very poor governance in an area governed by his own Department? Some of these CEOs have been in their positions for 15 years. Some have contracts of indefinite duration. The guidelines are not worth the paper they are written on. They are not worth a fiddler's. Why has the Minister chosen to ignore it thus far?

Deputy Shane Ross: I will put my hands up for what happened in the past if the Deputy

wants me to. I am quite happy to do so. I am not happy with what has been happening here. It is quite obvious that it is unacceptable. What happened has been remedied in that new chief executives now get a single fixed term of anywhere between five and seven years. We have to rely on the findings of the courts, which we have done, the Workplace Relations Commission, WRC or the Labour Court. Virtually every time a chief executive officer, CEO, took a case it was found in their favour and they were awarded contracts of indefinite duration which they were given if objective grounds had not been given to them for getting a full-time contract. They seem to have won. That is in the past. That is not acceptable. We did run ourselves into a lot of trouble as a result. There are many cases which the Deputy has pointed out. I think she will find this is now being resolved satisfactorily and if not I will move on it.

Deputy Imelda Munster: Does the Minister agree that overall it is blatant bad governance and does he accept that until legislation is changed the guidelines are not worth the paper they are written on because there are loopholes? The Minister knows that legislation supersedes guidelines and that no contract supersedes law. Will he amend the underpinning legislation for semi-State chief executives? He can change the law, as he is doing now in respect of the judges. Would he amend section 30 of the Harbours Act 1996? That would stamp it out once and for all. It is quite a simple thing to do and it would be sorted if there was a will to do that.

Deputy Shane Ross: The Deputy has made a good case. She is correct to point out what happened retrospectively and it was wrong. If she wants me to take the blame for what happened before my tenure I will take it willingly. I have no problem with that. The Deputy is asking me to change the law now specifically to address this problem. I will not do it now because we have made new rules for between five and seven years.

Deputy Imelda Munster: They are guidelines.

Deputy Shane Ross: If those rules do not work-----

Deputy Imelda Munster: They are guidelines.

Deputy Shane Ross: If they are contested for some reason, although I cannot see why they should be because these are single fixed term contracts, not three and four as we had before, I will seriously consider changing the Act.

Deputy Imelda Munster: Legislation supersedes guidelines.

Deputy Shane Ross: I want to see whether this works or not. I will personally monitor those and report back to the Deputy. If she sees any sign of this happening she can flag it to me.

Olympic Council of Ireland

24. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport when he will publish the Moran inquiry into the OCI ticketing process; and his views that this long delay is not acceptable. [30504/17]

Deputy Robert Troy: When will the Minister publish the report of the Moran inquiry into the OCI ticketing fiasco and can he explain why there is such a long delay in its publication? Is he happy about this delay? When will the House and the Oireachtas Joint Committee on Transport, Tourism and Sport have an opportunity to debate the findings of this report, as originally

promised when this inquiry was established?

Minister for Transport, Tourism and Sport Deputy Shane Ross: That is a very fair question from Deputy Troy. I can only say I am as impatient as he is to see and publish it.

Judge Moran presented his report to officials of my Department on Monday, 12 June 2017. For reasons, which I will now outline to the Deputy, neither I nor Ministers of State O'Donovan and Griffin have yet seen Judge Moran's report.

On the preceding Thursday, 8 June 2017, one of the parties who is referred to in the Report raised certain legal matters by way of letters to me as Minister, the previous Minister of State, Deputy O'Donovan, and the Attorney General. These matters relate to due process and natural justice and reference is made to a number of points of Brazilian law. The matters raised by that party, along with the contents of Judge Moran's report, are currently being considered by the Office of the Attorney General. I have decided that the most appropriate course of action is to defer my consideration of the judge's report until the Office of the Attorney General has completed its consideration.

Following consultation between officials in my Department and the Attorney General's office, it was agreed that it would be prudent to seek independent legal advice from Brazil. When that independent advice is received, expected in the coming days, the Attorney General's office should be in a position to finalise its advice.

In respect of the publication of the Moran inquiry report, the timing of its publication will be subject to consideration of that legal advice. While I accept that the inquiry has taken longer than expected, anticipated or wished, the matters at issue are complex. It is my considered view that a thorough, deliberative approach must be followed but I would like to assure the Deputy that I am disposed to publication of this report at the earliest possible date.

Deputy Robert Troy: The Minister says he is as impatient as I but the only difference between us is that he is in a position to do something about it, I am not. He is the Minister. This inquiry was established as a non-statutory inquiry because the Minister told us all stakeholders signed up to participate in this inquiry freely and fully. If all stakeholders signed up to participate freely and fully, why now are some of them trying to thwart the publication of this report, as we are led to believe? It is almost ten months since the process commenced although originally it should have taken 12 weeks. The criminal investigation is on the other side of the world. Is the Minister saying that an investigation in another jurisdiction prevents us from publishing this report? Have the Brazilian authorities written to the Department asking it not to publish the report?

Deputy Shane Ross: Deputy Troy is quite right I am in a position to publish the report if I wish to and if I thought it was wise. I think it would be extraordinarily foolish in light of what the Deputy has already heard to publish this report having referred it to the Attorney General. It is absolutely incumbent on me to seek the advice of the Attorney General when we receive correspondence of that sort. It is, however, my intention and my wish to publish it and I am not in any way hesitating to do so, I am just taking what I think is a prudent course so that we should not in any way affect things which will happen on the other side of the world.

Did the Deputy ask have we received any information from the Brazilian lawyer suggesting we do not publish the report?

Deputy Robert Troy: The Brazilian authorities.

Deputy Shane Ross: Not to the best of my knowledge. I think we are expecting a communication from Brazil in the next day or two. I do not think we have received anything of that sort at all.

Deputy Robert Troy: The purpose of the non-statutory inquiry was that everyone agreed to participate. There was no need for a statutory inquiry. The non-statutory inquiry was established to be short and efficient. Everyone was going to play their part but obviously they are not doing so and the Minister's decision to establish the non-statutory inquiry was the wrong decision.

Is the OCI's budget for this year being held up pending the outcome of the publication of the report? What legal costs has the OCI incurred to date as a result of this inquiry and how is this affecting funding for athletes? It is not fair and I fail to see how an investigation on the other side of the world should prevent publication of this report. This report is about more than one individual. It is about, and goes to the very heart of, the administration of sport by a public body. The new officers elected at the OCI wish to see the report published so that they can implement its recommendations and move on to restore confidence in a worthy body in which trust has been eroded by the actions of a number of people over the past few years.

Deputy Shane Ross: If I were to do something imprudent which affected the administration of justice in any part of the world, not just in Ireland, Deputy Troy would be the first person down my throat saying how foolish a thing it was to do.

Deputy Robert Troy: They have not asked the Minister not to publish it.

Acting Chairman (Deputy Declan Breathnach): The Minister should be allowed to speak without interruption.

Deputy Shane Ross: Deputy Troy has asked the question, if I may reply. We have to make a judgment on this and wait for the advice of the Attorney General. That is something for which I am prepared to wait and it is imminent.

I will also answer the Deputy's question on the budget of OCI. This is a matter for Sport Ireland but I will tell the Deputy what I know about it. I think it is in the public arena. Sport Ireland has not funded the OCI because it is also waiting for the publication of the report. Sport Ireland has made that clear publicly. If it has not, I am telling the Deputy right now. That is the position. Obviously, we would have to look at it again at some stage if the report were not published. For the moment, however, let us just see if we can get the report out into the open. That is our objective.

Marine Casualty Investigations Board

25. **Deputy Mattie McGrath** asked the Minister for Transport, Tourism and Sport if he is satisfied that the Marine Casualty Investigation Board, MCIB, is fit for purpose; the details of the appeals mechanism open to families or persons dissatisfied with the findings of the MCIB; and if he will make a statement on the matter. [30240/17]

Deputy Mattie McGrath: My constituents, Mr. John O'Brien - Ms Anne Marie O'Brien's

brother - and his good friend, Mr. Pat Esmonde, died tragically on 23 May 2010 while on a fishing trip at Helvick Head, County Waterford. The subsequent investigations by the MCIB and Dungarvan gardaí and the coroner's report have not only raised serious issues about the appropriateness of the judgment handed down, they have also given rise to concerns around current marine safety practice in Irish waters. I ask the Minister to make a statement on the matter.

Deputy Shane Ross: The question tabled is somewhat different to the one the Deputy just asked. However, I will answer the first question first and, if it is all right with the Deputy, reply to the second in a supplementary. I will try to fit them both in because I am not avoiding them. It is just that the question the Deputy has asked is somewhat different from the one of which he gave notice, which is fair enough. He asked about the MCIB being fit for purpose and the details of the appeals mechanism open to families or persons dissatisfied with its findings. I will certainly deal with that first and go as far as I can with the Deputy on the second matter after that.

The MCIB was set up under the Merchant Shipping (Investigation of Marine Casualties) Act, 2000 to investigate marine casualties and publish reports of such investigations. Marine casualties relate primarily to death or serious injury, loss of a person overboard, significant loss, stranding, damage, collision with a vessel or property or significant damage to the environment which involves a vessel in Irish waters or an Irish-registered vessel in waters anywhere. The purpose of an investigation is to establish the cause or causes of a marine casualty with a view to making recommendations for the avoidance of similar casualties. Under the Act, it is specifically not the purpose of a report to attribute blame or fault. To date, the board has published 212 reports of investigations and made a valuable contribution to maritime safety both in investigating accidents and, sadly, fatalities in many cases and in highlighting actions to improve safety and increase safety awareness.

While there is no formal appeals mechanism provided for in the Act, the board is required to send a draft of its report before publication to certain people who have 28 days to submit observations. The board may also reopen a completed investigation if it is satisfied that there is new evidence available which could materially alter the findings of the investigation and if the purpose of the investigation could be served by re-opening it. It is, of course, open to any person to bring any such evidence to the attention of the board. The Minister has certain powers under the Act also. For example, the Minister may, after consulting the board, direct that an inquiry be held into a marine casualty or that a completed inquiry be reopened if he or she is satisfied there is new evidence likely to materially alter the outcome.

That is the broad outline of the powers of the MCIB. I will try to apply that to the Deputy's specific question in my supplementary reply.

Deputy Mattie McGrath: I do not know if the Minister is happy with the MCIB but I am not. Its members do not seem to have any experience in what they are doing.

Acting Chairman (Deputy Declan Breathnach): Please ask a question.

Deputy Mattie McGrath: I am beginning the question. In the UK, the relevant board has one member with 30 years' seagoing experience while another has 40 years' maritime experience. The MCIB consists of an air accident investigator, a barrister and former executive with the British Potato Council, an accountant, a fire station manager and a solicitor. The board is clearly not fit for purpose. Who from the MCIB goes to the scene of an accident and when?

Who from the MCIB oversees the investigation in circumstances where gardaí are not trained or equipped to go to sea? Are witnesses interviewed by the MCIB and, if so, when and where does that happen? Who in the MCIB can read GPS reports downloaded from vessels involved in fatal accidents? Who from the MCIB-----

Acting Chairman (Deputy Declan Breathnach): Ceist amhain.

Deputy Mattie McGrath: This is all relevant to the question, if the Acting Chairman would leave me alone. Who from the MCIB is a bow wave expert? It was spoken about at length in the coroner's report.

Acting Chairman (Deputy Declan Breathnach): The Deputy can come back with a supplementary.

Deputy Mattie McGrath: There are huge question marks over this investigation. An Garda Síochána failed to make a public appeal for witnesses on the day of the incident.

Deputy Shane Ross: I very much understand the passion with which Deputy Mattie McGrath introduced this matter. He brought the people involved to meet me and my sympathy and that of the House extends to them in this terrible situation. The Deputy would not ask me to comment publicly on the investigation, which I cannot do, particularly as he is pushing to have it reopened. If he is asking me to do that, he would certainly not be asking me to comment on what the result might be. I refer the Deputy to section 38, which provides that the Minister may, where he considers it necessary after consulting the board, direct that an inquiry be held into a marine casualty. The section sets out the procedure to be followed. Under section 40, the Minister may, after consulting the board, direct that a completed inquiry be reopened if satisfied there is new evidence available which is likely to materially alter the outcome of an inquiry. It is something that is really up to the very unfortunate people involved to produce new evidence. If they produce new evidence which satisfies the Minister, that would put me in a position where I could look at it.

Deputy Mattie McGrath: I hope they will be able to invoke section 40. The O'Brien and Esmonde families have suffered huge trauma for seven years. There was no Garda appeal for information, notwithstanding that the incident happened on a splendid summer's day when there were lots of vessels and people at sea. We need to get closure and explanations on this. I have told the Minister about the membership of the board. While it hires in expertise, there was no meaningful engagement. Do the members of the MCIB visit the scenes of accidents? Do they have seagoing experience? Could they carry out an investigation without considering the GPS report? It is issues like that. It was stated in the report that there was a large floating tyre which may have played a role in both men going overboard. The tyre was not recovered and the witness who said there was a tyre in the water later changed his statement. They do not go to inquests at the request of gardaí or the coroner.

There are too many unanswered questions here when two lives were lost. There are 138 lives lost annually in maritime and river incidents in Ireland. The Minister makes a huge play of road safety and bringing down the death toll there, which I support, but 138 deaths annually is a staggering figure yet there are no investigations. If, unfortunately, someone is killed on the roads, the scene is secured and sealed off, there is a huge public inquiry and requests for information are made. None of that happened in this case. Gardaí do not have the equipment to go out but they can look for public information and assistance. They refused to do that. I am

very unhappy at the way this was handled by Dungarvan Garda station and the MCIB. I thank the Minister for meeting the family and I appeal to him to look at the matter under section 40.

Deputy Shane Ross: On a general level, the Deputy has made a very good point that 138 water tragedies is extraordinary. Perhaps he is right that it does not receive the attention it deserves, including from me. That is very fair because one tragedy is one too many. It is something which is not highlighted, I suppose, because it is so common.

I take the Deputy's point about the family needing closure. If they have not received adequate explanations, it is even more difficult for them. I can only say to the Deputy that he is, of course, at liberty to say what he said just now. I do not doubt it for one second. I am not in a position to comment one way or the other, particularly if the Deputy is asking me to make a judgment on new evidence in the future. I hope the Deputy will do that. It would be something I could look at in the context of section 40. I am not giving the Deputy any guarantees or anything about it. However, if he can produce what is new evidence, I would be prepared to look at it.

Deputy Mattie McGrath: Will the Minister look at the make-up of the board because it is ridiculous?

Acting Chairman (Deputy Declan Breathnach): I remind the Deputy that there are plenty of other questions that need to be asked and we are eating into other Members' time.

Greenways Provision

26. **Deputy Eamon Ryan** asked the Minister for Transport, Tourism and Sport his views on the introduction of six proposed greenways, namely, the Liffey, Santry, Bray to Balbriggan, Clontarf to city centre, River Dodder and canal loop routes; and if he will make a statement on the matter. [30397/17]

Deputy Eamon Ryan: Our transport emissions are rising. The most recent CSO figures show that Dublin continues, despite all our efforts, towards an unsustainable transport system. Road deaths of cyclists have doubled over the past year. In the 2018 budget, will the Minister invest in and deliver by the end of 2020 the Liffey, Santry, Bray to Balbriggan, Clontarf to city centre, River Dodder and canal greenway loops? These are all currently in design or planning stages. Given the huge benefits they would bring to the city, will the Minister afford them priority and give a commitment to deliver them?

Deputy Shane Ross: I thank the Deputy for his question. It is an important one and I know it is of particular importance to him in the area in which he operates in Dublin.

The National Transport Authority, NTA, is responsible for the development of public transport and sustainable transport infrastructure projects in the greater Dublin area, GDA. The six cycle schemes identified by the Deputy form part of the greenway network of the GDA cycle network plan, which was published by the NTA in 2014.

Work is currently ongoing on a number of elements of those schemes by means of funding provided from my Department's sustainable transport measures grants programme. Sections of the Royal Canal greenway are under construction at present. A section of the east coast trail through Clontarf, also known as the Sutton to Sandycove scheme and referred to by the Deputy

in his question as the Bray to Balbriggan scheme, opened to the public last month. Design work is ongoing on the Liffey cycle route and a number of possible schemes relating to its implementation have been discussed by Dublin City Council.

The NTA recently launched the BusConnects project which proposes a radical transformation of the bus system in the greater Dublin area. The BusConnects project has, as a key component, the implementation of safe cycling facilities along the main bus corridors proposed for improvement which will form the core bus network. As part of that project, it is intended that cyclists will be provided with safe cycling facilities along each of these core bus network corridors, largely segregated from other vehicular traffic. Delivering those routes to completion will represent an unprecedented uplift in the quality of cycling facilities in Dublin.

A number of the listed greenways will be progressed in tandem with the larger upgrading being implemented through the BusConnects project. The individual schemes and sections of routes to be progressed each year will be determined by the NTA in line with available funding. As the Deputy is aware, a mid-term review of the capital plan is under way and I am seeking additional funding for public transport and other sustainable modes in that context.

Deputy Eamon Ryan: The Minister for Finance, Deputy Donohoe, was at the national economic dialogue today where he said that the entire Government will have to shift its thinking to act on climate. Will the Minister go to him with these six projects? There is a whole range of different things we could do, but these six greenways would give rise to huge benefits. The Liffey route would be 6 km long between the Phoenix Park and the port. If we got the same increase in capacity that we saw with the canal network, we would have a 50% increase in the numbers cycling and that then would be the dominant mode of transport on the quays and would bring about huge transport benefits.

If we invested a relatively small amount of money in the Santry greenway, we would, using existing parkland resources, connect schools, sports facilities and workplaces. The same applies in respect of the other greenways. These are incredible connecting devices. If we built the Sutton to Sandycove route, which I would extend to Bray and Balbriggan because I think the people of those towns deserve it, that coastal route would be an incredible leisure as well as commuting facility. It would be a huge tourist draw for this city.

These are facilities that benefit those who walk and cycle. We concentrate on the greenways because, more than anything else, they would see Dublin develop as a green city, using the incredible resources that we have, namely, our coast, canals and rivers. Will the Minister prioritise this? Will he go to the Minister for Finance, Deputy Donohoe, and ask for the money for this particular project? At the moment, for all the good talk, there is no money to do it in the timeframe and with the urgency required. Will the Minister push that as a package in the revised capital plan?

Deputy Shane Ross: Let me just say that the Deputy is not the only person in this House who has a passion for greenways.

Deputy Eamon Ryan: I know.

Deputy Shane Ross: This kind of monopoly which he claims on greenways, particularly in the Dublin area, does not exist.

Deputy Eamon Ryan: The Minister could support them.

Deputy Shane Ross: There are people with real passion for greenways in this House, all of whom have as good a case as the Deputy for their greenways, some of which cannot be done or provided for.

Deputy Eamon Ryan: What can-----

Deputy Shane Ross: Let me answer the Deputy's question. I ask him not to interrupt.

Acting Chairman (Deputy Declan Breathnach): The Minister, without interruption.

Deputy Shane Ross: I did not interrupt the Deputy and I have no intention of doing so. I never interrupt regardless of whether he is in full flow or not.

Acting Chairman (Deputy Declan Breathnach): Minister, through the Chair please.

Deputy Shane Ross: Let me say this to the Deputy about these greenways. On the Grand Canal cycleway from Blackhorse to Portobello, an allocation of €60,000 has been provided to Dublin City Council this year in order to complete the preliminary design necessary to progress the scheme to Part 8 planning approval. On the Dodder greenway, an allocation of €500,000 has been provided to Dublin City Council to develop and progress sections of the route. Part 8 planning approval for the Dodder flood alleviation works between Herbert Park and Anglesea Bridge, with which the Deputy will be familiar, is expected in the third quarter of this year, with detailed design, tender preparation and construction to follow.

Dublin City Council has commenced feasibility and preliminary design work on a section of the route located to the rear of Milltown golf club between Orwell Road and Churchtown, with which both I and the Deputy are familiar. I will deal with the Royal Canal later.

Acting Chairman (Deputy Declan Breathnach): Deputy Eamon Ryan has a final supplementary question.

Deputy Eamon Ryan: No one has a monopoly on the benefits of greenways. Everyone can see those benefits. They are seen in different parts of the country. We need them everywhere. There is an opportunity, urgency and requirement to transform and improve our city in order to save lives and improve emissions reductions, commuting times and leisure facilities and for us to really make a bold statement. To do that, funding allocations need to go beyond €60,000 here and €500,000 there. This needs to be packaged into one big capital project whereby we get high-quality design, certainty around speed of delivery and a real public and international win. People would see our capital start to become a model green city.

I am not saying that we have a monopoly on that. However, I am saying that the Minister has the opportunity and, I believe, the responsibility, particularly as a Deputy representing some of the areas that would benefit from it, to grasp this opportunity to put them together and to show leadership and say that we will do it. I will thank the Minister and commend him just as much as anyone else. However, I do not want to see a continuation of the current system whereby bits and bobs of work are carried out here and there but there is no real clear commitment or big-bang approach. The latter is something which I believe we need. If we did that, it would transform our city and it would transform cycling. It is time to do it. There are many other actions we need to take but this project would shift the entire debate and the sense of where the city is going, which is why I am passionate about it.

Acting Chairman (Deputy Declan Breathnach): Níor chuala mé ceist ar bith.

Deputy Shane Ross: I would like to thank the Deputy in advance for his thanks, which obviously will be coming. It will be a new feeling and a great feeling of warmth.

Deputy Eamon Ryan: There will be lots of love.

Deputy Shane Ross: I anticipate it with great glee. However, I cannot promise that any particular greenway will get preference at the expense of others. I sympathise with the Deputy and support what he says. Of course I do, and he knows I do, but he knows full well that there are massive financial constraints as well. There will not be any special pleading for my constituency, which the Deputy mentioned, or anyone else's, including the Deputy's, because we have preferences for that.

In recent days we have done a great deal of work in meetings we have had on cycling. We acknowledge the need for greenways and safety in cycling and we are taking action, as a matter of great urgency, on the deaths in cycling. We recognise these things. It is a good thing that Deputy Ryan makes those pleadings but he should not accuse us of not being sympathetic or supportive of what he is doing as we work within the constraints imposed upon us.

Deputy Eamon Ryan: May I make a brief supplementary point?

Acting Chairman (Deputy Declan Breathnach): No. If I let Deputy Ryan in, I have to let everyone else in. Everyone is concerned about greenways in every part of the country and would like to see them developed.

Other Questions

Sports Capital Programme

27. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the extent to which he expects to be in a position to make allocations under the capital sports programme in the course of 2017; the date on which such allocations will be made; and if he will make a statement on the matter. [30129/17]

Deputy Bernard J. Durkan: This question relates to the possible imminence of an allocation of sports capital grants in the current year with a view to meeting, to the best extent possible, the requirements of the applicants.

Minister of State at the Department of Transport, Tourism and Sport (Deputy Brendan Griffin): I will begin by thanking Members of this House and the Seanad for their good wishes on my recent appointment as Minister of State in the Department of Transport, Tourism and Sport. I look forward to working with Members of both Houses and the Minister, Deputy Ross, for the betterment of tourism and sport. I also compliment my predecessor, Deputy O'Donovan, on the work he did in this Department.

I thank Deputy Durkan for his question. It is a very important programme. Earlier this year, the programme was opened and closed in February to applications. There were a huge number of applications - 2,320 - seeking grants to the value of €155 million. There is a budget of €30 million. If the Deputy knows his Bible, the loaves and the fishes story comes to mind straight

away. There is huge demand on this programme. I am trying to find a way to ensure we can grant as much funding as possible to as many clubs as possible. The Department is very busy at present processing the applications. I understand that as of 23 June, about 88% of applications have been processed. Very shortly we hope to be in a position to begin the allocation process. It will most likely be after the summer recess, possibly September, before we are in a position to announce the outcome of the programme.

We have seen a huge amount of investment in it throughout the country since 1998. Some €911 million has been granted in sports capital allocations since 1998. The mark of the programme is clear to see throughout the country with the infrastructure that is there. It is something that is in the programme for Government that we hope to continue on an annual basis because we know it is having a real impact on participation levels from the grassroots right up to elite level. It is very worthwhile.

Deputy Bernard J. Durkan: It is the first time I have had an opportunity to congratulate the Minister of State on his appointment to the position he is now in and to his colleague on his reappointment. I wish them both very well and assure them of plenty of active co-operation from me and, I am sure, every other Member.

What is the extent to which the reduction of the technical knockouts from the system can be isolated whereby applicants are disqualified at the last minute? They have little recourse and their disappointment knows no bounds. I do not know if it is possible but I am asking that, in so far as is possible, it be dealt with in a way that reduces the extent of the disappointment that we, as public representatives, have to face afterwards.

Deputy Brendan Griffin: I fully understand the Deputy's concern about the rates of invalidation. In previous rounds, the rates were typically one third, which is far too high. It was addressed somewhat in this programme. We expect the rates will be down to about one fifth, which is progress. It is still something we need to do more on. I am aware of it as someone who is involved in grassroots sporting organisations. Through our role as public representatives, we have a lot of contact and are aware that an invalidation causes terrible disappointment and upset, and in some instances turmoil, within clubs. The most disappointed people I have engaged with in the context of the sports capital programme have not been people who were unsuccessful but who have been invalidated. Perhaps in future we will be able to do more to ensure the rate of validation can be as close to 100% as possible. We expect to see a much improved situation this time. This means there are more valid applicants for the same pot. We will still be heavily oversubscribed but it is to be hoped the situation will be better on that front this time.

Deputy Bernard J. Durkan: Will the Minister of State be in a position to give credit for effort in rewarding the various applicants? In some cases, some local bodies, groups and organisations put in a huge effort locally to raise the necessary funds at local level to make an application which helps to make it possible for them to proceed with their proposed project. In many cases, such efforts are not recognised. We recognise that everyone has to be treated in kind, but nonetheless special mention needs to go to those who make the particular effort to do what is necessary in their area.

Deputy Brendan Griffin: The role of volunteers in our sporting organisations at grassroots level is very often overlooked, and such a role is important to sport in this country. Without the volunteers and the grassroots, we do not get the elite athletes and sportspeople coming through. What I and the Minister, Deputy Ross, would like to see at the heart of the sports capital pro-

gramme is volunteers, who are behind the vast majority of these sporting applications, being happy with the outcome. That is why we are trying to find a way to satisfy as many applicants as we can and to try to give as much meaningful funding to them that we possibly can within the constraints we are operating in. We are looking at ways of doing that at present. We want as few people as possible to be disappointed at the conclusion of this process. It is hoped that can happen. I cannot state enough how important the volunteers behind these applications are and without whom we could not have sport in any meaningful way in this country.

Acting Chairman (Deputy Declan Breathnach): I thank the Minister for his succinctness and for sticking to the time.

Tourism Industry

28. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport the new initiatives which have been taken by his Department since the vote on Brexit in Britain to ensure Ireland is prepared to deal with the expected drop in visitor numbers from Britain; his plans to ensure the tourism sector diversifies in both attracting visitors from other countries and in improving tourism amenities here going forward; and if he will make a statement on the matter. [29962/17]

Deputy Imelda Munster: I offer congratulations to the Minister of State, Deputy Griffin, on his appointment to his new role. He is only in the role a wet day and the questions are coming. What new initiatives have been taken by the Department since the vote on Brexit in Britain to ensure Ireland is prepared to deal with the expected drop in visitor numbers from Britain? What are the Minister's plans to ensure the tourism sector diversifies in attracting visitors from other countries and in improving tourism amenities here going forward? Will the Minister make a statement on the matter?

Deputy Shane Ross: I thank the Deputy for the questions. It is a question I imagine will return time and again, and rightly so, because of the present situation.

Since the UK voted to leave the EU, my Department has been fully engaged in evaluating the ensuing risks for tourism and, together with the tourism agencies, working to address those risks. The Department's analysis of the situation was greatly assisted by the all-island sectoral meeting I hosted with the industry in January which examined the impact of Brexit on the tourism and hospitality sector. From a departmental perspective, we will continue our work across Government to ensure our concerns are high on the agenda. For tourism, the priorities include maintaining a liberalised aviation regime, preserving the common travel area, avoiding a hard Border and retaining British-Irish visa agreements for third countries.

The tourism agencies are engaged in the operational aspects of preparing for Brexit. Tourism Ireland is responsible for marketing Ireland as a tourism destination overseas. In broad terms, its strategy involves two main elements. First, it has taken steps to revise its marketing effort in Britain to make it more relevant in a Brexit environment. As well as this, it is implementing a market diversification strategy. This aims to attract more visitors from markets which deliver longer stays and, therefore, higher revenue returns. The significant increase in visitors from North America in early 2017 is evidence of this.

For its part, Fáilte Ireland is also working on a number of fronts to assist the diversification

and development of our tourism industry and the attractiveness of our tourism product offering. Ongoing work to develop the main experience brands and enhance visitor experiences is aimed at boosting our appeal to key target markets and priority consumer segments. With regard to training and business supports, Fáilte Ireland offers a suite of supports to enhance the competitiveness, enterprise capability and sustainability of the tourism sector. In addition, it is creating a new Brexit response programme that will focus on delivering a capability building programme for industry.

I will provide more detail on tourist numbers from Britain and other specific areas in a moment.

Deputy Imelda Munster: As the Minister will be aware, Britain accounts for 40% of visitors to the island of Ireland, the largest number of any country. To date, the approach taken by Tourism Ireland and Fáilte Ireland has been to market existing amenities. While some grant aid is available to develop amenities, it has not been enough to encourage visitors to some parts of the country. It appears that areas where tourism is weak but has significant potential have been left to their own devices and have not been prioritised or developed. Will the Government consider the establishment of a targeted policy plan to assist areas with significant tourism potential to help increase tourist and visitor numbers?

Deputy Robert Troy: The Minister repeatedly claps himself on the back for the increase in tourist numbers from regions other than the United Kingdom. It seems that all is well because other regions will make up for the decline in tourist numbers from the UK. However, Britain accounts for 42% of visitors to Ireland and the number of UK visitors decreased by 7% in the first six months of this year. This is a very serious development because people from the UK tend to visit parts of Ireland that are not holiday hot spots, as it were. What exactly does the Minister propose to do to mitigate against the effects of this substantial decline in tourists from Britain? When the Brexit result became known, the Minister indicated it would not have any impact on the tourism industry. Unfortunately, it is having a major impact on tourism, as the figures published this week indicate.

Deputy Shane Ross: To respond first to Deputy Munster, I do not know if she is asking that any specific areas be targeted. Does she have in mind County Louth?

Deputy Imelda Munster: I am thinking of County Louth and east County Meath, as well as the cross-Border tourism potential of the Newry and Mourne district and south Armagh. All these areas have significant tourism potential and are not being targeted for development.

Deputy Shane Ross: Some of those areas are in Ireland's Ancient East, which is a great success story. As the Deputy is aware, I do not get involved in operational matters or tell Tourism Ireland and Fáilte Ireland how to run their business. I will, however, convey to both agencies the sentiments the Deputy expressed. If she thinks of a specific area with significant tourism potential which has not been realised because it has not been focused on, I will relay that information to the tourism bodies.

We must acknowledge that we have managed to do reasonably well, despite the appalling effects of Brexit. I do not, as Deputy Troy stated, clap myself on the back about this. The decline in visitor numbers from the UK as a result of Brexit is not my fault and the recovery in tourism is not in any way to my credit. The dramatic fall in visitor numbers from Britain can be ascribed almost completely to the decline in the value of sterling. It does not have anything

to do with anybody here.

Deputy Robert Troy: To hell with it then. Is that the Minister's attitude?

Deputy Shane Ross: I am monitoring daily what is being done to compensate for this decline. That is the issue on which Deputy Munster asked her question. Tourism Ireland has been very active in Britain and on the issue of market diversification. While the figures to which Deputy Troy referred reflect exactly what is happening, they also show that overseas visitors increased by more than 3% in the first five months of 2017. As we approach the peak season, it is particularly encouraging to note that visitor numbers from all areas apart from Britain have increased, with North America particularly buoyant. As expected, there has been a significant decline in the number of visitors from Great Britain. I note, however, that the tourism agencies are working to counteract the impact of this on the areas most affected.

Deputy Imelda Munster: There has been no focus on some areas in Ireland's Ancient East, while other areas are heavily marketed in campaigns and so on. Areas such as the Border area around north Louth, beautiful south Armagh and the Newry and Mourne district are weak in terms of tourist numbers because promotional activity, funding and development have not been forthcoming. Will the Minister agree to implement a plan that focuses on areas that are weak on tourist numbers but have significant potential? Thus far, these areas have been neglected and we seem to get a deaf ear from Fáilte Ireland and Tourism Ireland when we raise the matter with them.

Deputy Shane Ross: We are looking seriously at other areas, including the lakelands area, with which Deputy Troy will be familiar and on which I will respond in a Topical Issue debate later. People also believe that this area is neglected or not fully covered by Ireland's Ancient East, the Wild Atlantic Way and other big ticket tourism projects. I have had discussions with the tourism agencies about ways of targeting various places and they are very open to ideas. Micro-management is probably harder to sell abroad. The brands that are working at the moment are working very well. That is only my opinion, however, because it is the tourism agencies which have the expertise in this area.

If an area is genuinely neglected and a good case can be made for it - there are undoubtedly some such areas - I will certainly convey this to the agencies and relay the response I receive to the Deputy. I do not wish to interfere or direct the tourism agencies to spend millions on specific areas because I do not have the relevant expertise. However, I will certainly put the matter to them if the Deputy wishes.

Local Improvement Scheme Funding

29. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport if he or his officials have had discussions with the Minister of State with responsibility for rural and community affairs regarding the possibility of providing matching funding from his Department and the CLÁR scheme of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs for the repair of non-county roads under the local improvement scheme; if so, the nature of these discussions; if decisions were taken as a result of the discussions; and if he will make a statement on the matter. [29952/17]

Deputy Éamon Ó Cuív: Many public roads in rural areas have not been taken in charge by

local authorities. Many lead to houses, public facilities and strands, which are very important to the Wild Atlantic Way. When I was in government these roads were co-funded by the Departments with responsibility for transport and rural affairs, respectively. Is the Minister or are his officials engaged in discussions with the Minister - or the Minister of State with responsibility for rural and community affairs, as he was until recently - on providing funding to these so-called local improvement scheme, LIS, roads?

Deputy Shane Ross: I thank the former Minister for his question which is on an issue on which I am rapidly being educated as it is raised virtually every day in the House, either as a Topical Issue matter or in another form. It is an important issue and I understand the difficulties in which people find themselves. I will respond to the Deputy's question on discussions in a moment.

In the first instance, maintenance of private laneways and roads not taken in charge by local authorities is the responsibility of the landowners concerned, as is the case with all private property. The local improvement scheme, LIS, whereby a contribution can be made towards the cost of repairing such non-public roads, is governed by section 81 of the Local Government Act 2001. The section provides that, as Minister, I can make funding available to road authorities in respect of the LIS. In turn, a road authority may assist with local improvement schemes within its functional area, subject to the limitations set out in the Act and compliance with any terms and conditions set out by my Department. The local improvement scheme, therefore, operates under a specific statutory remit.

As the Deputy is aware, due to cutbacks in roads funding, it was necessary for the Department to stop making separate allocations to local authorities in respect of the LIS. The scheme remains in place and road authorities can use a proportion of State grant funding, namely, 15% of the discretionary grant this year, for the LIS should they wish to do so. I have undertaken to review the possibility of a separate allocation for the scheme, taking account of provisions of the programme for Government once the capital plan review has been completed.

Up to yesterday, I did not have any discussion, nor had my officials, on the provision of funding from my Department and the CLÁR scheme for non-public roads under the LIS, but I am always open to discussion and engagement with any of my colleagues. Any such discussion would, however, have to take account of the specific statutory provisions governing LIS and of the responsibilities of private landowners.

In anticipation of this question, I spoke with the Minister, Deputy Ring, about the possibility of our Departments matching funds via, for example, CLÁR with a view to promoting the LIS. I told him that this question would be raised and asked whether we could do that. He is a man of great enterprise and interest in issues like this and he said that we should go for it or discuss it. I will be having discussions with the Minister about this. I do not promise that anything will come of it but, as a result of his comments, we will examine the matter and see what we can do.

I am aware of the significant pressure on rural Deputies in terms of the LIS and community involvement scheme, CIS. I am sympathetic towards them. As Deputy Ó Cuív will know, there is a commitment - certainly an aspiration - in the programme for Government in this regard.

Deputy Éamon Ó Cuív: These are not private roads that have been taken in charge, but public roads. If the Minister tried to close one of them, he would quickly find out that they were

not private roads. In many cases, one travels down a public road that has been taken in charge only for the tar to end because the rest of that public road has not been taken in charge. Let us be clear about it. Departmental officials saying that these are the private roads of landholders is typical of how they treat rural people. Many of these roads were tarred and should have been taken in charge at that stage but were not.

The Minister with responsibility for rural development is sitting on a pot of gold. He has so much money that he cannot spend it this year. Can the Minister who is present, Deputy Ross, come up with €5 million between now and the end of the year to match €5 million from his colleague and get some of these roads done quickly instead of just talking about them? I am delighted that an enterprising and active Deputy is the Minister for rural development.

Deputy Aindrias Moynihan: I will be brief. Previously, CLÁR moneys were used to fund county roads that had been damaged by forestry traffic. Those roads were built on poor ground in rural areas and, after being hit with heavy forestry traffic for months on end, were destroyed. Typically, they were a low priority for councils because they were in such isolated areas.

If the Minister, Deputy Ross, is going to speak with the other Minister, Deputy Ring, about reopening CLÁR funding for use in the LIS, the scheme for public forestry roads also needs funding, given that some rural communities use these roads regularly as their main routes home.

Deputy Shane Ross: I hope that I have not stepped on a hornet's nest by being agreeable.

An Ceann Comhairle: It looks like the Minister has.

Deputy Shane Ross: I will not give Deputy Ó Cuív a hostage to fortune by making a commitment of €5 million or any other figure. He would not expect me to.

Deputy Éamon Ó Cuív: I would.

Deputy Shane Ross: I will not do it. If a way of matching funds and reopening the LIS can be found, I am prepared to consider it. We are committed to going down that road. It was included in the programme for Government and is intended to be an early beneficiary of economic recovery. On the Deputy's prompting, I would be happy to speak with the Minister, Deputy Ring, about the issues that Deputies Ó Cuív and Aindrias Moynihan raised with a view to doing this. There is no way that we will not explore the possibility. If there are drawbacks or if it is impossible or a bad idea, I will tell the Deputies that. For the moment, however, we will enter into talks about matching funding and determining whether this is a possibility.

EU Directives

30. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport the status of the introduction of primary legislation or a statutory instrument in respect of the implementation of EU Regulation No. 598/2014; and the likely timescale for same. [29944/17]

Deputy Clare Daly: For 16 months, I have been asking the Minister about the transposition of EU Regulation No. 598/2014 by way of primary legislation or statutory instrument. It is a critical issue for residents affected by night-time noise around Dublin Airport, particularly in the context of the new runway and the impact of noise in terms of sleep disruption and so on. Will the Minister clarify whether he is introducing legislation and, if so, when? Will it be

a statutory instrument?

Deputy Shane Ross: I am sorry, as this is the second time that I have had to apologise to the Deputy. This issue is not yet resolved even though it should have been. We had hoped to resolve it much earlier than this. We have had a few false dawns.

In anticipation of the Deputy's question, I met the Attorney General yesterday and asked him what was happening with the issue. He replied this morning, telling me that he had met the Parliamentary Counsel and advisory counsel, who are dealing with the draft regulations, yesterday afternoon. The up-to-date position is that the Parliamentary Counsel expected to finalise the seventh and, hopefully, final draft of the regulations yesterday evening. The advisory counsel will review the seventh draft and expects to revert to my Department with that draft by the end of this week with a view to arranging a meeting to finalise the draft next week. The Attorney General hopes that his letter is of assistance and has asked me to telephone him if I wish to discuss the matter further, which is an offer on which I will take him up.

The statutory instrument to give effect to EU Regulation No. 598/2014, which deals with the regulation of aircraft noise emissions, is not yet in place, much against my expectations and hopes. I had fully expected that it would have been by now. It is a source of equal frustration to me as it is to the Deputy. I spoke with the new Attorney General yesterday morning, and he has assured me that the matter is being given top priority in his office. I assure the Deputy that it shall continue to be treated as a priority issue by my officials.

The entry into force of EU Regulation No. 598/2014 marks a significant change in the way that aircraft noise emissions are managed throughout Europe and the statutory amendments required in Irish law to give effect to it are complex. Without going into the detailed and technical legal issues at play, which are a matter of ongoing work among my officials, the Attorney General's lawyers and parliamentary draftsmen, there are two areas that are taking more time to get right than was imagined at the outset, the first of which is the independence of the new noise regulatory body. There is broad agreement that the Irish Aviation Authority, IAA, is best positioned to take on this role and do it to the highest standard of professional competence. It has a strong and internationally verified track record in the area of aviation safety and inspection, functions for which it already has legal responsibility. Making it responsible for noise regulation makes sense but the legal intricacies involved in making it the competent authority for the purpose of the EU noise regulation entails ensuring that the noise regulation function is fully and demonstrably independent of all other activities carried out by the authority.

The second area of focus is on ensuring that there is clarity about how environmental impact evaluation will work in future and a clear delineation between the roles of relevant bodies, including the noise regulator, the local authority and An Bord Pleanála.

Additional information not given on the floor of the House

The issue of the need for, and the nature of, primary legislation on noise regulation is one that will only be clarified when we have finalised the statutory instrument. At this stage, it is fair to say that, should primary legislation be required, it is unlikely to be done in 2017. The Deputy should, however, be assured that I will be more than happy to provide her with more information once there is clarity on this matter.

Deputy Clare Daly: It goes without saying that it is shocking that this situation has not been resolved. I am unclear from the Minister's answer as to whether we are discussing just a

statutory instrument or primary legislation. If we could even have clarity on that, it might give some assurance to residents.

The regulation is supposed to improve the position of residents who are already living with the impact of sleep deprivation and noise annoyance. They know that the directive is being put in place at a time when the Dublin Airport Authority, DAA, is quite open about its attempts to undermine the existing restrictions on night flights, which will have a negative impact on residents' lives.

I understand what the Minister is saying about the need for clarity and the independence of the IAA but will it be primary legislation? Can we at least have information on that? What about the idea of the Fingal Organised Residents United Movement, FORUM, resident's group working with the collaborative working group linked to the Irish Aviation Authority, IAA? Has that been set up or is that also still awaiting the diktats of the Attorney General?

Deputy Robert Troy: Is the Minister not at all embarrassed to give the answer he has given to this question? Just like Deputy Daly, I have raised this issue consistently for the last 12 months. Consistently, Question Time after Question Time, a resolution has been imminent. The resolution, however, has not come to bear. As a consequence of that, the residents in the area are totally and utterly frustrated, as the Minister himself claims to be. The only difficulty is that the residents cannot do anything about it whereas the Minister can. The Minister is also stunting growth at the airport. I used the airport in the last number of days and on my return flight the plane had to circle for 15 minutes because of capacity issues on the existing runway. I advise the Minister that it might be better for him to concentrate on the legislation under his own remit in the Department of Transport, Tourism and Sport. If he did, this matter could have been resolved at this stage.

Deputy Shane Ross: I can always depend on Deputy Troy to come in on the back of a question where he thinks there is a vulnerability. It is a pity he did not ask the question himself. I will certainly answer Deputy Daly as fully as I can.

Deputy Robert Troy: Under Standing Orders I am permitted to ask a supplementary question.

Deputy Shane Ross: Of course the Deputy is permitted to do many things. I am just commenting on the opportunities and initiatives which he takes and that it is a pity he did not ask, or think to ask, the question himself.

Deputy Robert Troy: I have submitted a written question to the Minister.

Deputy Shane Ross: Of course I am embarrassed by this. I am acutely embarrassed by this because the Deputy is correct, she has been asking for 16 months. She has probably been asking this question since before I came into office. The answer I give to her is this - if it is with the lawyers, it is with the lawyers. As the Deputy can see from the letter which came back, I am harassing the Attorney General to produce an answer. I cannot take precipitative measures when the Attorney General is making a decision of this importance. It is very important that we get this right for the sake of the runway, for the sake of the residents to which the Deputy has referred, and for the sake of the nation. Whereas it might seem to be a difficult legal problem delaying everything, if we get this wrong we will be in an awful lot of trouble. The answer is that we are still looking at a statutory instrument. The original legal advice of the Attorney General was that the designation of the competent authority should be done using secondary

legislation and that is what we are endeavouring to do.

Deputy Clare Daly: I am a bit struck dumb by the last point. Is the Minister now saying clearly that there will be no primary legislation?

Deputy Shane Ross: I am not.

Deputy Clare Daly: The Minister is not saying that.

Deputy Shane Ross: I am not.

Deputy Robert Troy: He does not know.

Deputy Clare Daly: That is a huge problem. This is completely unacceptable. We are talking about a draft being finalised by the end of the week, but I still do not know what that draft is about. Will it be the regulations to deal with a statutory instrument or guidance for primary legislation? It is already the situation that Dublin Airport has one of the most relaxed sets of restrictions for noise and that the residents are suffering from that. They are also acutely aware of the statements by the DAA that, once this body gets up and running, the DAA intends to move to lift the night-time restrictions on flights linked to the new runway. The residents are not opposed to the new runway, but they want it to be balanced with their quality of life. Out there on the ground there is a road network which is in upheaval and there are problems in the airport. It can be seen happening on the ground yet the legislation has not caught up and it is unacceptable. Could we be given copies of that information as soon as possible - towards the weekend? I beg for clarity on whether it will be primary legislation or a statutory instrument. Can we even say one way or another? It has to be sorted before the recess.

Deputy Shane Ross: It should be sorted before the recess, I agree. I will provide copies, yes. The moment I get that, I will let the Deputy know. I assure her of that. I will let her know the moment I do because I am aware of the fact that she cannot ask another question for a long time. I will certainly let her know immediately.

On the issue of whether it will be secondary or primary legislation, if the Attorney General advises that primary legislation is required to finalise any aspects, the introduction of any such legislation to the Oireachtas is unlikely to occur in the short term. My immediate focus is on finalising the necessary secondary legislation to give effect to the provisions of the new EU regulation. As the Deputy knows, the primary legislation, if there is any, will focus on the longer-term strategies such as planning, superseding decisions and other things like that. The statutory instrument will concentrate on the need to set up the structures necessary to establish the competent authority. We do not know yet, but we are concentrating on getting the statutory instrument out as soon as possible.

Olympic Council of Ireland

31. **Deputy Catherine Murphy** asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No. 230 of 23 February 2017, and in view of the recently formed Athlete Commission for the period 2017 to 2020, if his attention has been drawn to the fact that the board of Sport Ireland will not consider funding for the Olympic Council of Ireland in 2017 until the Moran inquiry has been finalised and published; his views on whether this will hinder the preparation of Ireland's future olympians' preparations for domestic and international sports

events; and if he will make a statement on the matter. [29949/17]

Deputy Catherine Murphy: In a nutshell, Sport Ireland has been in the position since 2016 that it cannot release funding to the Olympic Council of Ireland, OCI, while the Moran report sits in the Office of the Attorney General. Some 25% of the OCI's funding in 2016 was not drawn down and the funding for 2017 will not even be considered by the board until the Moran report is published. There is an urgency about this. I listened to the Minister's earlier response but that, in a nutshell, is a really serious problem.

Deputy Shane Ross: It could be. I thank the Deputy for her question. I hope it will not develop into a serious problem. It may do if it is allowed to fester and this situation is allowed to continue. I take her point. I am aware that Sport Ireland has not as yet allocated funding for the Olympic Council of Ireland, OCI, in respect of 2017. I can advise the Deputy that the position remains that the board of Sport Ireland intends to consider the funding allocation once Judge Moran's report has been published. We have been through that already. I will not go through all the details around Judge Moran's report unless the Deputy would like me to.

While I acknowledge that the current suspension of funding has implications for the OCI, I do not believe that the current regrettable situation is going to hinder unduly preparation by athletes for Tokyo 2020. It is important to bear in mind that the annual funding provided to the OCI by Sport Ireland is specifically earmarked for administration and vouched programme costs rather than direct supports for individual athletes. It is also pertinent to note that the OCI has significant alternative funding streams, including funding from its parent body, the International Olympic Committee, the IOC.

Accordingly, I consider that, pending the resolution of matters concerning funding by Sport Ireland, the OCI will be able to continue its important and valuable work in preparing our athletes for the winter Olympic Games in Korea next year and also for the summer Olympic Games in Tokyo in 2020.

In relation to the publication of the Moran inquiry report, the timing of the publication of the report will be subject to consideration of advice sought from the Attorney General. It is my hope to complete such consideration at an early date and that I will be in a position to publish the report as soon as possible thereafter. I am in touch with the OCI regularly. Indeed, I had a meeting with its chief executive, Sarah Keane, recently. I will be keeping in close touch with it in the near future. We will, of course, not allow the publication of the Moran report, or its lack of publication, to dictate the decision on funding more permanently in any way.

Deputy Catherine Murphy: It is really important that is the case. It is one thing ensuring money for the athletes; the administration which allows that to happen is another. It is my information, on 27 June, that the trial of Pat Hickey and Kevin Mallon in Brazil is not even scheduled, and may not happen for a very long time. There is big queue because of some unrest. I know that €1.5 million has been earmarked or spent to date on the costs around this. Is the OCI carrying that cost? *The Times*, Ireland edition, reported an OCI official as saying that the final cost will only be known when the legal proceedings in Brazil have been brought to a conclusion. Those costs are factored into administration, as is not releasing the funding to allow the organisation to proceed.

The Minister referred to the near future. It appears the Attorney General saw this complaint before he did. I ask him to comment on that. Can he give an indication of a timeline which is

critical?

Deputy Shane Ross: If I am wrong about this, I apologise. I think the Attorney General got the letter simultaneously with me so I do not think there is any differential there. I will let the Deputy know when the Attorney General reports to me. I know it will not necessarily be available in the public arena immediately because I will not be taking questions here again for a long time. I know the Deputy has an interest in the matter.

I cannot comment on legal proceedings in Brazil or when they might happen and would not do so. If, in the unlikely and unhappy event that the Attorney General provides advice that the report should not be published under any circumstances, that will not be the determining factor for me in talking to Sport Ireland about funding the OCI. It is really important that athletes are not deprived of funding just because of that incident.

Deputy Catherine Murphy: Does the Minister have a contingency plan if that is the case? When would that kick in, if the Attorney General says that the report cannot be published under any circumstances?

Deputy Shane Ross: That is a fair question. We should have that contingency. We should anticipate whatever might be said by the Attorney General. If he says we should not release the report under any circumstances, we would have to consider that very seriously. The knock-on effect that would have on Sport Ireland funding the OCI would have to be considered as a matter of urgency and consequent action should be taken in response to that. I do not think we could hang around to wait for the report to be issued or for something to happen in Brazil. We would then have to ensure the athletes are looked after and funding provided. It should not hinder in any way the Irish team going to the Olympic Games in 2020.

State Airports

32. **Deputy Imelda Munster** asked the Minister for Transport, Tourism and Sport his plans for the future of Shannon airport in view of recent reports that the airport is due to be downgraded and in view of the fact that it has failed to reach targets under its business plan regarding passenger targets and aviation jobs targets; and if he will make a statement on the matter. [29963/17]

Deputy Imelda Munster: I ask the Minister to outline his plans for the future of Shannon Airport in view of recent reports that the airport is due to be downgraded and in view of the fact that it has failed to reach targets under its business plan regarding passenger targets and aviation jobs targets. I ask him to make a statement on the matter. I know Shannon Airport is separated from the DAA. I am raising the issue because of the concerns over the downgrading of the airport's operations and its staff losses.

Deputy Shane Ross: I thank the Deputy for her question.

Shannon Airport Authority, SAA, a subsidiary of Shannon Group, has statutory responsibility for the management and operation of Shannon Airport and as such the issue raised by the Deputy is an operational matter for the company. Within that context, I will try to be helpful, but that should be acknowledged. That said, there is no proposal to downgrade the airport.

I understand that the need to evaluate business processes and practices in Shannon Airport

in the context of productivity and competitiveness was identified in the run-up to the separation of the airport from DAA back in December 2012.

In this regard, one of the proposals on which the company has had recent discussions with staff and union representatives is to operate at category 9 on a flexible basis rather than operate permanently at that level, 24-7, all year round. This would contribute to a more efficient operating model at the airport without any material impact on flight operations.

Since independence from the DAA at the end of 2012, cumulative traffic at the airport has grown by over 24%. Prior to that, Deputies may recall that passenger traffic through Shannon Airport had fallen for five straight years; the airport lost two thirds of its passengers between 2006 and 2012. The first priority for the independent airport was to halt that slide and then reverse it. A decline of that scale was always going to be challenging to address, but it is to the credit of both management and staff that Shannon Airport has made significant progress in achieving that. Last year, almost 1.75 million passengers passed through Shannon Airport compared with just 1.39 million in 2012.

Also, since the establishment of Shannon Group, the number of globally recognised aviation and aerospace companies around the airport has increased from 40 to 50 companies, employing 2,400 people compared with 1,600 in 2012.

Like any business, SAA is conscious of the need to control its costs so that it can remain competitive and continue to attract new airline business in an increasingly competitive international marketplace.

Deputy Imelda Munster: On the first day of 2013 when Shannon Airport separated from the DAA, a very impressive business plan outlined the benefits for the airport. It predicted 2.5 million passengers by 2021 and 3,000 new aviation jobs within five years, but Shannon Airport has failed to come anywhere near those figures. Despite these failures, the airport authority had announced an investment plan. However, this investment plan appears to be downgrading the airport and its operations and reducing staff numbers. It is essentially the opposite of the 2012 business plan. It appears to be lowering the status of the airport from category 9 to category 7. It will also limit the number of larger aeroplanes that can fly there and will mean that emergency stops can no longer take place at Shannon Airport. Is the plan now to reduce Shannon to a regional airport or to an airport that will only deal with a small number of airlines flying to a small number of destinations?

An Ceann Comhairle: I call on the Minister to give a very brief response as we are over time.

Deputy Shane Ross: There might be a slight confusion about categorisation. The Deputy is right that Shannon Airport is proposing to operate at category 7 when no category 9 services are flying through the airport and to flex up to category 9 when category 9 services are scheduled to operate through the airport. Operating at category 9 on a flexible basis, rather than operating permanently at that level 24-7 all year round, will enable the airport to operate at optimal manning levels in order to be as efficient and cost-effective as possible. This will contribute to a more efficient operating model at the airport without any material impact on flight operations.

What is proposed is not a downgrading, but an optimal use of resources in line with best business practice, ensuring that resources are deployed more efficiently as and when they are required. My Department has no policy or role regarding categorisation of any airport in the

State, either State-owned or non-State-owned. This is a matter for each airport.

Let me deal with emergency flights briefly.

An Ceann Comhairle: Very briefly.

Deputy Shane Ross: Shannon Airport has no designated status as a diversionary airport. The airport is, however, an “extended range operation with two-engine aeroplanes” approved airport, capable of accepting diversionary traffic, including in emergencies. In instances where the airport is not operating to category 9, airlines are required to declare an alternative airport in case of emergency, prior to departing their original airport.

Written Answers are published on the Oireachtas website.

Topical Issue Debate

Garda Investigations

Deputy John Lahart: I welcome the Minister of State, Deputy David Stanton, and thank him for his presence but I would obviously have preferred the senior Minister to be here to respond. If the Minister of State can provide it, I am looking for some hard information and facts regarding recent assaults in the Rathfarnham, Knocklyon and Ballycullen areas of my constituency in Dublin South-West. The first assault took place in the early afternoon of 18 June in broad daylight in the Stocking Avenue area of Rathfarnham. The assault was on a woman who was out walking. The general area is a popular one with walkers as it provides a ready-made circuit from many neighbouring housing estates and it grants easy access to the Dublin Mountains as well.

It is incredibly rare that such an occurrence would take place, hence the reason for me raising it in the House as a Topical Issue. I made contact ten days ago with the Garda at Rathfarnham and the inspector there was very helpful. He assured me that additional community Garda patrols, along with plain clothes detective patrols, had been deployed in the area, and that the gardaí both at Rathfarnham and Tallaght, which is the district headquarters, were taking the issue very seriously. Given the pressure on Garda resources, that was very much appreciated by the local community. That said, contrary views were expressed on whether the presence actually manifested throughout the community. Some were aware of the increased Garda presence and were very much appreciative of it but others said there was no evidence of an increased Garda presence.

I am aware from contact with the inspector at Rathfarnham Garda station that the issue was given high priority. The Garda helicopter was involved in searching on the Monday night following the assault. As I am sure the Minister of State will appreciate, just the presence of the helicopter increases anxiety even though it is not uncommon to have it along the M50 corridor. Its presence heightened the fears of local people.

Social media is a very useful tool for communications between individuals and groups and there is a high usage of social media in the area by both residents’ associations and individuals to alert each other to suspicious activity. That was very useful in 2015 and 2016 in particular

when there was a spike in burglaries. Equally, social media can be a terrible rumour mill and it can sometimes be very difficult to separate fact from rumour, which is another reason for me to raise the issue.

Last weekend there was also an alleged incident in the grounds of the Pearse Museum at Rathfarnham, otherwise known as St. Enda's Park, again, within the jurisdiction of Rathfarnham Garda station. I have written to the superintendent in Tallaght and have contacted the inspector at Rathfarnham again as I am seeking some hard information on the number of attacks in the area; the Garda response; details regarding Garda numbers in the area and the resources being devoted to that; the Garda plan to address the issue and if the plan is meeting with success. In other words, do the Garda believe it is a question of one suspect or two and how many attacks have taken place or were reported to the Garda? I would welcome a response to those questions from the Minister of State at the Department of Justice and Equality, Deputy Stanton. Local people definitely want some answers to the questions because the occurrence is so unusual. I will refer to some other points in due course.

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

I am speaking on behalf of the Minister for Justice and Equality who regrets that he cannot be present due to other official commitments. He is grateful to the Deputy for raising this matter in the House.

The Minister is aware of recent reports about serious assaults occurring in the Rathfarnham area. Such crimes are of course very shocking and, clearly, they have a strong impact on the local community, both in terms of the fear of crime in the area and overall community morale, as pointed out by Deputy Lahart.

I hope the Deputy will appreciate that the policing response to such crimes, including the deployment of Garda resources at local level, is a matter for the Garda authorities in the first instance. In that regard, I am sure the Deputy will understand that it would be inappropriate to enter into any detailed discussion of particular incidents which may be the subject of an ongoing investigation by An Garda Síochána.

However, the Minister is advised that Garda management carefully monitors the incidence of crime in local areas and that Garda resources are deployed in response to changing crime trends. That may include overt high visibility patrolling as well as covert Garda operations to target particular situations or persons suspected of engaging in criminal activity. At the heart of the concerns about such crimes is the relationship between communities and their local gardaí. It is worth recalling that A Programme for a Partnership Government underlines the importance of community policing in responding to the concerns and expectation of both urban and rural communities.

The Minister is advised that it remains a key priority for An Garda Síochána to tackle public disorder and anti-social behaviour by working with communities to reduce this type of behaviour and to enhance community safety. The approach includes a strong focus on quality-of-life issues and collaboration with local authorities to help address the causes of anti-social behaviour. The Garda engages in a range of partnership approaches with communities to address local concerns as well as participating in more formal structures such as joint policing committees which have an important role in developing strategies to tackle issues of local concern.

For its part, the Government remains committed to supporting An Garda Síochána in tack-

ling crime and protecting communities. Under the Government's Capital Plan 2016-2021, €46 million is being invested in a modern, effective and fit-for-purpose Garda fleet. In 2016 alone, some 520 new vehicles came onstream to ensure that the Garda is mobile, visible and responsive on the roads and in the community to prevent and tackle crime. Furthermore, some €330 million, including €205 million under the capital plan, is being invested in Garda ICT infrastructure to allow the Garda to deploy the latest cutting-edge technologies in responding to crime in all its forms.

In particular, the Government is pursuing its plans to increase Garda numbers and provide enhanced front-line policing. Plans are in place to achieve a Garda workforce of 21,000 personnel by 2021 comprising 15,000 Garda members, 2,000 Garda reservists and 4,000 civilians. All of those measures will undoubtedly enhance policing responses to crime incidents and benefit all communities across the country.

Deputy John Lahart: I thank the Minister of State for the response but it is very disheartening as there was no mention of the number of assaults reported. I accept there was an acknowledgement at the start of the reply of the awareness of the Minister, but there is no indication that he has even made contact with the Commissioner's office to find out some basic statistics, which is what I have been trying to ascertain in order to instil some kind of confidence in the local community, as getting hard facts is the only way to combat rumours.

Some sections of the community in Ballycullen, Knocklyon and Rathfarnham believe the number of assaults is greater than it is. In the area I represent such assaults are so rare that to have even one creates a great deal of anxiety. A Member of one of these Houses lives in the locality, who is afraid to walk that circuit since the incident happened. The Minister of State should tell his senior Minister that I am very disappointed with the amount of information that has been provided, given the specific nature and location that I indicated in outlining the matter.

As the Deputy for the area, I have never received as many queries on an issue, in particular from young women and young mothers who feel especially vulnerable as they walk the exercise circuit in the area in the summer months. The response outlined by the Minister of State gives me no reassurance or details on the specific Garda response to the incidents. As the Minister of State is aware, the number of gardaí has dropped in every division in Dublin but I do not seek to raise that specific issue, what I am seeking is details on whether the patrols have been increased and for how long that will happen, whether a suspect or suspects have been identified and the number of assaults that have taken place. The Minister of State has given me none of that information. That reflects badly on the kind of feedback and information that is provided to public representatives either here or on the ground in the Garda division concerned. It is very difficult for a public representative to get information that might help to calm a situation, which is the specific issue I wish to raise.

Deputy David Stanton: I thank Deputy Lahart for his response. If he is looking for specific information I invite him either to contact the local Garda station directly and speak to the superintendent-----

Deputy John Lahart: Which I have done.

Deputy David Stanton: -----or table a specific parliamentary question on the issue.

Deputy John Lahart: I could not have been more specific.

Deputy David Stanton: I was asked to come to the House to discuss assaults on the public in the Rathfarnham Garda district, which I have done. I was not asked to provide any specific information. If I had been I would have done my best to supply it. We were not asked those questions initially. However, I thank the Deputy for providing the opportunity to have this important debate. The fact that the issue is raised here does raise its profile in the Department, with the Minister and others, so the Deputy has provided a good service in doing that. I am very happy to pass on his comments to the Minister.

I have dealt in general terms in the response to the crimes and I hope that has been of some help. It is important that we have a general national policy on such issues. However, if the Deputy has more specific concerns the Minister has asked me to say he will be happy to bring them to the attention of the Garda authorities. I invite the Deputy to write to me or the senior Minister with his specific questions and concerns and we will be happy to follow them up, as we have done in the past. As I have already said, the immediate responses to crime incidents are clearly a matter for local Garda management. We cannot interfere in that. It is clearly a matter for them, and as the Deputy himself has said, they are helpful and professional and they go with their job as best they can.

That being said, the Government is determined that every appropriate support will be provided to assist local gardaí in confronting crime and in protecting communities. I have outlined the huge increase in spending for the recruitment drive that is ongoing, the increase in spending for vehicles and for information and communications technology etc. The Deputy mentioned that the Garda helicopter was available and was in the area. He has actually outlined that there was visible evidence of increased activity. I am sure there are overt and covert operations happening. The gardaí are very professional in dealing with these. The Minister and I are very anxious to be of any assistance to any public representative who brings concerns of this nature to the House.

Anti-Social Behaviour

Deputy Peadar Tóibín: There is a serious problem developing in towns around the country. Significant areas within out towns are being ceded to thugs, to crime and to drug dealers. Certain public parks and playgrounds in towns such as Navan are taken over on sunny days by adults drinking cans and spirits. Drugs are openly sold and consumed in broad daylight in town squares in towns in Meath. Many families are being tormented by anti-social behaviour by neighbours.

I know of one young mother in Trim with a newborn baby. She is living next door to a family that has allowed rubbish to pile up so much that the place is full of rats and some of the adults in that family have started urinating on the door of the young mother's house. They stare in the window at her and the kids kick footballs up against her windows. Music is played loudly into the night. The landlord of the perpetrators cannot get them out currently and is considering paying them €5,000 to leave. Not being able to sleep and not feeling safe in one's own house is, I believe, a threat to the physical and mental health of a person.

Last week in my home town of Navan, a shopkeeper, Ciaran Reilly, was severely beaten by thugs while defending his shop. He was left with severe bruising and swelling to his head and needed serious medical attention. Recently, another teenager in the county was rushed to hospital having been found with stab wounds. A farming contractor has had €12,000 worth of

tractor parts stolen from his yard in the past year. He came across the thieves and they came at him with a wheel brace.

There are well over 400 assaults happening in County Meath every year. The homicide figures for the county, which include manslaughter and murder, have increased and sexual offences have trended upwards over the last 12 years.

At the same time, between 2011 and 2012, there has been a significant fall in the number of gardaí in the county. Trim, Summerhill, Longwood, Kilmessan, Enfield, Ballivor, Kells, Crossakiel, Laytown, Dunshaughlin and Ashbourne have all lost gardaí under the Minister of State's Government. We have lost 25 gardaí in total in County Meath, with Garda stations being closed in places such as Kilmessan and Crossakiel. At the time, my colleague, Senator Pádraig Mac Lochlainn, tabled a parliamentary question to find out how much the Government was saving by closing these Garda stations. He found out that it was the princely sum of €4,000 a year per Garda station to have them closed.

We know that gardaí are fiercely frustrated about their working environment. Morale is at an all-time low due to the scandals with regard to the Garda management failings and the abdication of responsibility and oversight by the Government. The Association of Garda Sergeants and Inspectors has said that we are now witnessing the human impact of seven years of austerity. The Garda Inspectorate report uncovered serious, systemic weaknesses in An Garda Síochána. I have come to the view that at this stage there is nearly a tolerable level of crime, thuggery, drug dealing and alcohol abuse in our public spaces. There is a danger that if I raise these issues I will be blamed by some people for blackening my own county. If I do not raise the issues, however, we know they will never get fixed. I must give credit to the group of people in Roscrea who are taking this issue by the scruff of the neck and who are doing great work in that regard.

The situation needs to be fixed and it can be fixed. I look to the Minister of State to identify what the Government will do to ensure that towns such as those I have mentioned will be safe places for people.

Deputy David Stanton: I speak on behalf of the Minister for Justice and Equality, Deputy Flanagan, who regrets that he cannot be here. He has other official commitments. The Minister and I are very grateful to the Deputy for raising this matter in the House today. The Deputy should raise matters such as this in the House to highlight them in order that our attention is drawn to them and action can be taken. The Minister is very much aware of the impact of street crime and anti-social behaviour on local communities and the general social environment in towns around the country. There are well recognised effects in terms of the fear of crime and overall community morale. We have discussed the fear of crime in the last Topical Issue matter.

I hope the Deputy will appreciate that the policing response to such crimes, including the deployment of Garda resources at local level, is a matter for the Garda authorities in the first instance. The Minister is advised that Garda management carefully monitors the incidence of such crime and that Garda resources are deployed in response to changing crime trends. This may include directing resources at areas designated as hotspots for anti-social behaviour and high-visibility policing in the vicinity of entertainment venues and licensed premises, especially when people are entering and exiting.

In terms of our existing legislative provisions, there is a strong body of legislation contained

in the Criminal Justice (Public Order) Acts and the Intoxicating Liquor Acts to address these sorts of street crime offences. These include powers for gardaí to seize alcohol on the street where there is an apprehension of public disorder. It is clear, however, that gardaí face significant challenges in dealing with public disorder and anti-social behaviour that is fuelled by the misuse of alcohol. Clearly, these matters cannot be addressed by policing measures alone. The underlying issues about the misuse of alcohol and taking responsibility for personal behaviour are part of a much wider debate for our society.

The Garda also conducts intelligence-led operations to target particular suspects or criminal activities, such as drug-dealing. Deputies will also be aware that the Garda has had a number of significant successes in recent months in targeting drugs crime with seizures of large amounts of drugs. These seizures are the result of painstaking and professional police work that is aimed at dismantling the criminal networks behind the visible manifestations of drugs misuse that are evident on our streets.

At the heart of the concerns expressed by the Deputy is the relationship between communities and their local gardaí. It is worth recalling that the programme for a partnership Government underlines the importance of community policing in responding to the concerns and expectation of both urban and rural communities.

The Minister is advised that it remains a key priority for An Garda Síochána to tackle public disorder and anti-social behaviour by working with communities to reduce this type of behaviour and to enhance community safety. This approach includes a strong focus on quality of life issues and collaboration with local authorities to help address the causes of anti-social behaviour. The Garda engages in a range of partnership approaches with communities to address local concerns, as well as participating in more formal structures such as joint policing committees which have an important role in developing strategies to tackle issues of local concern.

The Minister, Deputy Flanagan, has asked me to emphasise that joint policing committees have a very important role in facilitating consultation, co-operation and synergy on policing and crime issues between An Garda Síochána, local authorities and elected local representatives. The active and constructive engagement by elected representatives is very important on the joint policing committees.

In conclusion, the Minister would like to reaffirm that the Government remains committed to supporting the Garda to make communities safer. The Government has devoted significant resources to policing in recent years and this will continue, in particular through the accelerated programme of Garda recruitment. This undoubtedly will enhance policing services for all communities across the country.

Deputy Peadar Tóibín: Meath is probably no different to many other counties and when we look at these issues, we sometimes try to benchmark them against the figures the Garda gives. People do not know what to believe with respect to figures they get from the Garda at present. The figures on breath tests were hocus pocus and now we see that the Central Statistics Office will no longer publish the homicide figures in the State due to concerns of accuracy. This is a shocking indictment of the Garda system.

Existing laws are not being implemented. Navan is hammered with derelict sites. There is a Derelict Sites Act and I ask the Minister of State to consider how the Act could be made easier to use. Local authorities are not using it due to the difficulties. There is also the Residential

Tenancies Act and I ask how that can be made easier to use and enforce in order that people do not have to live beside residents who make their lives hell. Councils also should be empowered to develop more by-laws that are not flouted but are implemented.

Quality of life issues are very important. It does not have to be this way. We could make a change by improving the quality of life of people by getting them to take back their public spaces. This, however, needs better planning. We may be at the precipice of a whole new building space. I ask the Government to ensure planning is put in place to make spaces safe for people in the future. We need to keep an eye on our children. There is no doubt about that. We need to teach them values. We must teach them what is right and wrong. We also need to ensure they have services and facilities. I will give an example. The OPW has owned a building in Enfield for the last five years. It pays for its upkeep and its security. The building has been closed each day for the last five years. We have asked over and over again for the OPW to make this building accessible to the local community so that a youth club can be provided and other community groups in Enfield can provide local services. The OPW has said for five years that it will not open this building. It remains closed. I guarantee the Minister of State that State or Government buildings in each of the towns and villages about which we are concerned are not being used. They are closed to their communities or at least are not being fully utilised. I ask the Minister of State to take the cost-free step of making an audit of existing structures in order that we can bring safety back to our streets.

Deputy David Stanton: On behalf of the Minister, I thank the Deputy again for giving the House an opportunity to debate this matter. It is right that we should highlight and discuss issues of importance for County Meath and the country as a whole. I will be happy to pass the Deputy's views on these matters on to the Minister. I have dealt in general terms with the response to crime and anti-social behaviour. I hope this has been of some help to the Deputy. I emphasise the importance of the joint policing committees, which pull together representatives of local authorities and communities. When I served on a joint policing committee for a number of years, I found it an extremely useful way to raise issues. The Minister has asked me to say that if the Deputy has concerns about any particular towns or localities, he will bring those concerns to the attention of the Garda authorities. If the Deputy wants to write to the Minister on these specific issues, he would welcome that as well. I have already outlined the immediate response to street crime and anti-social behaviour. It is clearly a matter for local Garda management to make decisions on how to handle and deploy their resources. Having said that, the Government is determined that every appropriate support will be provided to assist local gardaí in confronting crime and protecting communities. There will be another passing-out parade next week. This means that further gardaí will be going on the streets. We are continuing to recruit trainees to increase Garda numbers as fast as we can. We are providing other facilities, supports and services as well. The Deputy is correct when he says that the State owns various facilities around the country where services can be provided. I have personal experience of being involved in such a project in my local area. A building was made available to the local community when it came together to take on a project and provide important services like those he has mentioned. I will relay his remarks to the Minister.

Research and Development Supports

Deputy James Lawless: I congratulate the Minister of State, Deputy D'Arcy, on his recent appointment as Minister of State at the Department of Finance. As someone who originally

comes from the same part of the world as the Minister of State, I am delighted to see him being promoted and to see north Wexford enjoying ministerial representation. North Kildare might follow in due course.

I was slightly confused when I saw that this Topical Issue was being handled by the Department of Finance. I had imagined that it might be the Department of Jobs, Enterprise and Innovation or perhaps the Department of Education and Skills because those Departments are normally responsible for research and development issues. I thought the relevant Ministers in those Departments would have to make their case to the Department of Finance for research and development supports to be included in their own budgets. Perhaps it is useful to have a direct path to the purse strings. It is worth highlighting in that context that the funding of research and development and innovation can sometimes fall between the two stools of the Department of Education and Skills and the Department of Jobs, Enterprise and Innovation. It is not always clear who is responsible for these matters. In this case, ultimate responsibility lies with the Department of Finance.

I hope the benefits of investment in research and development are self-evident. A pipeline of innovation brings multiple benefits and returns as the body of knowledge in areas like technology and process improvements advances. I will not recite the multiple studies that bear this out. I hope it is self-evident that investment in research and development produces multiple returns at the far side. The last Government's Innovation 2020 strategy, which was published by the Minister of State, Deputy English, contained some very ambitious targets but unfortunately they have not been met with funding. According to a report published this week by the Nevin Economic Research Institute, this is becoming an issue. It seems we have fallen far short of where we really need to be in terms of international funding. The report, which is based on a comparative analysis of 11 European countries, suggests that Ireland consistently spends too little on research. It points out that in 2014-15, Ireland's research expenditure of approximately €500 million represented 61%, or just over half, of the average spend within the euro group. Under Innovation 2020, we have a target of spending 2.5% of GDP in this area, but we consistently fall far short of that.

It is often said that the Irish experience of research and development and innovation has moved from one of benevolent neglect at the time of the foundation of the State, when other priorities existed, to one involving a graduate supply chain when IDA Ireland started to attract multinationals to this country in the late 1960s, and then to one of accelerated growth during Fianna Fáil's last period in government. Many initiatives taken during that time, including the establishment of Science Foundation Ireland and the programme for research in third-level institutions, accelerated the progress that was being made by bringing the best and most talented teams of researchers to this country. Indeed, the best people were groomed and educated in this country to a level that enabled us to punch above our weight. All of this is now in danger at a time when opportunities exist as people in the international research community are on the move. President Trump's America can be a cold place for people from certain corners of the world who are very eminent in their fields. Similarly, the Brexit scenario in the UK means that country is not a place where people feel comfortable staying in the long term. If we can invest in a way that allows us to avail of these opportunities, we will reap the rewards by attracting talented people to this country.

I acknowledge that investment in innovation is critical not just for universities and multinationals but also for small businesses. I welcome the representatives of the Sallins Business Association who are in the Gallery this evening. Innovation is the engine of small business

every bit as much as it is the engine of large business. Indeed, the Small Firms Association has lobbied on this matter in the past as well. I hope the deficit I have outlined can be addressed. It is crucial for our industrial and educational policy, for the promotion of jobs and for the advancement of knowledge that we tackle this issue by closing the funding gap about which we have known for some time. Approximately 900 scientists wrote to *The Irish Times* two years ago to warn that this was happening. I was on the science march in Dublin city a month or two ago when eminent researchers, professors, fellows and academics came out and said “this is not enough” and “this is not going to end well”. This was confirmed by the Nevin Economic Research Institute in its recent study. I put it to the Minister of State that we need to address this funding gap.

An Ceann Comhairle: I join Deputy Lawless in congratulating the Minister of State, Deputy D’Arcy, on his appointment and wishing him well.

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I thank the Ceann Comhairle. It is somewhat pleasing to be complimented on my elevation to the position of Minister of State by Deputy Lawless because we come from the same town and we attended the same secondary school.

An Ceann Comhairle: I suspect the Minister of State will not be inviting him back.

Deputy Michael D’Arcy: He is well settled in north Kildare at this stage. I thank Deputy Lawless for raising this question. Research and development is an important source of growth because it contributes to ideas and products which affect productivity. One of the key insights of modern economic theory has been that *per capita* growth ultimately comes from changes in productivity. As such, research and development can be a key input in ensuring positive and sustainable economic growth in the long run, alongside other important factors such as openness to trade, the level of competition and the quality of infrastructure. The Government acknowledges the importance of research and development. We believe it needs to be examined comprehensively because all sectors of the Irish economy contribute to research. The vast majority of research and development conducted in Ireland is done by businesses rather than by the public sector. According to the CSO, business expenditure on research and development stood at €2.1 billion in 2014, the most recent year for which data are available. Total business expenditure on research and development, including such expenditure in the public sector, was €2.9 billion in that year. The level of business expenditure on research and development in Ireland, at €331 per inhabitant, is considerably higher than the EU 28 average of €297 per inhabitant in 2014.

The Government has a variety of supports in place to stimulate business expenditure on research and development, including research and development grants and research and development tax credits. I assume Deputy Lawless’s matter is being taken by the Department of Finance because of the tax credits. The research and development tax credit is regularly reviewed by the Department of Finance. The latest review, which was published along with budget 2017 in October 2016, found that 60% of the research and development supported by this tax credit was additional in the sense that it would not otherwise have taken place. This is an important result because although it is generally agreed that research and development provides an important contribution to growth, public support for research and development cannot be justified unless such intervention can be demonstrated to lead to improved outcomes. The result also holds up well in an international comparison.

In 2015, a total of 1,534 companies availed of the research and development tax credit and the total Exchequer cost was €708 million. This represents approximately 10% of corporation tax receipts, a share that has been fairly constant for the past three years. As already mentioned, the Government readily acknowledges the importance of research and development. Its importance is embedded in the Innovation 2020 strategy, which provides a whole-of-Government response to ensure that Ireland becomes a global innovation leader. Among other targets, Innovation 2020 commits to increasing public and private investment in research. As for public investment in particular, data published in early 2017 by the Department of Jobs, Enterprise and Innovation show that the Government allocated €761 million for research and development in 2016. This was the third year in a row that funding had increased and represented a 3.2% increase on the 2015 figure of €736 million. Public investment in 2017 is expected to be broadly in line with the figure for 2016.

In conclusion, the Government is keenly aware of the importance of research to Ireland's economic future. Policy tools to stimulate additional research and development, such as the research and development tax credit, continue to play an important role in this regard, as does a concerted and comprehensive effort from all areas of the public sector, as envisioned by the Innovation 2020 strategy.

Deputy James Lawless: One can discern the merger of the Department of Public Expenditure and Reform and the Department of Finance in the Minister of State's answer in the sense that it dealt primarily with the tax credits that are available. It is an interesting avenue to go down but I am more interested in the public expenditure side. The research and development tax credits are very important, as is the knowledge box and I was pleased to pass amendments earlier in the year in this area. However, they are only one piece of the puzzle and the Department of Public Expenditure and Reform has the responsibility and opportunity to increase the funding to research and development programmes.

I made a submission to the capital plan suggesting that the Minister, Deputy Donohoe, engage with the EU so that Ireland could draw down Juncker funding, where multiple billions are available for infrastructure in the European Union's Horizon 2020 programme and other projects. The successor programmes, which are now coming on stream, also have significant amounts of capital available and they would be delighted to engage with Ireland to fund its needs. There are additional opportunities such as CERN, in which we could invest significantly to reap significant rewards, and the European Space Agency, which I visited with the Minister of State at the Department of Education and Skills, Deputy Halligan, and where there are huge commercial opportunities. The multiplier effect comes into play and every euro invested yields €7 or €8 for the Exchequer in financial opportunities.

As regards investment in education infrastructure, the programme for research in third level institutions, PRTLII, was a fantastic scheme, founded by Fianna Fáil but continued under the last Government. However, it has now ground to a halt and there is an urgent need to support and fund a successor programme. However, while phase 5 should be coming out now, it has not emerged. There is also a need for a balanced portfolio, not only to fund applied and commercial research but to fund the pipeline too - the basic, frontier-level research which creates the opportunities and ideas for commercial opportunities. They deal with the bread-and-butter elements, namely, the buildings, laboratories and libraries.

On the tax side, there was a JobsPlus scheme where small business got a cash return for taking on employees but an R&DPlus scheme was mentioned by the Small Firms Association,

SFA, and this could be very useful in encouraging innovation in the SME sector.

Deputy Michael D'Arcy: I am not going to pretend to be as up to speed on these things as I might be. I am not. However, there is an incredible amount of research and development going into FinTech in particular and, while this was once considered a disruptive technology to the industry, it has now evolved and there are a lot of cutting-edge companies moving into that space, meaning FinTech is not now as disruptive to the industry and will be very beneficial. Some of the brightest minds from all over the country, including rural areas, are working in this field.

I will take the Deputy's comments back to the Minister for Finance, Deputy Donohoe, but a concern of mine is that I expect budget 2018 to be quite tight. I do not expect there to be a large amount of headroom. Nevertheless, we need to thrash out the issues raised by the Deputy and I would be happy to do so outside the Chamber.

Tourism Promotion

Deputy Peter Burke: Having worked closely with Councillor Andrew Duncan in Mullingar to ensure the continuance of fish farming in Cullion and that Mullingar remains one of the key destinations for anglers, I have taken a keen interest in tourism in the midlands since my election. Fáilte Ireland presented to the transport and tourism and special Oireachtas committees over eight months ago and the contents of the meeting were very positive on the area of rebranding the midlands in terms of its tourism package. There was a commitment in the programme for Government to create a tourism brand for the midlands. An idea for a lakeland brand was put forward, initially as a scoping exercise, and Colliers was commissioned to carry out a feasibility study on this issue.

New initiatives such as Ireland's Ancient East, which encompasses the midlands area, and the Wild Atlantic Way have been very successful and there is a huge need for a new brand in the midlands to feed into and work with those existing brands. There was an 8.8% increase in overseas tourists and visitor numbers last year, to 8.742 million, which is a huge success. A total of 1 million tourists come to Ireland from North America. We have huge untapped jewels in the midlands and we need a strategy to bring them together and encourage tourism into the midlands because this is one of the key economic streams that make our rural communities sustainable. I note that 66% of all visitors will see a heritage site and in County Westmeath, to name but a few, we have Belvedere House just outside Mullingar, which is hugely successful, and in the centre of Ireland the Hill of Uisneach, which is a mythological and sacred centre of Ireland. The President recently attended for the lighting of the fires, which attracts a huge number of visitors to the site. We also have unique and undeveloped water courses, 50,000 acres of lakes and six major lakes within a half hour of Mullingar. We need to pull together all these natural resources and untapped jewels to ensure we have a package that encourages people to come to the midlands and showcases what it has to offer.

The Minister will be aware of Center Parcs coming to Balllymahon in County Longford and the region will benefit hugely from the investment committed to with this development. It is important that, in attracting huge tourism to the area, there is a package to support it in order that other parts of the midlands can also benefit. Two sites in Longford are included in Ireland's Ancient East and that makes an even stronger argument for the midlands to have its own unique brand. It is critical that this brand feeds into the other brands, such as the Wild Atlantic Way.

I recently met the business development manager of Fáilte Ireland and pointed out a number of initiatives we need for the strategy. He listened to everything I said and I felt I was pushing at an open door. Colliers has commenced its feasibility study. Has the Department examined that as of yet? How far away are we from launching a new, evidence-based brand? The evidence is there on the ground that there is a huge amount on offer in the midlands.

Minister for Transport, Tourism and Sport (Deputy Shane Ross): I thank Deputy Burke for raising this extremely important matter. He knows that the programme for Government contains a commitment to develop a brand such as that referred to. I am pleased to be able to update the House on the progress being made by Fáilte Ireland in the development of a branding strategy for the midlands. I do not have a copy of my script for the Deputy but I will ensure he receives one as soon as possible.

At the outset, I would like to clarify that my Department's role in respect of tourism lies in the area of national tourism policy. It is not directly involved in the management or development of individual tourism projects or strategies. These are operational matters for the board and management of Fáilte Ireland and I do not have a direct role in regard to the development of branding strategies. However, I have made it clear on behalf of Deputies Burke, Moran, Troy and others that this is an issue considered to be an imperative in the area. Fáilte Ireland is progressing the development of a brand to promote tourism in the midlands. In line with the commitment in the programme for Government to develop the Ireland's lakelands brand, Fáilte Ireland commissioned a destination and feasibility study in the final quarter of 2016 to ascertain the potential growth and best mechanism to unlock the areas lying between the Wild Atlantic Way and Ireland's Ancient East. As Deputy Burke mentioned, a consortium of Colliers, Red C and DKM was engaged to conduct the study, which is an indication that the Department takes this matter seriously and intends to proceed with it. The consortium assessed the region, benchmarked similar international offerings and met people in the industry and other stakeholders. The study is now complete and has identified the broad consumer proposition that can differentiate the midlands region. To advance this, Fáilte Ireland has, in conjunction with Colliers, developed a number of potential treatments of the proposition. Its next step is to develop and test the available options. It is scheduled to soon commence this work and that will include engagement with local stakeholders. The Deputy will appreciate that any proposal to proceed with implementing a brand for the midlands will be subject to the outcome of the further analysis being undertaken by Fáilte Ireland, including an economic analysis, and the availability of funding which will be sought as part of the normal discussions on the Estimates and the capital plan.

Tourism has the potential to bring additional jobs and revenue to local communities and is a vital player in rural development and regeneration. The midlands region has untapped tourism potential in its tracks and trails, local heritage and lakes and rivers. Fáilte Ireland will now develop this concept further to help maximise the benefit to be gained. It is important that the branding solution developed would be the strongest possible to lead tourism development and growth for the midlands. In that context, I look forward to the outcome of the testing and analysis phase which Fáilte Ireland is now commencing.

Deputy Peter Burke: I thank the Minister for his positive response and for his work and that of his Department in this area. It is key for all Members to work together on this issue. In the context of national policy, it is very important that a new policy for the midlands would fit in and connect with current projects such as Ireland's Ancient East and the Wild Atlantic Way in terms of attracting more tourism from abroad. These different areas are not competing with

each other and need to work together.

As I said, the midlands has its own unique identity and product investment is needed to ensure it is not left behind in the market but gets an equal chance to stand up and fight for increased visitor numbers across its counties. As the Minister noted, it is very important that the Department or other agency that carries out the study meet with local stakeholders such as Westmeath County Council and other promoters in the area such as the promoters of the Hill of Uisneach, which has a huge amount to offer. It is a national treasure but was really starting from scratch and a vast amount of work has gone into its promotion. Its promoters have put their own money into so doing in order to ensure it attracts high visitor numbers. It was great to have the President there to acknowledge that it is a mythological centre and has a long history.

It is also very important that evidence-based studies be carried out. As was pointed out, it was very important that Colliers investigated this issue and considered the market, as a result of which we now know what the market is looking for, which opens up a niche and puts us ahead. There are huge opportunities in the midlands, such as that offered by Center Parc, which will be a massively positive contribution to the area, or the lakes that anglers have worked very hard to market abroad in order to ensure that the midlands benefits from tourism. We need to ensure that this competitive advantage is maintained. I would welcome evidence-based product investment. I thank the Minister.

Deputy Shane Ross: The Deputy and I are on the same wavelength in respect of this issue. Fáilte Ireland has bought into this project, probably because it has to do so. I do not mean that in a pejorative way or that it would not have done so in any event but the fact that the commitment is in the programme for Government means it cannot be ignored or dropped. I am one of the guardians of the programme for Government, along with Deputies Burke and Moran among others, and we should insist that it is implemented. As one of those involved in this project, I guarantee to promote it as fast as possible, provided the funds to do so are available. The initial promotion will cost money although we do not yet know how much because we do not know what options will be found preferable. Provided that the money will be well spent, as it will, I hope there will be clarity on the progress relating to this project in the not-too-distant future and that we will have good news for the midlands.

Sitting suspended at 6.15 p.m. and resumed at 6.55 p.m.

Message from Seanad

An Ceann Comhairle: Seanad Éireann has passed the Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Bill 2016, without amendment.

Anti-Malarial Medication: Motion

Deputy Aengus Ó Snodaigh: I move:

That Dáil Éireann:

acknowledges:

— the serious side effects of the anti-malaria drug Mefloquine (Lariam) on some Irish Defence Forces personnel serving overseas in peacekeeping missions in the sub-Saharan region of the African continent;

— that these side effects have resulted in serious and prolonged psychotic and psychiatric behaviour and suicidal tendencies, including the possible death by suicide of some military personnel;

— the failure by the Department of Defence to implement a comprehensive screening programme to monitor the effects of Lariam on the estimated 4,500 plus Irish Defence Forces personnel who have received it since it was made drug of first resort for sub-Saharan Africa in 2000;

— that most of the world's major military powers have, on the back of overwhelming evidence, completely banned Lariam or use it only as a drug of last resort for their soldiers;

— that the Irish Defence Forces are now one of the few in the world to administer Lariam as the only drug of first resort for its serving overseas soldiers in areas where there is a high risk of malaria;

— that RTÉ's Investigations Unit engaged international medical experts whose analysis in their report in 2013 concluded that Irish Defence Forces personnel who had taken Lariam were three to five times more at risk from suicide; and

— the findings of a public inquiry by the British military, led by retired Lieutenant Colonel Dr. Ashley Croft and retired USA military Major Dr. Remington Nevin, two world experts into the effects of Lariam, who recommend that Lariam should be a drug of last resort and that the prescription of the drug should only be made under the most rigorous supervision; and

calls on the Government to:

— instruct the military authorities to immediately cease administering Lariam to all Irish soldiers as the drug of first resort and to replace it with proven safer alternatives such as Doxycycline or Malarone, and Lariam should only ever be the drug of last resort where no suitable safer alternative is available; and

— instruct the Department of Defence, in conjunction with the Health Service Executive, the military authorities and in consultation with the representative bodies for serving and former soldiers, to draw up a plan of action to help alleviate and address the ongoing concerns regarding the anti-malaria drug Lariam issued to military personnel serving on overseas missions in sub-Saharan Africa in the past.

I acknowledge the presence of members of Action Lariam for Irish Soldiers, Mefloquine Ireland and the Wives & Partners of the Defence Forces, WPDF, some of whom are in the Public Gallery and have come from various places throughout the country as well as from Dublin to listen to this debate, which is important for them and for those who have suffered the effects of Lariam. I commend them in particular on their sterling efforts to ban the use of Lariam as the anti-malarial drug of choice for military personnel serving overseas. I also thank them for their encouragement, their advice and assistance which greatly aided me in the course of my work

on this important matter. I commend the Opposition Deputies who have co-signed this motion. I know there are others supporting it who, thus far, have not signed.

I also acknowledge the importance my party has attached to this issue by giving me today's debate time.

To those at home watching this debate, and elsewhere, who are living with the effects of Lariam this is not only the issue of the day, it has been the issue of the day since they or a loved one first felt the full effects of a drug that was intended to protect not cripple. I hope I can do justice to the words and feelings that I have heard and felt since people first shared their personal stories with me.

For nearly a decade I have raised the dangerous and potentially fatal side effects associated with Lariam with successive Ministers for Defence. The value and respect rightly accorded to Irish military personnel is reflected globally. The courageous peacekeeping duties they have performed in some of the world's most dangerous conflict zones and their recent role in rescuing thousands of refugees in the Mediterranean have conferred upon them a reputation for bravery and professionalism that is unequalled. Unfortunately, the plaudits frequently lavished on the Defence Forces by Ministers on the floor of this House have not always been matched by their treatment of those men and women. Nowhere is this more starkly illustrated than in the inexplicable failure to replace the anti-malaria drug Lariam with a safer alternative.

7 o'clock
For years, the plight of serving and retired personnel who have suffered the serious side effects of taking Lariam, which has been available since the early 1990s, has been ignored and dismissed. At a glance, this issue has been before at least eight Ministers or Ministers of State in the Department of Defence. There is a "hear no evil, see no evil, speak no evil" approach to the suffering of affected soldiers, whose plight has been ignored and whose scandalous treatment has been impossible to fathom. Indeed, I remember in April 2008 when the Minister of State, Deputy Kehoe's colleagues, former Deputies, Billy Timmins and Jimmy Deenihan, questioned the then Minister for Defence, Deputy O'Dea, about Lariam only to get virtually the same stock reply we have been given many times since, namely, "The drug in question is considered one of the most effective anti-malaria drugs ... The Military Authorities have assured me that they are fully aware of the drug's neuropsychiatric side effects." Deputy O'Dea's signature on this motion tonight shows that he is man enough to admit that the advice he was given nearly ten years ago was wrong. I hope the Minister of State and the military authorities today have the same humility.

The Ceann Comhairle, Deputies Clare Daly and O'Brien, an tSeánadóir Pádraig Mac Lochlainn and I have doggedly pursued this issue with the Minister of State and with previous Ministers since 2008, but without any hint of a change of policy. The purpose of this motion, when it is passed and I believe it will be, is to force the Minister of State to end his indefensible justification of the use of Lariam as an anti-malaria drug for soldiers.

In considering this issue, I want the Minister of State to try to imagine the life of a soldier who has volunteered to serve overseas, in the service of his or her country, and who succumbs to the effects of what is supposedly a life-protecting drug. The challenges for soldiers serving abroad, of performing their duties in a stressful and sometimes dangerous environment, are offset somewhat by the knowledge that, as peacekeepers, they are making a significant difference in a conflict zone and to the world. The pride that comes from fulfilling that challenging

role wanes quickly when their lives are altered and no one seems to care. The change in their personalities happens slowly and is barely noticeable at first but it starts to be noticed by colleagues, family and friends. They become increasingly snappy and at times angry or depressed and experience occasional suicidal thoughts without any understanding of what is causing these uncharacteristic mood swings. They lose their appetite, become increasingly lethargic, demotivated and unable to concentrate. They find things to blame, maybe it is the weather, the long hours, arduous travel or the stress of serving in a country where they must remain constantly vigilant. When they return home, their loved ones are quick to comment on their change of mood, asking what happened during their tour of duty. Some blame it on post-traumatic stress disorder, PTSD, even if they did not directly experience the horrors of war.

They live in denial and refuse to visit the Army doctor for fear of being put on sick leave with no duties which means reduced pay, no allowances and the all-too-real risk of being considered too weak to serve overseas again. They might have seen this happen to their comrades who were stigmatised, sidelined and ridiculed for seeking help, with some even being drummed out of the service for being too sick to serve. The physical and mental problems continue to worsen and they cannot shake their malaise but the cost of attending a private GP is daunting, so they suffer in silence. They hear the rumours about the high rates of suicide among military personnel - for example, the 12 men who took their own lives after returning from UN peacekeeping missions in Africa - and recall the rumours about Lariam, the anti-malaria drug they were forced to take without question or protest on pain of being told their services would no longer be required and think it might be responsible for their problems. Nobody ever explained to them the possible side effects. They find out that the Brits, the Yanks, the Canadians and most other militaries have banned or greatly restricted its use. They read about three Fort Bragg soldiers suspected of killing their wives after they exhibited unusual anger and incoherence upon returning from Afghanistan where they were prescribed Lariam. Similar, seemingly inexplicable, brutal killings by Canadian Special Forces in Somali in 1992 or massacres in Afghanistan in 2013 have a common theme; those responsible were soldiers who were prescribed Lariam.

Closer to home, an “RTE Investigates” report into the use of Lariam in 2013 found a “plausible link” between the drug and the high rate of suicides among soldiers. An examination of 28 suicides within the Defence Forces, found that 11 of those involved had taken Lariam and that four of them had taken their lives within a year of returning home from overseas duty. Two of the world’s leading authorities on the medication are on record as saying that the results of RTE’s probe require urgent investigation. Dr. Remington Nevin, an epidemiologist and former US Army major, is unequivocal in his view that Lariam is responsible for symptoms of mental illness, including anxiety and depression, and a strongly increased risk of suicide brought on by severe psychosis. In spite of what has been uncovered, the Government and the Irish military authorities seem oblivious to the approach taken by other countries, including the United States, which, since 2009, issues Lariam for military personnel only in the most exceptional of circumstances. In Britain, an estimated 1,000 plus former military personnel have required psychiatric treatment as a result of the after-effects of taking Lariam. That government was forced to act. In 2013, the British military authorities initiated a public inquiry that was damning in its conclusions about Lariam. In 2016, a report published by a House of Commons Defence Committee stated:

Lariam has a high risk profile and a minority of users experience severe side-effects. These side-effects are clearly highlighted by Roche, the manufacturer of Lariam. Our inqui-

ry considered whether those risks outweigh the benefits of Lariam when other anti-malarial drugs, with a lower risk profile, are available to the MoD ... We also believe that if the MoD continues to prescribe Lariam, this must take place only after a face-to-face Individual Risk Assessment has been conducted.

There is overwhelming evidence of the dangers of Lariam, yet the testimonies of Irish Defence Forces personnel and the horror stories from other armed forces that highlight the drug's serious side effects have not, to date, been deemed serious enough to have it replaced.

When soldiers learn about Lariam's debilitating and dangerous side effects, it dawns on them that despite devoting a good part of their lives to the service of their country, they have been given poison which is likely to have compromised their mental well-being and physical health, possibly for the rest of their days. It quickly becomes obvious that the military authorities, the Department of Defence, the Irish Medicines Board and several Ministers for Defence have been fully aware of the major questions about this drug and have chosen to ignore the potential risks involved. It is simply not plausible for them to have been ignorant of the facts as the dangers associated with this drug are well documented and have been highlighted to them and their Ministers continuously by, to name but a few, the Action Lariam Group, Deputies and Senators who have continued to raise the issue, RTÉ's "Prime Time" and various newspaper articles.

The obvious question for the Minister of State is why members of our military have been given Lariam when there are safer alternatives available and why has the Department persisted in issuing to soldiers a drug that could poison their minds and destroy their lives. Is the Minister of State afraid, in the face of such overwhelming evidence, to admit that he and the military authorities are fallible and have got things badly wrong in respect of Lariam? Thus far, the Minister of State has dismissed the evidence and testimonies of serving and retired soldiers on the basis of cost, saying it would be more expensive to replace Lariam with a safer alternative. That suggests the lives of the few soldiers who are affected are less important in the wider scheme of things, particularly if that means being able to make budgetary savings. I hope the Minister of State will contradict that. The only way to do it is to change the way we approach anti-malarial medicines for the Defence Forces very quickly. The Minister of State has that opportunity tonight. He must be brave enough to admit he is and has been wrong on this matter so that we can begin to finally address what has been inflicted on the men and women who were forced to take Lariam.

The Minister of State must not only pass the motion, he must immediately replace Lariam with a safer alternative drug. I ask him to provide an assurance that the health and well-being of Irish soldiers serving overseas will be a priority from now on and that they will no longer be prescribed this drug. We must also begin to address the legacy of a drug which has left some men and women so debilitated that they cannot get out of bed in the morning and carry on their normal, day-to-day business while others are dead. The Minister of State has an opportunity to act in circumstances in which the motion has the backing of the majority of Deputies. The Minister of State can weigh in behind it and issue an instruction to the military authorities. Where other governments have learned of the horrors of this drug, they have taken the right and decent step of banning its use.

Deputy Brian Stanley: I welcome the opportunity to speak on this very important issue and commend Deputy Aengus Ó Snodaigh and other Members who have raised the issue. There are many members of the Defence Forces living in my constituency of Laois-Offaly, particularly in

Monasterevin. Many issues are faced by Defence Forces personnel in seeking access to negotiate terms and to address issues when they leave. I have come across various cases, of which the question of Lariam is a very serious one. I acknowledge the presence in the Gallery of members of the Defence Forces and their families, especially those from my constituency who have lobbied me on this matter, which I have raised with the Minister of State many times in the past. These people have risked life and limb to perform peacekeeping and life-saving duties overseas on behalf of the State and the United Nations. We should recognise that and treat them properly.

Ireland is one of the few states which continues to issue Lariam to military personnel. It has been estimated that over 7,000 Defence Forces personnel have received it. Major side effects and consequences are associated with the drug and these must be recognised. People in my constituency who have been pursuing this matter diligently have been affected by it. As with many things, the Government is behind the curve. I have heard the Minister of State say on many occasions that he is keen to be responsible for defence. He has expressed his gratitude to the Defence Forces. I do not doubt any of that, but there is a legacy and a prevention issue to be dealt with here. The legacy involves those who are suffering but we must also consider those who will be going overseas in future.

The side effects of Lariam include psychotic behaviour and, in particular, suicidal tendencies. The RTE investigation examined 28 suicides within the Defence Forces, 11 of which involved people who had taken Lariam. Of those, four had taken their lives within a year of returning from overseas duty. We have a high rate of suicide in the State, but that is abnormal and stands out. Studies have been conducted which found that those to whom the drug had been administered were at up to five times greater risk of suicide. A public inquiry in Britain recommended that the drug be used only as a last resort. In Britain, 1,000 armed forces personnel required psychiatric treatment as a result of the effects of the drug. The Defence Forces have received no fewer than 51 claims relating to Lariam.

The Irish Medicines Board first highlighted the risk of neuropsychiatric side effects in its drugs newsletter as far back as May 1996 but 21 years later we are still discussing Lariam. In the USA, for many years it has only been issued as a last resort. The UK's National Health Service recommends that civilians travelling overseas to sub-Saharan Africa or Latin America take alternatives to Lariam. Unbelievably, the Department of Defence has failed to comply with UN guidelines on the drug. Those guidelines set out the dangers of Lariam. Despite the evidence, our standing as one of the few military forces which still uses the drug, the potential side effects and the direct psychiatric and suicidal consequences to which the drug is linked, the Government continues, appallingly, to have the drug administered to Irish citizens performing a vital and honourable role on behalf of the State and the United Nations. That is the situation in respect of a drug which has been withdrawn from sale to the general public. It can be given to thousands of military personnel serving overseas while we turn a blind eye to the horrific potential consequences. That speaks volumes.

We should not put any citizen of the State at risk like this. The risks are serious and we have seen the consequences. I have met constituents who have been affected and Deputies Ó Snodaigh, Crowe and others have highlighted the issue. We should be taking the evidence on board and seeking the alternatives which exist to this potentially destructive drug. We must also consider generally the way we treat and support Defence Forces members who have suffered as a result of the administering of the drug. We must consider the treatment of current and former personnel who received Lariam and we must consider a public inquiry into the use and effects of the drug. We have a problem and we need to fix it. I ask the Government to listen to the

evidence and examine the matter in a serious way. We have the reasons. Officials and senior military personnel will provide the Minister of State with plenty of reasons to continue doing this but I ask him to take a cold look at it himself. He should put to one side whatever departmental officials are telling him, cut straight to the chase and stop this practice. We are dealing with people's lives and it is time to put a stop to it.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I am delighted to address this issue and the Private Members' motion before the House tonight. Like Deputy Ó Snodaigh, I welcome the members of the Lariam action group who are here tonight. I have met this group of individuals previously.

While I appreciate that there are concerns with the prescribing of Lariam and that these concerns should be discussed, I will state at the outset that, as a High Court case is due to commence next week, I am restricted in what I can say on the record of the House. A total of 55 claims have been received and the first case is due for hearing next Tuesday in the High Court. There are elements of the motion that are problematic, particularly as they seek to draw out the defence that will be put forward in the High Court during the forthcoming case. As such, I am constrained in what I can say and there is a need to ensure that anything said in the House does not prejudice either party's right to a fair hearing. I am mindful of not encroaching on the court's role in considering these matters. Members need to be very mindful of the separation of powers and the process in which the courts are already involved. This House should exercise caution before debating matters that are central to an imminent court case.

Let me make it very clear to the House that the health, well-being and welfare of the men and women of Óglaigh na hÉireann are high priorities for me, as Minister of State, the Defence Forces and the Department of Defence. The motion before us asks the House to direct doctors as to what medications to prescribe to members of the Defence Forces. Fundamentally, this is a medical matter that should be decided by qualified medical professionals and not politicians. In the Defence Forces, these are decisions for highly-qualified medical officers, having regard to the specific circumstances of missions and the individual members of the Defence Forces.

Deputy Ó Snodaigh has raised it, but let me be clear that cost is not an issue when deciding on what medications to prescribe to members of the Defence Forces. There are three anti-malarial drugs in use in the Defence Forces, namely, Lariam, or mefloquine, Malarone and doxycycline. The selection by a medical officer of the most appropriate drug for use is complex and dependent upon a number of factors. All of these anti-malarial drugs have contraindications and side effects. The World Health Organization, WHO, recognises this. In its International Travel and Health Handbook, it provides for a range of anti-malarials which include mefloquine. The WHO handbook notes that there are specific contraindications and possible side effects for all anti-malarial drugs.

It is the policy of the Defence Forces that individuals are screened by medical officers who will consider a number of things, including, for example, the medical profile of the individual and his or her suitability to take a particular medication, duration of travel, operational profile of the mission, dosing regimen and resistance in the region to particular drugs. It is wholly inappropriate that any Government would be called upon to instruct the military authorities to overrule the advice of medical professionals on what anti-malarial medications should be used in the Defence Forces. This is not a political decision; it is a medical decision. We should be very cautious about instructing doctors on what medications to prescribe. Patient safety and care is best left to the medical experts.

We are all aware that malaria is serious and can be fatal. The reason the Defence Forces prescribes malaria chemoprophylaxis in the first instance is to protect its personnel. In all the years of Defence Forces overseas service in areas where malaria is present, not one member has died from malaria. The WHO's World Malaria Report 2016 indicates that there were 212 million new cases of malaria worldwide in 2015, with an estimated 429,000 malaria deaths. It is a serious threat to any military force operating in an area where the disease is prevalent.

I have indicated time and again that significant precautions are taken by Defence Forces medical officers in assessing the medical suitability of members of our Defence Forces to take any of the anti-malarial medications. In terms of the three anti-malarial drugs in use in the Defence Forces, I am advised there are specific reasons as to why Malarone and doxycycline are not prescribed for typical deployments in sub-Saharan Africa.

Doxycycline has to be taken in the absence of dairy products for maximum effect. It can cause troublesome, mainly gastrointestinal, side effects and it can also produce sun-sensitivity skin rashes in some individuals. This is particularly significant when used in very sunny climates. For these reasons, it is not generally prescribed for first line use by the Defence Forces in sub-Saharan Africa. Up to September 2012, Malarone was licensed for up to 28 days. This was removed in September 2012. However, I am advised by military authorities that there is limited evidence as to the safety and effectiveness of Malarone usage for longer periods. On this basis, the Defence Forces' medical policy to use Malarone up to the 27-day limit remains unchanged.

As doxycycline and Malarone have to be taken daily, there is an increased risk of missing a dose on operational deployments. Lariam has the advantage of being taken weekly and, on operational deployments, this reduces the risk of a missed dose exposing the individual to contracting malaria. I am informed that these are among the reasons why Lariam - as opposed to the alternatives - is usually prescribed to members of the Defence Forces on certain operational deployments in areas where the predominant species of malaria is *plasmodium falciparum*. In all cases, the primary focus is to protect personnel to the greatest extent possible from contracting malaria.

The medical procedures involved in assessing personnel before deployment are designed to ensure that a person who may be vulnerable to depression or other mental health issues is not prescribed Lariam. In general, where the Defence Forces' medical assessment is that Lariam is required to mitigate the risk of contracting malaria, those individuals for whom Lariam is contraindicated or not tolerated are generally not deployed. However, I am advised that in such circumstances there are occasions when alternative malaria chemoprophylaxis agents are prescribed. This can relate to whether the deployment of an individual is critical for the mission, where an individual has to deploy without sufficient lead time to take Lariam, or where an individual who is already deployed subsequently develops a sensitivity to Lariam.

A working group is currently examining issues arising in respect of the use of Lariam. In its earlier work in 2013, the group investigated all the various issues surrounding the use of Lariam and obtained advice from leading medical experts, both national and international. Those experts concurred with the practices followed by the Defence Forces in prescribing Lariam. The group is examining developments in the context of the Defence Forces' use of malaria chemoprophylaxis, with particular focus on updated patient safety information, changes to summary product characteristics, changes in product licensing and authorisation, identification of any new anti-malarial medications on the market and national and international expert advices on

the use of malaria chemoprophylaxis and its usage by other armed forces.

Reference has been made to Dr. Croft and retired US Army major, Dr. Remington Nevin. Both accepted an invitation and made submissions to the second report of the working group. The group is continuing to engage with national and international experts and met again this morning. I anticipate receiving its report shortly. I understand that the working group is considering options to formalise the provision of ongoing external expert medical advice to the Defence Forces regarding a range of medical matters, including malaria chemoprophylaxis. I assure the House that when I have received the group's report I will carefully consider its recommendations.

I also point out that there is a range of services, both medical and non-medical, available to Defence Forces personnel. These include access to Defence Forces medical officers, psychiatric, psychological, social work and personnel support services. A strictly confidential 24-hour help line, manned by trained counsellors, is also available to Defence Forces personnel.

For close to 60 years, our Defence Forces have played a vital role as peacekeepers all over the world, in Europe, Africa and the Middle East. At present, Ireland is contributing 657 Defence Forces personnel to ten different missions throughout the world, reflecting the Government's continued commitment to our responsibilities in the area of international peace and security. In conclusion, the Defence Forces have brought great honour on Ireland through their participation in peace support operations and have never hesitated to deploy into some of the world's most dangerous conflict zones. In this regard, we should recall the 86 members of the Permanent Defence Force who have paid the ultimate price in the cause of peace. Our thoughts and prayers are with those peacekeepers and their families.

An Ceann Comhairle: I thank the Minister of State.

Deputy Paul Kehoe: I would like to finish. I pay tribute to those members. In conclusion, for the second time, this afternoon I was delighted to attend the launch by the Organisation of National Ex-Servicemen and Women, ONE, of its annual fuchsia appeal. The work of ONE is an important support in the lives of many members of the Defence Forces. I know that from speaking to ex-servicemen and women from my constituency in Wexford.

I reiterate the health and welfare of the Defence Forces is a high priority for me, as Minister of State, and the military authorities. This will continue to inform the approach to the issue of protecting our personnel from the significant risks posed by malaria.

An Ceann Comhairle: I thank the Minister of State. We were unaware in scheduling this very important debate that the matter was imminently before the courts. I advise Members to be conscious of that and to be careful in comments they make. Our next contributor is Deputy Brendan Smith, who is sharing time with Deputies Fiona O'Loughlin and Niamh Smyth.

Deputy Brendan Smith: One of the most regrettable realities of the past six or seven years has been the political neglect of our Defence Forces. Political leadership of the Department of Defence was first relegated to being a part-time role exercised by a Minister holding responsibility for another major Department and more recently to being a job handed out to a Minister of State. When the Taoiseach, Deputy Varadkar, came into the Dáil two weeks ago to announce the assignment of ministries, he omitted to tell us in the Chamber that he had taken responsibility for the Department of Defence himself. This level of political disregard for the Department and the Defence Forces is simply not acceptable. It does, however, help us to understand why

problems and issues such as the one we are discussing have been allowed to run on for so long.

I represent a constituency, Cavan-Monaghan, that has had a long and proud association with the Defence Forces, the real and only Óglaigh na hÉireann, as an institution and as a family tradition. I know of many families in which two, three and more generations have proudly served in our Defence Forces and who cherish their service to the Defence Forces and to our nation. Even the shameful and absurd closure by the last Government of Dún Uí Neill Barracks in Cavan, one of the few new barracks built by the State, could not diminish that proud connection. Dún Uí Neill was a modern and very cost-effective military installation that is sadly no longer with us.

For these families and for many thousands of young men and women across the island, North and South, joining the Irish Defence Forces is their first and primary employment option. There is a myth abroad that young people join the Defence Forces because they have no other options but nothing could be further from the truth. Even at the absolute peak of the economic boom, the number of people applying to join the Defence Forces considerably outweighed the number of vacancies. If memory serves me correctly, in the early 2000s there were about 25 applications for every cadet recruitment vacancy and in the region of ten applications for every general service one. I make these points to stress the responsibility and onus on us to ensure that the people who willingly offer to serve their country at home and abroad in the most difficult of circumstances have the best equipment, training, conditions and supports.

As Deputy Micheál Martin pointed out on Leaders' Questions this morning, we are no longer offering these young men and women the best pay and conditions. As this Private Members' business motion highlights, neither are we offering them the fullest and best medical supports. As any of us who have had to go abroad on business will know, travel to certain parts of the world requires various medical vaccines and treatments. By definition, the places we send our Defence Forces personnel to as part of their UN-mandated peace support operations are in turmoil and pose many dangers. It is right and proper therefore that we put the best medical supports in place to minimise the risks to our personnel. We should never send them into these trouble spots without the right and appropriate equipment and training. Neither should we send them without the best range of modern and up-to-date medical supports and services. These include vaccinations and treatments. It is not sufficient to offer anti-malarial treatments; we must offer the best ones and the ones with minimal risks and side effects. The simple truth is there are real and genuine concerns about the continued use of Lariam as an anti-malarial. The stock response by the Government over recent years is no longer acceptable or sufficient. The answer appears to miss the reality that medical expertise on the use of Lariam is moving on as others here have mentioned. I refer to Dr. Humer in particular. There are more effective anti-malarial drugs available with reduced side effects and they are the ones we should be offering as standard.

This issue highlights the need for us to considerably review and overhaul the operations of the medical corps within the Defence Forces. As far back as 2008 and 2009, it was recognised that the Army medical corps needed an independent root-and-branch review after several recruitment campaigns, run here and abroad, failed to fill vacancies for doctors and other professionals. PA Consulting was brought in to do this review and made several recommendations. Several working groups were set up within the Department and the Defence Forces to identify the practical steps needed to implement that report. It is hard to identify what they did.

In 2012, we were told that a central medical unit had been formally established to enable the

detailed structures, processes and personnel to be put in place to provide for the support, management and delivery of modern medical services for the Defence Forces. However, only a few years later Ministers were still coming in here to tell us the number of doctors in the medical corps was still way below established levels. In 2014, the former Minister, Alan Shatter, told the Dáil the medical corps had only 18 of the 32 doctors it required. It is no wonder that Lariam is an issue when the Government and Department are not treating the ongoing and sustainable delivery of full and proper medical services with the seriousness it deserves.

I am happy to support this motion, but it overlooks the key problem underpinning this and other problems, namely, the importance and significance we assign to our Defence Forces. As the Minister of State, Deputy Kehoe, knows, we have discussed this at the Oireachtas committee on defence. I welcome the representatives and people who have long advocated on this issue. Many personnel in Cavan and Monaghan, people who have served with distinction abroad, have told me of the side effects of having been prescribed that particular drug. It has had adverse impacts on the quality of their lives. Surely the least we could do is to eliminate the use of that particular drug and ensure that our personnel who, as the Minister of State said, do us proud in many countries throughout the world as well as at home, have the best medication available to them to ensure they are well-equipped for the difficult tasks they undertake in many troubled spots and in their routine duties throughout our State.

Deputy Fiona O'Loughlin: I hail from the heart of the Defence Forces in south County Kildare. The Curragh is home to 1,500 troops at any given time with practically every member of the Defence Forces receiving training in the Defence Forces training centre at some stage in their career and many receiving training prior to overseas deployment. We are extremely proud of our military tradition in my part of the country. There is not a family I know that does not have some connection or affiliation with the forces. The links and interactions with the communities right across the county are absolutely huge. It is incredibly difficult for me to reconcile the pride and honour we should feel for our Defence Forces with the disregard being shown for the health of serving and retired members by the continued use of Lariam. I have heard on many occasions from the Minister of State the line he trots out on the dangers of malaria in sub-Saharan Africa. While we all understand those dangers, alternatives are available and I know the Minister of State used one of them. It is long past time he accepted the damage Lariam has wreaked on many soldiers and, indirectly, their families. The side effects of the drug are well documented and can be severe. They include anxiety, depression, paranoia and suicidal behaviour. Lariam must become the drug of last resort rather than of choice for soldiers serving overseas.

I am happy to support the Sinn Féin motion. We, in the Fianna Fáil Party, have long believed that the use of Lariam has caused serious problems for members of the Defence Forces, a view shared by current and retired members of the Defence Forces who have spoken to me. As far back as 2010, serious concerns were raised about the use of Lariam as an anti-malarial drug for members of the Defence Forces serving in Africa and other areas where malaria is a problem. There have been serious indications in the intervening seven years that the drug can increase the risk of mental health problems for those who use it. In 2015, the British Ministry of Defence acknowledged that 1,000 ex-servicemen and women were suffering severe psychiatric and mental health problems as a result of being prescribed Lariam. Similarly, an RTE "Prime Time" investigation broadcast in 2013 suggested the risk of suicide was between three and five times higher among Defence Forces personnel who were prescribed the drug than among those who were not prescribed it. A former British army chief has also apologised for its use. It is

extraordinary that the Defence Forces continue to use Lariam given that the chairman of Roche, the company that manufactures the drug, has stated that the use of Lariam against malaria is no longer necessary owing to its side effects and the availability of other drugs.

The Action Lariam for Irish Soldiers group, whose members I have met several times, stated that new cases of serving and former Defence Forces personnel suffering ill effects after taking the drug, up to and including suicidal ideation, were continuing to emerge. The campaign against the indiscriminate use of Lariam has been raging for more than 20 years, yet the Department will not take responsibility and insist that the Defence Forces medical corps only use the drug when no alternative is available.

Successive Ministers have cited the fact that no member of the Defence Forces has died of malaria in the past ten years as a reason for the success of its policy. As recently as last month, the Minister noted that it is policy to have personnel individually screened for fitness for overseas service and medical suitability; in other words, a medical risk assessment for Lariam is carried out on an individual basis. The choice of overseas deployment is a medical decision made by the medical officers in the Defence Forces. While this policy may be practised, it is clearly not working. I know of serving personnel who will not admit to side effects caused by Lariam for fear they will be deemed unfit to serve. It is not, therefore, a fair playing pitch. Added to this, we have reports of Air Corps personnel being exposed to dangerous chemicals and a large number of soldiers at the rank of private - 20% of the total - having to claim family income supplement. These issues militate against recruitment campaigns to attract new recruits to the Defence Forces.

In recent months, I have met wives and partners of Defence Forces personnel and the general feeling among them is one of having been abandoned, let down and overlooked. The Minister must step back and consider the manner in which soldiers are being treated on a number of levels. Retention of personnel, as the Minister acknowledged, is at a critical point. Bringing in new recruits and having excessively large classes of cadets will not address leakage from the Defence Forces. Other options are available. For example, treating serving personnel with respect, having a duty of care for their health when serving at home and abroad and no longer having a dangerous drug such as Lariam being prescribed unnecessarily could go some way towards reassuring soldiers and their families that the State they serve has their back and cares. I commend the motion.

Deputy Niamh Smyth: The Fianna Fáil Party will support the motion to designate Lariam as a drug of last resort. For many years, serious concerns have arisen regarding the use of this anti-malarial drug by members of the Defence Forces serving overseas in Africa and other areas where malaria is rife. Side effects of Lariam include anxiety, depression, paranoia and suicidal behaviour, all of which indicate that the drug can seriously increase the risk of mental health problems for users.

We in Fianna Fáil believe the use of Lariam continues to cause severe and irreparable mental health damage to brave members of the Defence Forces. Current and retired members of the Defence Forces have expressed to us their grave concern regarding the drug. A total of 69 claims have been taken by current and former members of the Defence Forces who allege injury as a consequence of using the drug.

In 2015, the British Ministry of Defence admitted that 1,000 former servicemen and women who had been prescribed Lariam are suffering severe psychiatric and mental health problems.

Moreover, an RTE “Prime Time” investigation broadcast in 2013 found that the incidence of suicide among Defence Forces personnel prescribed the drug was between three and five times higher than among those who were not prescribed it. Despite the decision last July by the manufacturer of Lariam to withdraw the drug from the commercial market in Ireland, it remains available and continues to be used in the Defence Forces. This is despite the assertion by the chairman of Roche, the company that manufactures Lariam, that its use against malaria is no longer necessary. Dr. Franz Humer is on record as stating science had advanced significantly since Lariam was first introduced. He has also stated there are now more effective anti-malarial drugs available, with reduced side effects. Two other anti-malarial drugs besides Lariam are in use in the Defence Forces. The decision on which medication is provided to soldiers is made by medical officers. Surely the Defence Forces should shift from using Lariam to using other anti-malarial drugs.

The Permanent Defence Force Other Ranks Representative Association, PDFORRA, argues that Ireland is not following a UN guideline that an alternative drug should be provided for personnel with a sensitivity to Lariam. Speaking about the side effects of Lariam, a former member of the Defence Forces, Anthony Moore, who is a member of the Action Lariam for Irish Soldiers group, stated: “Had we been informed, most of the lads would not have taken it.” Servicemen and women in our Defence Forces deserve better. They have put their personal lives on hold and risked their lives and safety for the security of the country. The Government has done little to express its gratitude for their unbelievable sacrifice.

Unfortunately, Dún Uí Néill Army Barracks in my constituency of Cavan-Monaghan closed some years ago. As Deputy Brendan Smith noted, two and three generations of the Defence Forces worked tirelessly in County Cavan and must now commute to barracks in Dundalk and Athlone. Their accounts of what they must do during their working day do not bode well. These individuals are an integral part of the communities they protect and it is a sad state of affairs when one hears such accounts.

The Government must reconsider the use of Lariam in the Defence Forces because it is causing severe damage. Designating Lariam a drug of last resort would mean it could only be prescribed when no alternative is available. Based on the experience of this approach in the United States and Australia, fewer than 1% of people here would be considered suitable for Lariam, in other words, the drug would no longer be used by the Defence Forces. As a result, no other soldier would have his or her career and life ruined by the drug’s adverse side effects.

The Government must address the needs of our servicemen, for example, those who need an effective but safe anti-malarial drug. If nothing is done, the Government will send out a clear message that the problems of the men and women who sacrifice everything for the protection of the State are but inconsequential to some elected officials.

Deputy Brendan Ryan: This issue has dominated parliamentary questions on defence since this Dáil came into being last year and, indeed, during the previous Dáil. It has been the primary issue during every oral parliamentary question session. The Minister of State is well acquainted with the political will on this side of the House to remove Lariam as the preferred malaria prevention drug of choice for our Defence Forces.

I will not go through the issues again tonight. Others have already done so. What we have before us is a clear, concise and strong motion calling on the Defence Forces to cease immediately administering Lariam to all Irish soldiers as the drug of first resort and to replace it with

proven safer alternatives such as doxycycline or Malarone. I am sure that the Minister of State expected this motion at some stage, as defence spokespersons have spoken with him inside and outside the Chamber about finding a solution. The issue will not go away until there is a change in policy.

Lariam should only ever be used as a drug of last resort where no suitable, safer alternative is available. The potential side effects of Lariam can and have been devastating for some Defence Forces personnel. It has been over four years since an RTE “Prime Time” programme revealed research showing a higher risk of suicide among members of the Army who had taken Lariam during their deployments overseas versus those who had not. A leading doctor in the field of Lariam effects, Major Dr. Remington Nevin, who is referenced in the motion, describes Lariam as “a horror movie in a pill”.

Most of the world’s major military powers have seen the evidence and have either banned the use of the drug or use it only as a drug of last resort. The US military no longer uses Lariam as its drug of choice. The Irish Medicines Board first highlighted the risk of neuropsychiatric side effects in its *Drug Safety Newsletter* in May 1996. Information leaflets were updated in 2003 with details of reported suicides and suicidal ideation related to the use of the medication. However, the Defence Forces and the Minister for Justice and Equality state that there are no plans as yet to discontinue its use. We are not satisfied with the Minister of State’s replies to date as to why this position can be justified.

The controversy around Lariam does not exist in a vacuum, as other Deputies have mentioned. It is just one of a number of issues relating to equality and fair treatment for members of the Defence Forces. The ongoing financial hardships affecting Defence Forces families were raised again during today’s Leaders’ Questions. The Labour Party has regularly sought an upgrade of the ability of Defence Forces personnel to negotiate their terms and conditions of employment. Such an upgrade would in turn have an impact on the ability to earn an income without having recourse to family income supplement. PDFORRA has long held the belief that, for truly effective and equitable negotiations to be undertaken on behalf of its membership, affiliation to ICTU is imperative. This would allow the Defence Forces to have access to the Workplace Relations Commission, WRC, for dispute resolutions and to be involved in national pay bargaining like other workers. Without recourse to the WRC, Defence Forces personnel are denied an avenue that is open to many other workers to have issues relating to their rights and equality to be heard. That is why this motion and the work of Deputies are so important for the Defence Forces when it comes to an issue like Lariam.

The Minister of State has heard the arguments for a long time. The facts are incontrovertible. He should accept this motion. It has support across this side of the House. It makes sense and will save lives. This is an opportunity to put new politics into practice. Please support this motion. Put the issue to bed once and for all. Acknowledge the scientific evidence. Get the issue off the agenda and move on to the financial hardships affecting Defence Forces members and their families. We as a party support this motion.

I draw the Minister of State’s attention to an excerpt from his speech where he stated:

This is not a political decision. It is a medical decision. We should be very cautious about instructing doctors on what medications to prescribe. Patient safety and care is best left to the medical experts.

We in this country are not experts in this field though. We need to take a lead from health experts across the world who are telling us something different from what medical personnel within the armed forces are telling us. I urge the Minister of State to reconsider and support the motion.

Deputy Mick Barry: I welcome the members of the Action Lariam for Irish Soldiers group, the Wives and Partners of the Defence Forces group and PDFORRA who are in the Gallery and watching this debate on television. I believe that a large number of people around the country are paying careful attention to what is being discussed in the House.

In light of issues of muscle ache, memory problems, mood changes, insomnia, anxiety, depression, hallucination and suicidal ideation, it is clear that Lariam is a little pill that can have big side effects. In 2013, RTE's investigations unit found that the members of the forces surveyed who had used Lariam were three to five times more likely than others to take their lives. The Minister of State reported that no serving member of the Defence Forces had died from malaria, but how many does he reckon might have died from this anti-malarial? That was a factor.

Information has been laid before the House about the number of military establishments around the globe that have either banned Lariam or made it into a drug of last resort. The US, the UK, Australia and Germany are among them. The UK's Defence Select Committee referred to Lariam as a drug with a high risk profile and that it should only be prescribed to those who were unable to take any of the available alternatives. The Ministry of Defence in the UK has acknowledged that 1,000 ex-military personnel are suffering severe psychiatric problems as a result of Lariam. The United Nations guidelines are clear and indicate that an alternative drug or drugs should be provided for personnel who are sensitive to Lariam.

I wish to ask the Minister of State a direct question. The next time that he visits troops in sub-Saharan Africa and is in need of anti-malarials, will he take Lariam? People who lead organisations should be prepared to do themselves what they expect the rank and file to do. They should not expect them to do what the leaders are not prepared to do.

I have a further question for the Minister of State. Is it the case that officers in the Defence Forces who go to sub-Saharan Africa and who are in need of anti-malarials are offered a choice?

Deputy Paul Kehoe: No, they are not.

Deputy Mick Barry: The Minister of State can confirm that in the House.

Deputy Paul Kehoe: I confirm that absolutely.

Deputy Mick Barry: Okay. We would not want a double standard within the Defence Forces in this regard. I note the assurance that the Minister of State has given the House. It is an important point.

A number of Deputies have stated that there is a bigger picture. I agree with that point. Members of the Defence Forces are denied trade union rights.

Not alone do they not have the right to strike, but they do not have the right for their representative organisation to bring cases to the Workplace Relations Commission and they do not individually have the right to bring grievances before the likes of a rights commissioner. In fact, as I have pointed out in the House before, they do not have the right to bring a grievance to a Deputy's clinic. It is inevitable that when workers do not have

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the right to join a trade union they will be more exploited than workers who have that right. The two things cannot be separated. We see it in the Defence Forces in terms of the low pay and the huge amount of annual leave which is built up, which is not carried over and for which people are not compensated. We see it in Baldonnell with regard to health and safety. We are seeing it here with regard to health and safety around the anti-malarial drug, Lariam.

I congratulate Deputy Ó Snodaigh and his party on tabling this motion. We will be giving the motion our full support. I recently noted a report in *The Sunday Business Post*, which quoted sources, which I believe may have been former senior personnel in the military, who expressed concern about the fact that issues were being brought to the floor of the Dáil by Deputy Ó Snodaigh, myself, members of the Sinn Féin Party and members of Solidarity. They were concerned that that was the case. I make the point to those sources that we are bringing up issues that, in the past, have been brought to the doors of the Minister's party and the Fianna Fáil Party. Those parties have not been as attentive to those issues as they could have, or should have, been. In fact, in some cases, a blind eye and a deaf ear have been turned. Is it any wonder that members of the Defence Forces and their families might come to the likes of Sinn Féin and Solidarity? Is it any wonder that they might knock on our doors and ask that we help provide a voice for them and bring their issues to the floor of the House? They will continue to do so, and even more so in the future, unless the likes of the Minister, his party and the Fianna Fáil Party start to listen to the genuine grievances and concerns of those members. One thing I am certain of from discussing this with members of the Defence Forces and their families over the last while is that the grievances are very significant and widespread. People have the bit between their teeth now. I do not believe they will let it go. The campaigns will continue, and we will continue to bring up the issues until such time as the Minister deals with them.

Deputy Clare Daly: I absolutely and wholeheartedly welcome this incredibly important motion which Sinn Féin has put forward. I thank it for giving up its valuable Private Members' business slot so that we could be here tonight. There is no doubt about it that this can be an incredibly frustrating place where one quite often thinks that one does not make a difference. In that sense, there are not many good days in here. I am probably the only one here, apart from Brendan, who is from a Defence Forces background. Many staff in the House are, and this is a very important day.

I am not in the habit of congratulating individuals on Private Members' business but Deputy Ó Snodaigh deserves a huge amount of credit for the patient work he has done on this issue. He has worked co-operatively behind the scenes without trying to steal a headline. It is because of this work that, when this motion passes, we will be one step closer to ensuring that no member of the Defence Forces will ever be forced to take the dangerous, neurotoxic drug Lariam again. That is incredible. It should not be, but it is because for years we have been listening to the same standard stock answers, which the Minister of State repeated today. He has said that nobody has died from malaria but was silent on the fact that people have died from Lariam. Tales of the precautions being taken by the medical profession are belied by the reality of life.

I welcome that, when this motion is passed, a majority of Members of this House will be acknowledging the horrific suffering of military personnel who have been given this terribly dangerous drug. Such an acknowledgement will not, of course, undo the damage that has been done to these men and women but we should still acknowledge it. It is the right thing to do because they have faced the most unspeakable intransigence and stonewalling from the Department in their quest to get justice over the years.

I disagree with the Minister of State's take on the legal action. The timing of this motion could not be more appropriate precisely because the first Lariam psychiatric damages cases are listed before the courts on Tuesday. The fact that they are set for a three-week hearing tells us all we need to know about what the State's approach will be. The Government intends to dig in, batten down the hatches, basically deny and probably employ very expensive legal counsel in order to bury citizens' attempts to get justice for the terrible wrong which was done to them. As far as I am concerned, this is one of the worst scandals in the history of the State and, let us face it, we have plenty of other scandals to compete with it.

We and the Department have absolutely clear, incontrovertible and undeniable evidence that Lariam is dangerous, damages the brain, its effects can be long-lasting or permanent, and it causes depression, hallucinations, mood swings, bipolar disorder, mania, paranoia, psychosis and suicidal thinking. I will not repeat the points other Deputies have mentioned but I will point out that the US Food and Drug Administration, FDA, is unequivocal in the wording in its safety report on Lariam in July 2013. It said: "Neurologic side effects can occur at any time during drug use, and can last for months to years after the drug is stopped or can be permanent." The European Medicines Agency is equally unequivocal in its conclusion. It says: "There is enough evidence from the presented drug safety reports, the submitted literature report and the FDA assessment report supporting a causal relationship between mefloquine and the occurrence of long lasting and even persistent neuropsychiatric side effects." The FDA statement is four years old and yet the Government is still forcing personnel to take this drug. Some 42 members of the Defence Forces have been prescribed Lariam this year. It is absolutely incredible. What does the Chief Medical Officer know that the US and British authorities do not know? He does not know anything different. His decision is backed up by stubbornness.

It is absolutely disgraceful, particularly when there are other drugs available. The Department's excuses do not hold up to scrutiny. We know that there is no reason for Malarone not to be used. Contrary to what the Department has said, the Health Products Regulatory Authority, HPRA, itself is clear that using it for more than 28 days does not go against the terms of its licence.

Other Deputies have said that country after country is ceasing to prescribe Lariam, yet we still threaten members of our Defence Forces with disciplinary action if they do not take it. Worse still, we have been told that they have to sign a waiver - and we have proof of this - before they start taking Lariam to say that if they so much as report experiencing intolerable side effects, Lariam will be discontinued and they will be considered forever unfit to serve in sub-Saharan Africa. This is so far away from the best medical ethical principle of "first do no harm" that we seem to have stepped into a different dimension altogether. It is completely unacceptable.

I was going to recount the story of one of our personnel and the drug's impact on him in the hope that the Minister of State might be listening, but I am not sure that he is. This man started taking the drug when he was in sub-Saharan Africa and almost immediately experienced problems. The problems continued with clinical depression when he returned home. He had many more physical problems but he put them down to other causes. He was never told the side effects. After collapsing with seizures, he stopped breathing. He knows he is not the only one. Hundreds have presented with problems. The doctor who examined him did not even know that depression was a side effect.

I salute the efforts of the people in the Gallery - the Action Lariam for Irish Soldiers group,

Tony, Mark and their families who have had to put up with them through this battle for justice over the years - along with Andrew Bryce, Remington Nevin and so on. Their efforts contrast starkly with the Department's intransigence. The Department insists that doxycycline is unsuitable for malaria because it cannot be taken in conjunction with dairy products. The Minister of State repeated that tonight. Is he even listening to himself? If that was the reason and was a valid concern, would it not be better to recommend to members of the Defence Forces taking the drug to protect their mental health but to give up milk while doing so? However, of course, we know it is not a valid concern because it is completely false. The Minister of State's assertion is incorrect because the HPRA has confirmed no advice is given to avoid the consumption of dairy products in the diet while taking doxycycline.

This debate has been riddled with falsehoods from the Department with enormous consequences for the health and well-being of the men and women in our Defence Forces and their long-suffering families. We will see what happens with the court action, but it is time for the Department to acknowledge the terrible wrong done to those harmed. The Minister of State should take steps to compensate them for that. We should not drag people through the courts when we know what the outcome will be. The Minister of State should hold up his hands and apologise, and let these men and women now move on with their lives.

Deputy Michael Harty: I welcome this motion and will be supporting it.

There is a well-known Latin tag used in the medical profession which is "*primum non nocere*" meaning "first do no harm". This applies to all interventions in medical practice, including prescribing when treating diseases as well as actions which are designed to prevent disease. Malaria is a very serious disease which can be debilitating, chronic, relapsing and fatal. Taking treatment to prevent its development makes perfect sense, therefore, and it would be negligent not to do so, but no treatment is without some risk. Where several treatments are available, choosing the most effective treatment, balanced with that which has the least side effects, is the best option.

Another factor that has to be taken into account when prescribing or offering any form of treatment or prophylaxis against disease is that of informed consent. Effectively, this means that the patients must have full understandable information given to them prior to prescribing the medication so that they can decide if they want to take it. Additionally, they should be informed of alternative treatments and the risk profile of those treatments. This can be a time consuming task, but it is absolutely necessary so that informed decisions can be made. It is best and safest to ensure that this has been undertaken and, for everyone's protection, signed consent should be obtained for a treatment that has controversial side effects.

Lariam - mefloquine - has several serious side effects which include depression, anxiety, hallucinations, psychosis, violence, suicidal ideation and possibly suicide. As some people are at greater risk of developing these side effects, a full face-to-face assessment should be undertaken to identify those who would be most at risk and to offer alternative medication. However, such assessments will not eliminate the development of side effects in all recipients. The lessons to be learned are that this drug, while being effective in preventing malaria, has a high risk-benefit profile. In the case of Lariam, mefloquine, this is a classic case of first do no harm, get informed consent and carry out a pre-treatment risk assessment.

There are several types of malaria and several treatments. Not all treatments are effective against all varieties of malaria so one has to balance the risk versus the benefits of each treat-

ment. Medicine is not an exact science but safety must be a priority. There is a worrying trend in medicine which is to deny evidence of side effects of treatments until the evidence is overwhelming and obvious. We should have early-warning systems which pick up adverse reactions to medications early and then take appropriate action. I believe Lariam should be used as a drug of last resort and not a drug of first resort.

An Leas-Cheann Comhairle: I call Deputy Mitchell, who is sharing time with Deputy Buckley.

Deputy Denise Mitchell: I welcome the opportunity to speak on this important motion. I express my sincere thanks to the work done by members of our Defence Forces, particularly those young men and women, many from my constituency, who are serving overseas on United Nations peacekeeping operations. We all admire the fantastic work done by members of the Naval Service in the Mediterranean in helping to rescue those unfortunate people fleeing war and conflict across the Middle East and Africa.

For over 20 years, Lariam has been the first-choice anti-malarial drug given to Defence Forces personnel on deployment to sub-Saharan Africa. However, over the years there has been increasing focus on the side effects of this drug not just here in Ireland, but internationally. Research shows that the drug affects the limbic system, the part of the brain which controls a person's emotions and behaviour. The side effects range from very common symptoms such as insomnia to depression, anxiety, panic attacks, aggression, hallucinations and paranoid suicidal tendencies - the list is horrific.

The US Army Special Operations Force determined in 2013 that due to the warning of potential long-lasting serious mental health problems, it was ceasing using the drug, stating that "consideration must be made for the impact of this medication on our population". In Britain, a House of Commons select committee was very critical of the use of Lariam. Soldiers explained how they suffered memory loss, insomnia, mood swings and hallucinations. It is worth noting that restrictions on the use of Lariam in Britain, even before the 2016 report, had been placed on aircrews, divers and those operating heavy machinery. There are also serious concerns that the use of Lariam may present difficulties when it comes to diagnosing post-traumatic stress disorder.

As there are a number of safer alternatives to Lariam, it beggars belief that this drug should remain the anti-malaria drug of choice for our Defence Forces. Denmark, Germany, the Netherlands, France, the Czech Republic, Australia, Canada and Belgium all prefer their personnel to use an alternative to Lariam. Therefore, what is the justification for keeping it as the go-to treatment here? A year ago, the drug was removed from general sale in Ireland, yet it continues to be used by members of the Defence Forces for whom it remains available via wholesalers. The removal of this drug from the general market, coupled with its downgrading to a last-resort drug with other militaries, should have set alarm bells ringing. It is just unbelievable. Now that there are proven and safer alternatives, I see no reason that Lariam should continue to be the anti-malarial drug of choice for our Defence Forces. Instead it should be only used as a last resort, for those unable to tolerate any of the alternatives. I am also disturbed by reports from members of the Defence Forces who have stated they were not screened properly for this drug and were not told the full facts of the side effects. The State has a duty of care to all of its citizens.

Further to this motion, I hope the Government will ensure that all serving and retired De-

fence Forces personnel who have been given Lariam, will be provided with proper supports and counselling services to aid their recovery from the side effects.

Deputy Pat Buckley: I welcome the members of various groups who are in the House. I also thank Members from all parties, especially those who have committed in advance to supporting the motion. It is a great encouragement to the women and men of the Defence Forces who have been affected by this scandal to now see such support for measures to cease the administration of Lariam and to deal with the problems faced by many who were administered it while serving their country. We all know that Lariam was given to members of the Defence Forces when serving in sub-Saharan Africa. The problem is that the drug was supposed to protect against serious illness but has ended up causing serious illness. We all know about the psychotic breakdowns, suicidal ideation and other side effects. I could spend an hour and a half listing them out. The side effects have led to tragic circumstances and deep suffering for members of the families of those affected, the survivors and spouses.

The Minister of State said that this is not a political decision, but a medical decision. I am surprised by that because the manufacturers of the drug told the Government not to give Lariam to soldiers. One could not write it. It is now 20 years later. I cannot believe it. The Minister of State also mentioned experts. The survivors and their partners and those suffering from the side effects of Lariam are the real experts. They are the people to whom we should be listening. More than 4,500 soldiers were given this drug by the Defence Forces without any comprehensive screening. I spoke to many soldiers who can tell what happened. A former Deputy referred to Dr. Remington Nevin who described Lariam as a “horror movie in a pill”. I would go so far as to say it is a horror reality in a pill for the people I heard today.

We all know that the US military discontinued the use of Lariam and the US Food and Drug Administration launched a full neurological review of the medicine. As early as 1996, the Irish Medicines Board highlighted the risk of the side effects of the drug in a safety newsletter. What was done? Nothing. It was a case of pushing it under the carpet, again. We are getting very good at sweeping in this country. The Government and the Defence Forces did nothing to protect military personnel from the serious side effects of Lariam. The administration of Lariam as a drug of first choice by the Defence Forces must end immediately.

I wish to refer to other issues affecting the mental health of members of the Defence Forces. We are very quick in this House to laud the work of those women and men when it comes to their heroics in peacekeeping missions around the world. This is rightly so, but we must do right by them as they have done right by the nation. Currently, many Defence Forces personnel are living from week to week and hand to mouth because of the disgustingly paltry rates of pay for ordinary soldiers. New entrants earn just €200 a week, and that increases to €350 a week in their second year. The wages do not increase much more after that. It is impossible in the long term for a person to feed, clothe and house a family on such wages. In 2003, a total of 49 people in the Defence Forces were in receipt of family income supplement and by 2016 the number had risen to 124.

I commend the families of Defence Forces members who have been campaigning hard on this issue. Often it appears that the Government has no interest in listening. Shelley Cotter of the Wives and Partners of the Defence Forces, and all its members deserve a very honourable mention in this House tonight. Hopefully, we will soon see members of the Defence Forces being allowed the proper rights of workers, namely, the right to argue for better pay and conditions, but until then the Government should step up.

Today, unfortunately, there was a need to launch another campaign of fund-raising for veterans of the Defence Forces who became homeless in 2017. One can hardly say it is a surprise when soldiers are treated so poorly and we have such a catastrophic homelessness crisis in this State which still rages on. I appeal to all Members in this House to please show a bit of compassion and to support this motion.

Deputy Tony McLoughlin: Malaria is a very serious disease and is a serious threat to any military force operating in areas where the disease is prevalent. First and foremost, the decision on which anti-malarial drug to use must be one for medical professionals. This House should not prescribe to doctors what medications they can or cannot provide to their patients. On such matters, the priority should always be the health and well-being of the men and women of the Defence Forces who serve Ireland with distinction.

The Minister of State, Deputy Kehoe, has outlined the significant precautions that are taken by medical officers in the Defence Forces when assessing the medical suitability of an individual to take any of the anti-malaria medications. It is the policy of the Defence Forces that personnel are individually screened for fitness for overseas service and medical suitability. The medical procedures involved in assessing personnel before deployment are designed to ensure that personnel who may be contra-indicated or sensitive to Lariam are not prescribed it.

The House has been informed that a working group is currently examining developments in the context of the Defence Forces' use of malaria chemoprophylaxis. The group is continuing to engage with national and international experts. Its second report is due shortly and I look forward to this report being provided to the Minister. I know that he will consider the group's recommendations. I welcome confirmation that the group is considering options to formalise the provision of ongoing external medical advice. That will ensure the Defence Forces policy on malaria chemoprophylaxis continues to be kept under ongoing review.

While speaking on this topic, I wish to take this opportunity to reflect on and acknowledge Ireland's contribution to international peacekeeping. We have a long and honourable tradition of supporting the United Nations in the cause of peace, stability and security. The Defence Forces have brought great honour to this country through their participation in peace support operations. I pay tribute to those serving and former members of the Defence Forces for the important role they have played in this country's contribution to peacekeeping missions and to remember the 86 members of the Permanent Defence Force who have paid the ultimate price in the cause of peace.

As a member of the Joint Committee on Foreign Affairs, Trade and Defence I acknowledging the valuable peacekeeping role that our Defence Forces play overseas. It is important that we do all we can to provide them with effective protection from any diseases they are likely to encounter in the course of their duties. I hope we do not underestimate the seriousness of contracting malaria. Anti-malaria medications remain in the formulary of medications prescribed by the medical corps for Defence Forces personnel on appropriate overseas missions to ensure that our military personnel can have effective protection from the very serious risks posed by malaria. The discussion of these matters in this forum when there is ongoing litigation and particularly when the first court case is due for hearing next week, certainly limits any discussion that may be had. I welcome the Minister of State's indication that the working group is considering options to formalise the provision of ongoing external medical advice. We should all be mindful that any decision on what medication to prescribe is a matter for doctors, not Deputies.

Deputy Donnchadh Ó Laoghaire: Malaria is a very serious disease that can cause severe complications and death. Tá sé tomhaiste ag an Eagraíocht Dhomhanda Sláinte go gcailltear thart ar 1 mhilliún duine ón ngalar seo san Afraic amháin gach bliain. Feictear ar mhaláire i gcónaí mar ghalar an-dainséarach d'fhórsaí míleata sna háiteanna ina bhfuil sí forleathan. According to the World Health Organization, WHO, in 2015 there were 91 countries and areas with ongoing malaria transmission. Is féidir an mhaláire a leigheas agus is féidir cosc a chur ar tholgadh na málaire. Is dócha go bhfuil go leor réitithe do sin. It is in this context that no one can doubt the importance of safeguarding Defence Forces personnel against malaria and protecting them in the best possible way.

Lariam which contains the active ingredient mefloquine, has been associated with psychosis, suicidal thoughts, depression and hallucinations. These are very serious conditions that have long-term implications for family and loved ones also. The drug has been administered to Irish soldiers serving in Liberia, Chad and sub-Saharan Africa since 1994. Warnings on the use of Lariam go back to as early as 1996 when the UK Committee on Safety of Medicines issued a warning on the side effects of Lariam. In 2015, Roche Products announced it was ceasing production of the drug. I commend my colleague, Deputy Ó Snodaigh, and Wives and Partners of Defence Forces Ireland, WPDF, on their efforts on this issue and especially Deputy Ó Snodaigh on tabling the motion, which calls in the Government to ban Lariam. In September 2016 in advance of this debate Deputy Ó Snodaigh called on the Government to ban Lariam, adopt a programme of care, provide the supports to affected military personnel in the form of medical cards and other forms of compensation. All these measures should be considered.

Following on from tonight's debate on the motion, we would ask the Government to provide for the carrying out of toxicology tests on users, make the results public and provide a treatment programme for those who require it. Those who served in years gone by must also be given the assistance they require, to ensure the best quality of life as possible. This should be forthcoming from the State. Sinn Féin would also ask that the Government establishes an independent inquiry to look in detail at Lariam and its effects, a practice which has been carried out in other jurisdictions. In Britain, 1,000 former military personnel have required psychiatric treatment as a result of the after-effects of taking Lariam. The fact that Lariam has been withdrawn from sale to the general public in Ireland should have alerted the Minister of State to make a safer anti-malaria drug available for non-commissioned soldiers in the Army. It is vitally important to remember that Lariam was not the only option; other options were outlined by other Deputies. Deputy Clare Daly rebutted - quite effectively - one of the excuses used by the Minister of State and the Department for not using one of the products doxycycline, the excuse being that it had to be taken on a daily basis. There are many other aspects in the context of military logistics that I am sure also require that level of attention.

There is also the element of respect to be considered. Deputy Buckley, rightly, raised the issue of members of the Defence Forces who are really on the breadline. New members of the Defence Forces earn just €200 per week increasing to €350 per week in their second year. I know guys who joined the Defence Forces three or four years ago, fellas my own age, and they and many others are talking about leaving. It just does not pay. They are joining at the age of 22 and 23 and leaving when they reach the age of 28 or 29. It is simply not a viable career for people. The lack of respect that is shown to the Defence Forces in relation to pay is also reflected in the area under discussion now. I commend Deputy Ó Snodaigh on the motion and I commend all the Deputies who are supporting it. I call on the Government to recognise the reality and the threat this drug poses to the men and women of the Defence Forces and to ensure

its discontinuation.

Deputy Aengus Ó Snodaigh: Ba mhaith liom ar dtús báire mo bhuíochas a ghabháil leis an 13 Teachta eile a thapaigh an deis páirt a ghlacadh sa díospóireacht tábhachtach seo. Measaim go bhfuil sé ceart agus cuí go bhfuilimid ag déanamh é seo anocht agus go bhfuil roinnt dóibh siúd a bhfuil an nimh seo ina gcoirp toisc gur bhrú na Fórsaí Cosanta orthu é a ghlacadh anseo linn agus a gclanna le roinnt dóibh. Tá sé ceart agus cuí go bhfuil roinnt clann a bhfuair a mac nó a n-iníon bás de thairbhe féinmharaíthe anseo chomh maith mar tá na ceisteanna sin ar fad fite fuaite le ceist Lariam.

I am surprised at the Minister of State because I thought just by virtue of the fact that he did not table an amendment such as the Government would usually submit that he and the Department might have come to their senses. I knew nothing of the court case happening on Tuesday. It would not have swayed me one way or the other.

We are right to have a debate on Lariam in the House because we are not debating individual cases. It is important to note that, by chance, we are having the debate on the same day as fuschia appeal day, which raises funds for ex-service men and women. It is a coincidence because our Private Members' business comes up only once in a while. We were at the launch of that appeal for moneys and for help for ex-service men and women and now here we are in the Chamber to appeal to the Government to help those service men and women who are affected by the toxicity of Lariam.

The Minister of State's answer is the same palaver that we have had day in, day out since I have been raising this issue. I first raised it in 2010 along with Deputy Brian O'Shea, who had been the Labour Party spokesperson on defence. Quite a number of others also raised the issue, and I listed them earlier in the debate. All that we asked was that the Minister of State could have looked at report after report. This is why I have this wad of papers with me tonight. These are reports. I did not write them, I am not a medical expert and I do not know half of the words contained within them. I do know, however, what the conclusions are and every single one of them is very, very stark. They say that this is a poison and it is dangerous and do not give it to a child, a dog or whoever and definitely do not give it to a person who is going to be in charge of mechanical vehicles or guns. What do we do? We do just that and every time there is a detachment of the Defence Forces sent in to sub-Saharan Africa, or elsewhere, we are poisoning those who end up with the side effects. Luckily for us not everyone is affected.

There is the argument that we are not medical professionals and that we should not get involved but it must be remembered that medical professionals and some pharma industries have poisoned communities over the years and are not infallible. They make mistakes. We all make mistakes. Sometimes it is good for us to stand up and say we made a mistake, something is wrong and we cannot undo it but can stop it from happening to anybody else. Ultimately, that is the appeal in this motion.

The motion I produced previously was much stronger and went a lot further. It is still my view that all the steps contained in the motion, to which Deputy Ó Laoghaire alluded, are still required to happen. The motion before the House today is for the Minister of State. He has the power to instruct the military authorities to take decisions, which in this case would be to end the use of Lariam and also to set about trying to tackle the effects of the use of Lariam on those who have side effects to make sure they and their families have the required supports. In other cases, where major medical side effects were identified, such as in the use of thalidomide, it is

considered that the State should step in and help those affected by a State policy. That is all we are seeking. We wish to ensure those men and women who are affected have medical cards and are provided with psychiatrists or whatever specialist is required.

I find the debate sad. I thought earlier when I was discussing the matter with the delegations which came to the House tonight for the debate that perhaps the Government would not oppose the motion given the fact that, thankfully, the Opposition, which is larger than the Government on this occasion is going to support it tomorrow because they have signed up to it. It appears that the motion will pass. Beyond that, if the Dáil directs the Minister of State to do something, he could take the required steps to instruct the military authorities to live up to the message we will send to them when we sign up to the motion tomorrow. I thank everybody for helping me to get to grips with this over the years, especially those who shared quite traumatic personal details. All of us who have listened to their testimony have been affected by it. That is why I was adamant that I would bring this motion before the House at the earliest possible opportunity. A few years ago, I would not have had a chance of getting it passed. Thankfully, the groups I have mentioned have managed to persuade many other people of the rightness of their cause. I hope the Minister will see the light before too long.

Question put and agreed to.

Judicial Appointments Commission Bill 2017: Second Stage (Resumed)

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

Deputy Fergus O'Dowd: I spoke earlier today about the need for diversity in our Judiciary. We need to bring about change in a constructive way so that the Judiciary represents, in the broadest possible way, all of our society and all our communities. We have made very significant progress in one area of our Judiciary in recent years. In 1996, some 13% of judges were female, but that figure has now increased to 38%, which is very close to the critical mass of at least 40% we need to have proper gender balance in our Judiciary.

I spoke earlier about minority communities, particularly the Traveller community, which accounts for a disproportionate proportion of those who are confined in our prisons. I am not suggesting anything other than that we should strive to find ways of supporting, nurturing and encouraging members of all of our minority communities and our diverse and different ethnicities to get involved in becoming lawyers and to strive to be judges within our legal system.

Another issue that arises is the question of part-time judges. I know that, in some jurisdictions, judges are not necessarily full-time lawyers. They can be part-time lawyers. It depends on the level at which they operate. The arrangements that are in place in other jurisdictions allow judges to bring a new dimension, new opportunities and new insights to judicial decision-making. I think the issue of career breaks for judges is also an important one.

Ultimately, we must have trust in our Judiciary. It is a core part of our legal system that all our judges must be seen to be independent, highly educated and informed. They must be capable of independent and enlightened judgments. We should support anything that helps to bring about that outcome. If we can attract more people at an earlier stage into the career of becoming a judge in our courts, for example, by providing for a particular career path which guides them and allows them to make progress, we will help them to grow into this hugely

valuable position at the heart of our democracy. It is important that our judges are seen to be independent at all times.

Some of the criticisms that have been levelled at this legislation relate to the proposal to provide for the commission to be chaired by a lay member. In other jurisdictions like England and Wales, a lay person chairs these commissions. The same thing applies to the Judicial Appointments Board for Scotland. However, the Northern Ireland body is chaired by the Lord Chief Justice of Northern Ireland. It is very clear from our adjoining jurisdictions that the role of a lay person in acting as the key person on these commissions, obviously advised by other lay people and by legal people, is a proper and reasonable outcome from the appointments that are made. I understand from the Oireachtas briefing note that, throughout the British Commonwealth, 71.8% of equivalent heads of court serve as chairs of the judicial appointments bodies.

According to the British Institute of International and Comparative Law:

The administrative logic of this argument is clear, and in jurisdictions where there are real concerns about political interference in judicial appointments it may be best to ensure that responsibility for scheduling meetings and ensuring that vacancies are timeously [this is a word I am not quite clear on] filled is in the hands of the judiciary. Where this is not the primary concern [it is not the primary concern in this Irish jurisdiction], different considerations may support the introduction of a lay chair; such a person could bring experience of management and human resources to the operations of the commission.

The Venice Commission of the Council of Europe has recommended the election of a chair from among the non-judicial members of the appointments body to “bring about a balance between the necessary independence of the chair and the need to avoid possible corporatist tendencies within the council”. It is exceptionally clear, therefore, that the involvement of lay people as chairpersons of commissions like that proposed in this legislation is reasonable and practical and works. It will bring a new insight into what should be happening.

I note that significant comments have been made by the Opposition and judges have expressed strong reservations about the lay majority proposal. Our court system trusts lay people who are selected from the register of electors to decide whether somebody is deemed to be guilty of the crimes with which they are charged. This is particularly relevant in criminal cases where it is very important for the right decision to be made. Like everyone else, judges have full confidence in the manner in which this important part of our democracy works.

I do not see any reason suitability qualified people should not be members of the lay commission. Equally, I do not see why it should not be chaired by a lay person. I believe this approach will add to public trust and to diversity among those who are deciding who these judges should be, what skills and what capacity they should have and what personal qualities they should bring to the decision-making process.

I mentioned earlier that this is a question of representing all the people. There is a belief in many quarters that the members of our Judiciary tend to come from a particular socioeconomic background and from particular schools. It is believed that this tends to be their sole and only career path of a specific kind. It is good for our society that we create as many variable and equivalent paths of progress to become members of the Judiciary as we can. We should be selecting people who represent the broad ethnic diversity of our society. This is necessary so that people can have absolute faith and trust in our Judiciary.

I have been in the courts. I appeared before six wonderful justices in the High Court when I took a civil case. I still have my house because I won every time. It might have been the worry of losing that made my hair turn grey. I fought a great civil battle some years ago to protect our heritage. We won because we had good free legal advice and good free advisers who stood up for the principles we believed in. Most of all, we got fair, balanced and honourable judges who listened to our case time and again with great wisdom.

Deputy Jim O'Callaghan: Name them.

Deputy Danny Healy-Rae: Why change the system?

Deputy Fergus O'Dowd: I advise the Deputy not to go knocking down any historic buildings in Kerry. I will be after him if he does. We won our case and got our costs. There is a certain intimidatory presence in the High Court. One walks up the stairs and a man comes flying down with a stick. I believe he is the judge's beadle and he pushes people away from the great and honourable judge who ascends the stairs, allowing nobody near him. There are outdated and outmoded customs in our courts, and I personally do not agree with the gowned and wigged barrister. It no longer makes sense to wear mourning for a queen who died in the 15th or 16th century.

This is very important legislation and it is important that it be debated properly.

Deputy Michael Harty: The provisions in this Judicial Appointments Commission Bill represent key commitments in A Programme for a Partnership Government and should come as no surprise to the Judiciary or anybody else. Reform of the judicial appointments process is to ensure it is transparent, fair and credible. A Programme for a Partnership Government proposes to address the process of judicial appointments and makes a number of recommendations: to replace the Judicial Appointments Advisory Board with a new judicial appointments commission; to appoint an independent chairperson, selected by the Public Appointments Service and approved by an Oireachtas committee; to consist of a lay majority, including independent members with specialist qualifications; to reduce the number of suitable candidates shortlisted for appointment for any vacancy by the judicial appointments commission to not more than three; and that the chairperson of the judicial appointments commission will be asked to attend the justice committee annually to report on its statutory remit. It is very important to point out that the new commission will include the Chief Justice, the President of the High Court, the President of the Court of Appeal, the Attorney General, a Bar Council nominee and a nominee of the Law Society. Thus, the Judiciary and the legal profession will have a substantial and significant influence on nominees for appointments.

There must be a separation of judicial and Executive powers once appointments are made. However, it is the constitutional right of the Government to make appointments to the Judiciary and to enshrine that process in legislation which is clear and transparent but which is also competent and fair. The main areas of conflict seem to be around the following questions. Should there be a lay chairperson? Should there be a lay majority? Will lay members be suitably knowledgeable to make a proper judgment on the suitability of nominees? It is open to the Judiciary to try to influence the proposed legislation but it should also be conscious of the separation of powers. Statements, including references to serious implications for the administration of justice, or stating that the process is seriously flawed, does not accord with international standards, is ill-conceived or ill-advised, are incorrect and unfounded. This reform has been in the programme for Government for 14 months and it should not come as a bolt from the blue.

We often criticise this Government for not introducing promised legislation or implementing items in the programme for Government. Much criticism is directed at the Minister for Transport, Tourism and Sport, Deputy Shane Ross, accusing him of having some spleen against the Judiciary. Any commentary should concentrate on the legislation and decide if it stands on its merits and is an improvement on the existing Judicial Appointments Advisory Board. It should not be directed at any one individual.

Appointments to the Bench have been highly politicised in this country, even if appointees in most cases leave their party political trappings behind them and distinguish themselves in office. It was not unknown for rising stars in the legal profession to make themselves useful to a political party in the hope they would get the nod for the Bench when the time was right. Previously, the politics of Buggins' Turn was in place, and whoever was in power got to make the plum judicial appointments. Cronyism was rife. The Judicial Appointments Advisory Board made recommendations and, often, many names were proposed, allowing the Government to choose from a large list. In the new system this will be limited to three nominees. The new process will be open, transparent and accountable. It is a modernising development that will enhance public trust in our judges, whose appointment must be above reproach. I believe that the Judiciary's misgivings are misplaced and that the appointed judges through this new system will be equally impartial and as distinguished as their predecessors, but that public confidence in the system of appointments will be strengthened by making the process more transparent. Recommending a member of the legal profession to the Judiciary based on merit and experience will not be weakened by having a lay majority or by having a lay chairman. I believe it will be fair, safe and just.

Deputy Danny Healy-Rae: I was amazed to hear Deputy O'Dowd say he was unhappy with the system when there was an adjudication in his own case going back a number of years. I am wondering why he wanted to change the system that had served him so well. This Bill proposes a lay majority on the appointments commission, which will comprise seven lay people, three judges, one Attorney General and two representatives of the legal profession. It also suggests that the role of the Chief Justice, who would be on the committee, would be taken by some lay person. This is amazing and it is ridiculous that the Chief Justice, with so much experience having started as a solicitor, then become a barrister, then a judge, would be set aside in favour of a lay person who may know nothing at all about the operation of justice and the administration of fair play for people who come before our courts. The members of the Judiciary are the people who protect our people and there was no harm in the way the system operated up to now, with the judges selecting a person for the Government to present that person to be appointed by the President. It was transparent and I cannot see any need to change that system.

We need to protect the quality, diligence and independence of the Judiciary, who were appointed by the President on the advice of the Government. The members of the Judiciary have the key skills, knowledge and experience to select the people they think would be suitable to be judges. It is too vague for them to be selected by the Public Appointments Service and it is not as transparent as the process we had. Judges should be appointed on merit, experience, education and ability and this can only be adjudicated on properly and fairly by the members of the Judiciary who have worked in the same arena as the barristers or whoever is going forward to be selected as a judge.

They must have regard to the work ethic and, as I said, the ability, education and experience of a person putting himself or herself forward for appointment. The worry I have relates to who will make up the lay majority. Who will select them? The quality of applicants who will put

themselves forward for appointment to the judicial appointments commission is a worry for me, as it should be for all Members. We all know what happened during the building boom, when some builders and developers knew what they were doing but many others who did not joined the queue and drove the whole thing mad and it all collapsed. There have always been fair and honourable judges in County Kerry who carried out their duties without fear or favour having lived among the people on whom they adjudicated. It is important to remember that we should seek to continue to deliver a fair justice system under which offenders will be penalised and those who have been offended or hurt will receive redress or compensation. It is most important to deliver justice for all of the people of the country, which we have had for many years.

Many speakers have said the proposed model would be similar to the British or English model. It amazes me that Sinn Féin is supporting the Bill. In the context of what happened to the Birmingham Six, the Guildford Four and many others, it is amazing to hear Sinn Féin is supporting this proposal if it is like the British system. That is ridiculous.

It must not be forgotten that lay people, as the Minister described them, are already involved in the justice system. Hundreds, if not thousands, of working people do jury service all over the country every Monday through to Friday. People from every walk of life make up juries in courts all around the country. They do a great job and provide a sufficient balance. We have a great Courts Service. I have been in court. We have all been afraid of judges and tried to stay out of court as best we can, but sometimes a person ends up there one way or another. I have faith and confidence in the judicial system. The judges are independent. They may have been appointed by Fine Gael or Fianna Fáil, but I cannot say they have only worked in favour of the party which appointed them. It would be a very bad slur to suggest that because they do not do so. They know and apply the law. They have been educated and gone through the mill, starting as solicitors or barristers and moving up the line to become judges. They worked their way up the line and have dispensed fair justice to all along the way.

There was no reason to hurry this Bill through and I wonder why it was selected ahead of the numerous Bills that would help people which are awaiting consideration by the House. Many Bills deal with more important issues than this. An example is the fair deal scheme for farmers, which I think is lousy. Many other issues need to be addressed such as help for the homeless or those awaiting hospital appointments. There is a lot of other work which could be done and on which money could be more wisely spent. We could be helping people such as those who are still being allowed to go blind in County Kerry and west Cork. There are many other pressing issues that should be addressed ahead of this one. How was it pulled out of the bag and put ahead of so many more important issues? I cannot remember all of them, but I do not think this Bill is a priority. I do not know what gripe or spite the Minister, Deputy Shane Ross, has with or for the judges or the judicial system, although that might emerge in time.

Deputy Róisín Shortall: The Social Democrats will not be opposing the Bill. We recognise and welcome it as a very small step towards reform of the legal system. However, it is only a small step and it is hard to know what all of the hoo-ha inside and outside the House is about. I would have thought that the days of self-regulation were over, as they should be. The idea of setting up a body with a lay majority and a lay chairperson to make recommendations in respect of those who may be suitable to serve as judges seems absolutely sensible and I see no difficulty with it. Insofar as it goes, it is to be welcomed. However, one must look at the circumstances which led to its being brought forward. Although it has been talked about for a significant period, it has been rushed through in recent weeks in an attempt to mollify the Minister, Deputy Shane Ross, and ensure he would maintain his silence on the mess surrounding

the appointment of Ms Justice Máire Whelan and just in case he was not sufficiently satisfied in getting the Garda station in Stepaside reopened. It was important, therefore, to have something further to offer him. To deliver before the summer recess what was seen as one of his pet projects was no way to produce legislation or do business. Then again, he can be difficult when he acts up. The impetus for the rush in bringing forward the legislation was to ensure he would be kept on board, although I am not sure where he would have to go to as both himself and the Minister of State at the Department of Justice and Equality, Deputy Finian McGrath, seem so comfortable in the Cabinet and are enjoying life so much that they are hardly going to walk off and cause a general election.

Be that as it may, there is no doubt that the fast production of this legislation was designed to distract attention from the mess made in the appointment of Ms Justice Máire Whelan to the Court of Appeal. This time last week, that issue was being discussed in the House and Opposition Members felt there was a need for answers and explanations to be provided. The Government line, of course, was that Members should not look back but rather concentrate on what it was proposing to do this week. In many ways, the Bill was a distraction from the issues at the heart of last week's discussions. As yet, there have been no answers to many of the serious questions that arose in the handling of the appointment of Ms Justice Máire Whelan.

The legislation has been hailed as a major reform, but it is nothing of the sort. It has been said it will bring more diversity to the Judiciary and the legal system. One could say that is the case in theory. However, if one looks at the pool from which judges can be drawn, there is no doubt that it is elitist. It is not until the legal system in general is reformed and that legal practitioners who are more reflective of the population as a whole can be put in place that there will be the potential to appoint judges who will bring greater balance and better reflect the diversity of the population. There is no doubt but that the legal profession is extremely elitist. It is a closed shop. That is the nature of it in many ways, and that needs to be addressed. It has been identified as a closed shop for many years, but successive Governments have refused to grasp the nettle and provide the kind of reform that was required. This is despite the fact the troika identified the Judiciary and the medical profession as areas which required radical reform. That has not really happened. The former Minister for Justice and Equality, Alan Shatter, talked often about reforming the system, but when it came to it he introduced precious few reforms.

The King's Inns has a complete monopoly on the training of barristers. That is unacceptable. There is no reason that should not be opened up. Why are our universities not providing training for barristers? Why is it that an ability to eat large numbers of four course dinners is somehow regarded as establishing one's qualifications for serving at the Bar? Why is the system designed in such a way that an individual, whether he or she wants to qualify as a solicitor or barrister, has to have substantial funding behind him or her in order to survive as an apprentice or be indentured and be able to survive from his or her own resources without having a normal income? There are many archaic practices around the selection and training and qualifications of the legal profession and they need to be blown wide open. It needs to be opened up to people in general, including school leavers who want to have a career in the legal profession. It should be open to everyone who has the skills and can meet the qualifications in terms of points in his or her leaving certificate. It should all be based on a transparent, accountable system, which it unfortunately is not at the moment. If one is training the people who are supposed to be defending the law in this kind of clouded manner, where there is very little transparency, it does not augur well for the quality of the people who will be practising the legal profession. That is why it needs to be reformed, just as the Garda needs to be reformed. Anyone who is involved

in defending or enforcing the law should be trained to the highest possible level and in the most transparent and accountable way, but that does not apply to the legal profession in general.

In terms of qualifications for serving on the Bench, I do not know why we do not have a system whereby people who are interested in becoming judges have to study a course to qualify for service on the Bench and why there is no academic examination of their abilities and their knowledge of the law. It seems like a straightforward thing. Most people have to have qualifications to qualify for a particular career, and I do not see why judges should not have to have them. Equally, I do not see why continual professional development is not a key part of the ongoing training of judges. Too often we come across situations where judges do not seem to be familiar with the law. This is true especially in terms of recent legislation that has been passed. I investigated why it is that judges do not use the many provisions that are available to them under the Children's Act to deal with anti-social activity involving minors and so on. There are many provisions available to them that are not used at all. Several of the measures available had never been used or were only used on a handful of occasions. There are issues of judges keeping up to date with their skills and knowledge. It should be addressed, and we should look at this like any other important profession that requires ongoing professional development, and indeed that requires a level of oversight. I am not suggesting that anyone in this House could perform that oversight, but there is a need for a greater level of oversight within the Judiciary itself. There is no doubt that there are a number of judges who leave something to be desired, in particular at the level of the District Court. They seem to be untouchable. We read about comments they make that are completely off the wall, things that are outrageously outdated, sexist or out of touch. There is a tendency to laugh at these things, but it is actually quite serious. Some of our judges are running District Courts like their own private fiefdom, as if they are not answerable to anybody. The reality is that they are not. There is a need for greater oversight within the Judiciary itself in order to ensure acceptable levels of performance of their jobs.

It is only when we start to demystify and democratise the legal profession that we will get people serving in it, at solicitor, barrister or judge level, who are more in touch with the real world and the kinds of issues people are running up against on a regular basis. The difficulties for victims are an example. Our judges in the main are drawn from a very elitist milieu and are very protected. They are generally private schoolboys and schoolgirls, and very often we have situations where they are dealing with issues that they have never come across in their own private lives and it may be beyond their ken or experience. Very often the responses from judges indicate that they really do not know the kind of world that is being presented to them in the cases they are dealing with. That is common in the context of gangland crime and community crime, such as serious anti-social activity. In these instances there does not seem to be an appreciation of the kind of torture that communities are being put through. There is very little appreciation of that because in the main judges are far removed from ordinary people's lives. That is a problem. There is no doubt about that. Judges need to be more in touch with the real world and with what life is like for many communities. There is a substantial cultural gulf there that is not healthy for a Judiciary, and is a product of the kind of elitist, protected professional sector that we should have blown apart long ago.

The Bill is a welcome step in so far as it goes. It only goes a very short way along the road, and so much more needs to be done if we are to have diversity within the profession. I have no difficulty with the idea of the commission being made up of 13 members, the majority of whom are lay members, with a chairman who is also a lay member. It should have happened a long time ago. It is interesting that the lay majority has now been welcomed in some quarters, in par-

ticular by the Law Society. That was a welcome move on its part. We also have to be aware that the proposed system is not especially unusual relative to the rest of the EU, where the majority of systems propose judges by way of a council for the judiciary or another independent body. While they may not have a lay majority, a lay chairman who is independent of the Judiciary is in place in England and in Wales where the chairman of the judicial appointments commission is a surgeon by profession. There is no reason that someone needs a legal qualification in order to have good judgment of the kind of qualities and character that are required to be a good judge. Furthermore, the Venice Commission of the Council of Europe recommended the election of a chairperson from among the non-judicial members of the appointments body to bring about a balance between the necessary independence of the chairperson and the need to avoid possible corporatist tendencies within the council. That is a legitimate concern. While the Bill aims to encourage recommendations that are based on merit, merit is not defined by the Bill. Rather, it tasks the procedures committee with establishing the criteria based on a set of parameters set by the Bill. One has to wonder if this is the best approach or if a more prescriptive methodology should be adopted, perhaps in line with the five criteria for what constitutes merit used by the Judicial Appointments Commission of England and Wales when assessing candidates. The Social Democrats will not oppose the Bill as far it goes but it is a very small start and much more needs to be done to democratise and open up the legal profession.

Deputy Seamus Healy: I welcome the publication of this Bill and the opportunity to speak on it because it is an important issue of significant public interest and should not and must not be rushed or railroaded through the Oireachtas. As we all know, rushed law is frequently bad law. Adequate time must be given to proper scrutiny and examination of the proposed legislation at each stage of the process. While I welcome the Bill, it is not the silver bullet to cure all the ills of the system for administration of justice in this country. It certainly does not go far enough.

The Bill will change the way judges are appointed in Ireland. There have been calls for a more transparent appointment system for many years including from the Judiciary, legal professionals, the Council of Europe and various other interested parties and the public at large. The new judicial appointments commission will be made up of 13 members, and will have a lay majority and a lay chairperson. Appointment committees with lay majorities will be responsible for recommending a maximum of three candidates per judicial vacancy to the Minister for Justice and Equality. This replaces the current system where as many as 20 names can be submitted.

While this Bill arrived rather quickly, its roots stretch back some time to a consultation process that started in 2013. Various submissions were made including one from the Judicial Appointments Review Committee which stated:

It is increasingly clear that the relative success of the administration of justice in Ireland has been achieved in spite of, rather than because of the appointment system. The system of judicial appointment in Ireland is by now demonstrably deficient, fails to meet international standards of best practice, and must be reformed if in more challenging times it is to achieve the objective of securing the selection of the very best candidates for appointment to the Irish judiciary and thus contributing to the administration of justice in a manner which will sustain and enhance public confidence.

The appointment of the lay majority and of the lay chairperson is eminently sensible and acceptable and the Law Society review and comment on this states:

The Society notes that the government has adopted an approach that is consistent with the recommendations of the Society's submission in 2014; an increase in the number of lay members from 3 to 6 lay members and that these lay members will be recruited through an open competition. The Society is strongly of the view that such increased representation of lay members is important for two reasons: the first is that it ensures that there is a measure of diverse public interest represented in the judicial selection process.

The question of a lay chair which is new here is not new elsewhere in Europe and in England, Wales and Scotland. The real problem in the judicial appointments system is at Cabinet level, as we saw in the recent appointment of the former Attorney General to the Court of Appeal. That is where political interference has occurred and there is lack of transparency.

Arising from that, two questions arise. Why must judicial appointments be made at Cabinet level? Should it not be possible for the judicial appointments commission to complete the selection process and be given statutory authority to finalise judicial appointments?

Minister of State at the Department of Justice and Equality (Deputy Finian McGrath): I welcome the introduction of the Judicial Appointments Commission Bill 2017 to the House by the Minister for Justice and Equality, Deputy Flanagan. Radical reform of the current system of judicial appointments was a key demand of the Independent Alliance during last year's government formation negotiations. The programme for Government committed the Government to reforming that system to ensure that it is transparent, fair and credible and, with the introduction of this Bill, we are delivering on that promise. There has been a lot of debate, in this House and elsewhere, about the membership of the new judicial appointments commission proposed under this Bill. Should there be a lay chairperson or a judicial chairperson? Should there be a lay majority or a judicial majority? I support the proposals in the Bill that the commission should have both a lay chairperson and a lay majority.

I wish to focus, however, on the question of what kind of experience or expertise these lay members should have and, most importantly, what criteria they should apply when recommending individuals for appointment as judges. From some of the comments made in this House and elsewhere, one might think that the lay members of the commission will be a random selection of strangers pulled in off the street. The reality is very different. The Bill provides in section 15 that the lay members must have appropriate "experience, qualifications, training and expertise" in several areas. I welcome the fact that, among these areas, are "matters connected with ... human rights, equality or issues concerning diversity amongst members of society". Lay members with these backgrounds will bring important real world experience to the table when decisions are being made on judicial appointments. I also welcome, most particularly, the criteria set out in section 7 of the Bill, which will be applied by the members of the commission when making those decisions. The decision to recommend a person for appointment as a judge will now be based explicitly on merit and, subject to this overarching principle, regard shall also be had, first, to the objective that the membership of the Judiciary should comprise equal members of men and women and, second, and crucially, to the objective that the membership of the Judiciary should, to the extent feasible and practicable, reflect the diversity within the population as a whole. I endorse this provision wholeheartedly, reflecting as it does my own long-held commitment to diversity and to working to advance the rights of all members of society, including in particular the disabled community.

Speaking on RTE radio's "Drivetime" programme earlier this week, University of Limerick legal academic Dr. Laura Cahillane commented on the Bill's objective of a more diverse

Judiciary. She stated that in Ireland we have a very homogenous Judiciary and that research has shown that when judges are in control of these sorts of appointing bodies, they will always appoint judges in their own image. She said that if judges are all taken from the same sort of educational background where they have all gone to the same schools and are from the same sort of higher middle class background, one will have a repetition of all of these people being appointed. She pointed out that research had shown that when one involves lay persons in the process and where there is a lay majority, one gets a much more diverse Judiciary. These are the facts. This is the way society is run. To achieve this laudable objective of a more diverse Judiciary we must, of course, have a more diverse legal profession from which judges can be selected. This is an issue for another debate on another day. For the purposes of today's debate, I welcome this objective in the Bill.

We should all listen and learn from the following. Diversity encompasses a wide range of characteristics. As Minister of State with responsibility for disability issues, I have a particular interest in fighting for the cause of disability rights. We think of the many people in the disability community with excellent talents. Many of them have brilliant abilities which are often not reflected in our broader society. That is why it is a great pleasure and honour for me to be Minister of State and to change the mindset in Irish society. No disabled person should be excluded from any position in society for which he or she is otherwise educationally qualified solely on account of a disability. No disabled person, or person from any other diverse background, should be thought not good enough to become a judge simply because those who appoint judges think that they are not "people like us". These types of decisions may not be made consciously and those making them may not even realise that they are making them, but without a diverse range of lay members at the table these decisions will undoubtedly be made and we will continue to have Dr. Laura Cahillane's "very homogenous Judiciary" instead of the diverse Judiciary which this Bill has as its objective. These are very important aspects of the broader debate. I look forward to the day when our diverse Judiciary includes a representative number of members of the disabled community. In furtherance of this vision, I will be supporting this Bill.

We must challenge those who have sought to undermine the Bill. I reject the comments of Senator Michael McDowell, for example, and his personal attack on the Minister for Transport, Tourism and Sport, Deputy Shane Ross. Let us debate the legislation and the issue while leaving people out of it. Let us leave personalities out of it. This legislation will deliver on the programme for Government commitment to reform judicial appointments by removing the appearance or reality of political interference in the process. This is a very important aspect of this legislation. Many members of the public are of that view. The legislation proposes a transparent, independent system with a new judicial appointments system encompassing key features. These are an independent chairperson, a lay majority and a reduction in the number of candidates being recommended for any vacancy to a maximum of three. These are progressive proposals and I cannot understand why any Member of the Opposition would oppose such radical, fresh new legislation. The Bill is about, for the first time, merit. If one believes in a meritocracy and giving the best person the job, one should support the Bill. The Bill is about reform, merit, transparency and, above all, the future of justice in Ireland.

Deputy Hildegard Naughton: I welcome the general thrust of the Bill in that it places the appointment of judges on a more formal footing. Constitutionally, of course, it will remain the function of Government to appoint judges. The Bill will not change that. What it will change is the somewhat *ad hoc* method which has been used since the foundation of the State. However

ad hoc it was, it has served the State well in the provision of a consistently independent Judiciary which remains unafraid to find against any Government of the day, which is as it should be.

While I welcome the general thrust of the proposed legislation, I have a number of concerns. There is a well-known legal maxim, *nemo iudex in causa sua*, which holds that no one should be a judge in his or her own cause. As with all rules, there are exceptions. In the context of the Bill, the exception is that it is obvious that lawyers, in particular judges, should have a majority say in who becomes a judge. The Bill holds the opposite. It proposes to have a majority of lay people making the decision as to who becomes a judge. It is simply the case that the lay majority on the commission will not be familiar with the work of the proposed judge. They will not know their record, their personality, faults or advantages and will most certainly have never had the opportunity of experiencing their skill or lack of it in open court. For the avoidance of doubt, my issue is one which is not particularly local. It is of note that internationally where there is an independent appointments process, lay people are generally not in the majority. It is something I would like the Minister to look at as the Bill passes through the House.

The Chief Justice, whoever holds that office, is the foremost judge in the country. It is he or she who swears in the President and who takes the oath from judges being appointed. There is no reason the Chief Justice should be debarred from becoming chair of the commission. Finally, the Bill proposes that a judge of neither the Circuit or District Court will be a member of the commission. This is an oversight as both courts account for the vast majority of legal business transacted in the State. They are also the courts in which the vast majority of solicitors and barristers practice every day.

While I support the thrust of the Bill, there are a number of issues about which I have a particular concern. Other Members share those concerns. This is a very important Bill. The independence, quality and reputation of our Judiciary hangs on it. I ask the Minister to address these issues as it is debated on all Stages.

Deputy John McGuinness: I welcome the opportunity to make a contribution on the Bill. I wish to read a comment into the record:

The present plight of politics is the subject of constant and generalised comment, but comment on the legal profession, particularly the courts, is more careful, although no less cynical. Commentators are more fearful of the lawyers than the politicians. This is a very salient reality for those of us who believe that not just radical reform, but revolutionary reform, is needed across all the institutions of the State. Reform of politics and of the Oireachtas will be relatively easy compared to that of the legal profession which is the most entrenched and unaccountable power bloc in modern society... Getting accountability from the courts and the legal system will not be so easy. In any democracy, the judicial branch must be completely independent of the executive and legislative branches. Yet even judges must be accountable to somebody. Some unthinking people believe that these two propositions are irreconcilable.

This article goes on to refer to a judicial board under the chairmanship of the Chief Justice and the need to give the Chief Justice and the Presidents of the High, Circuit and District Courts a far greater role in relation to the standards obtaining in their courts. Some 17 years after it was written, we are repeating the same argument which was put forward by the late Jim Mitchell, former Deputy, in the year 2000. In the meantime, nothing has happened.

Therefore, I compliment the Minister, Deputy Shane Ross, on the stand he has taken for many years on this and many other issues. When he was a member of the Committee of Public Accounts, he was vocal on the need for change and reform and not afraid to question those who held power in Departments and hold them to account. I do not associate with and want to dissociate myself from the many who have passed personal comments on the stand the Minister has taken in that regard. This morning, I heard his speech made last night repeated. I must say he gave a good account of himself and the reforms in which he obviously and sincerely believes, but the Bill falls far short of what he wants. I suggest to him that he knows it and I am saying it to him directly out of respect. I firmly believe Fine Gael has no interest in the Bill. Judging from past comments by members of the party, dating back to even before 2000, it is quite clear that the Minister has a different point of view.

The system we are now trying to develop in the context of the Bill is one with which I agree. I like the conversation and debate on the issue. I believe it is necessary. However, as a Parliament, we are rushing into it and the legislation without thinking it out fully.

Deputy Jim O’Callaghan: Hear, hear.

Deputy John McGuinness: The fact is that we will do irreparable damage to the judicial system if we continue the way we are going. We need to stop and think about the reforms we want. On some of them, I absolutely agree with what the Minister is saying, but we are going about it in the wrong way.

In preparing for a debate such as this, one tends to Google. I read about the system in place in Canada and other countries. There are so many models of administration, appointment systems and justice systems that we could take from any one of them and apply it here and it would work, yet we do not want to do that. We want to mess around with the system, rush the legislation through Parliament and come up with what we think is a solution, but it simply will not work. I refer again to the document dating from 2000 that spoke about the Chief Justice and the presidents of the other courts. It all makes eminent sense to me, but what does not make any sense and what annoys the public is that we are continuing to offer in this House the excuse of the separation of powers as the reason we cannot talk about anything to do with judges. If we had listened carefully in the past few years, we would have known judges did not have any difficulty in making comments on the Members and processes of this House. They just said whatever they wanted to say. I agree fully with the separation of powers, but I do not agree with the use of that position to stop answering questions of or seeking answers on behalf of the public from those in power. I see no reason we cannot have a debate in this House on issues affecting the judicial system without being accused by the courts of doing something wrong.

In 2001, there was a debate at the Committee of Public Accounts about the wards of court system. Everyone walked on eggshells to ensure they did not upset the Judiciary which the committee was asking to account for the millions of euros looked after by the court system. It was found that the court system did not have an accountant reporting to the Secretary General at the time and every year since. The Secretary General of the Department of Justice and Equality at the time said the State would have to pick up the losses incurred in the funds. I have tabled a question today to the Minister for Justice and Equality about this matter, but if that is a fact, the question of what the Minister will do about the losses must be answered. Will he undertake to challenge the audit of the wards of court system? Will he insist on receiving a complete report on how the money was invested and a reason some of the huge amounts of money involved - up to €250,000 or €500,000 - are now down to €20,000 or €60,000? Will the State pick up the tab

for the balance? Will the Minister insist on the courts speaking directly to and accounting to each and every one of the families who are trying to get answers?

The Minister might ask what that has to do with the Bill. It has everything to do with it. I was not a member at the time, but in 2001 the Committee of Public Accounts was told that it could not ask any question about the matter because it was related to the courts. That is a fig leaf. It is just smoke and mirrors and everyone knows it. It would not damage in any way the judicial system or the concept of the separation of powers. It is simply a question of having the political will within the Department of Justice and Equality and on the part of the Minister in this case to get to the truth for the people we represent. My biggest fear in terms of the commission and the selection process is that the commission will end up being manned or womaned by the usual suspects from either the Department of Justice and Equality or the justice area. That is my greatest concern.

We have to ask about the quality of the people we appoint as judges. If we agree that all of the judges appointed up to now are wonderful people and doing the right job - I do not have any complaint about them - I have a question. When the family in the case of Charles Farrell and the Department of Agriculture, Food and the Marine write to the Department of Justice and Equality demanding answers and asking for justice, why is it that they are told - it is in correspondence and the Minister can check it - the Department cannot deal with it owing to the separation of powers? The man was robbed by the State. I do not expect the Minister to know about these cases, but they are familiar to those of us who were or are on the Committee of Public Accounts. There is also the case of Douglas Fannin and the Department of Agriculture, Food and the Marine. Judge Reynolds chastised the Department for its behaviour in the case. The man was vindicated in court.

Deputy Charles Flanagan: I do not think it is in order-----

Deputy John McGuinness: It is. He was vindicated in court, but the Department completely ignored the judge and the ruling and has still not paid him. It is another example of using the separation of powers to ensure another citizen will not get the justice he deserved.

The Minister should read about the case and the judgment and consider the activities of the Attorney General and the Office of the Director of Public Prosecutions in relation to Lucia O'Farrell. Again, we are told it cannot be discussed because of the separation of powers. What went on was scandalous and tells us everything about what is wrong in the State. We have heard it in this House time and again, yet no one wants to get involved in finding a solution because it relates to the courts. All of us in the House know it is a complete spoof. If one goes to the King's Inns, which has charitable status, and looks at the appointment of judges, one will see that immediately on their appointment, they become benchers. That is the title they get. The benchers mix with former Attorneys General and former Secretaries General of Departments, who look after the wine and the good food. They all have a chat together in these plush surroundings and barristers, judges, Attorneys General and Secretaries General share stories and we think it is okay. I do not think it is okay. I do not think the Minister, Deputy Ross, thinks it is okay. I tabled a parliamentary question on King's Inns and the fact they automatically make benchers out of judges whether the judges like it or not. They are all part of this club. Needless to say, the parliamentary question was only half answered.

Deputy Charles Flanagan: There was no need for a parliamentary question. The Deputy can ask the fellow beside him.

Deputy John McGuinness: I could equally ask the Minister. If the Minister is so clever about it and understands it so well, because he is part and parcel of the *status quo*, he might do something about it. He might do something about it because he knows more about this than I do. He probably knows more about it than the Minister, Deputy Ross, knows and that is why he is pulling the wool over his eyes on this legislation.

Deputy Charles Flanagan: I could not do that.

Deputy John McGuinness: He probably knows it as well but he has to go along with it to cover his backside because of the commitment in the programme for Government. What I say to the Minister, Deputy Ross, is not to be afraid of the guys and gals he sits around with in Cabinet. He should be himself as he always was and he will achieve a lot more because they are not up to scratch. They are attempting to pull the wool over his eyes.

I will turn to the repossession courts. They are another example of kicking the can down the road. We in this House set up those courts. Every Wednesday in Kilkenny, there are 30 or 40 cases before the repossession court. In fairness to the registrar, she kicks the can down the road and leaves those people in their houses. Here is the scene: the court is full of children with their parents or individuals under pressure or in distress. The registrar is there and there is whispering all around her desk because that is the way they do it. On one side there are the barristers and solicitors, just like Deputy Jim O'Callaghan. They are all there. They are all ordinary people but they are all playing the game.

On the other side, there are the poor distressed and traumatised families in front of a high bench. The can is kicked down the road. Whose fault is that? Is it the quality of the judge, the quality of the legislation or is it our fault? I suggest it is our fault. We have made a mess of that legislation. We have put registrars and judges into awful predicaments, determining the future of families, their properties, well-being and mental health. We sit in this House discussing this Bill when there are so many other key issues facing families and courts, such as repossession and their futures. We have 77,000 people out there with distressed mortgages. We have the banks now inviting in the vulture funds. In the Seanad today, the Government refused to consider a solution to that problem in terms of the presentation of a co-operative society and a Bill. Political parties, even my own, do not know how to respond to it. I do not think they want to respond to it. They like the *status quo*. It is a comfortable auld place to be and they will not get into trouble. What happens? There are 77,000 people before the courts and we kick the can down the road and continue to abuse family after family. It is reprehensible.

The Minister, Deputy Ross, sits in Cabinet. He has approved another Bill, the Public Sector Standards Bill. It comes before the finance committee and we dealt with it on Committee Stage. It is stalled at the moment because the lads keeping the Government in power on this side of the House are trying to put a check on the Government.

Deputy Michael McGrath: Including Deputy McGuinness.

Deputy John McGuinness: Including me, yes. I am Chairman of the finance committee. Does Deputy McGrath not sit there watching me do it?

Deputy Michael McGrath: Absolutely.

Deputy John McGuinness: And only for me, where would the Deputy be?

Deputy Michael McGrath: Deputy McGuinness should not forget that the “lads” include him.

Deputy John McGuinness: Deputy McGrath will have his time. He should take it easy. The fact of the matter is that that Bill explicitly excludes the Judiciary. There will be no more nasty forms for them to fill out like the ones the Minister, Deputy Ross, has to fill out on his returns, or which county councillors have to fill out. There will be no nasty forms like that for them. They do not have to report at all. The Minister stood over that Bill; he okayed it. He is also okaying, which I do not like, the setting up of another quango. It is a quango. There will be a director, staff, the judicial appointments commission, which will be 13 people, and the office to back it up. I am sure all of these will come with glossy magazines and reports at the end of every year and everyone within the system will be delighted because the *status quo* approves. All of that is for 20 jobs a year.

I imagine if the Minister picked a few good lads out of this House, they could interview those potential judges. They could probably go down through the Bangalore Principles with them, which we have not signed up to either. They could probably deal with their independence, impartiality, integrity, propriety, equality, competence and diligence. It is more or less what is wanted for most jobs. A decision could then be made and we could get on with the job and then have separation of powers.

Let us have accountability in this House for the citizen. Let us have good, decent legislation that reflects the will of this Parliament, not legislation that is just pulled together with the only real conviction and passion behind it being that of the Minister, Deputy Ross, not Fine Gael for sure. I ask the Minister to give this Bill plenty of time in the House and to ask for and encourage amendments to the Bill. Far too much legislation passes through the House and it is only after the passage we discover how bad it is. I suggest plenty of time for Committee Stage and to listen to the Opposition or we might press the other button, not the abstention one.

An Leas-Cheann Comhairle: I remind the House we will adjourn at 10.15 p.m.

Deputy Bernard J. Durkan: I am fearful now having heard the reference to the button. The nuclear button is the one that has been referred to.

Deputy John McGuinness: The Deputy can rely on the rest but I do not know what I will do.

Deputy Bernard J. Durkan: I presume it was intended to intimidate the Government but it has equal impact on the Opposition so I would not go too far down that road if I was Deputy McGuinness. I am glad to have an opportunity to speak on this Bill. It is promised legislation in the programme for Government. People seem to be referring to it as a bolt out of the blue but it is already in the programme for Government, as agreed before the Government was formed. It is an unusual Government in the way it was formed. Everybody was given the opportunity to form a Government in the past 12 months.

Deputy John McGuinness: They are not here. They are absent.

Deputy Bernard J. Durkan: Most of them are not here now. The Deputy's party was offered 50:50 participation in Government. Deputy McGuinness could be over here participating in that process right now if he chose to at that time. There is no sense abdicating one's responsibility, standing aloof and pretending they can afford to criticise yet not getting involved.

Various other parties were offered a similar opportunity and they did not accept it. I commend the Fianna Fáil Party on at least having the guts to stand up and provide the country with some degree of stability at a time the country needed it.

I have listened and watched developments in the House in recent years. The previous speaker, Deputy John McGuinness, made a great case in respect of the degree to which the Houses of the Oireachtas should influence and investigate the Judiciary and judicial system. I do not agree with him because the separation of powers of must be distinct, respected and honoured.

10 o'clock Houses of parliament should not undertake the work of the courts, as the Houses of the Oireachtas have tended to do in recent times. For example, some of the recent investigations of the Committee of Public Accounts have been completely out of order. The committee does not have the power or authority to deem a person to be guilty. Its role is solely to investigate the financial affairs of the various Departments.

Arising from the Abbeylara judgment, the same committee is presumed to have acquired powers that allow it to investigate everybody's responsibilities and make conclusions that appear to deem guilt on the part of the persons being investigated. This presumption is wrong. The reverse is the case because the inquiry into the Abbeylara case was stood down and a subsequent referendum to give extra powers to a committee of investigation of the Houses was lost.

I agree that the Government has a function in appointing judges to the Bench or making recommendations to the President, as provided for in the Bill. I do not agree, however, that the judicial system will be undermined by the establishment of the judicial appointments commission. The Judicial Appointments Advisory Board is already in place and its functions will be changed to some degree under the proposal in the Bill. I do not agree with Deputy Jim O'Callaghan that the changes undermine the whole judicial system. While I respect the Deputy's eminence in the legal profession, I believe his conclusion is wrong. I respect his views on the matter but there is a tendency to allow political shadows to overcome his thinking on the matter.

We must learn to respect each other. Members have a tendency to use a sensational method of making accusations against persons in the House or outside the House in such a personal way as to make it objectionable. The courts have dealt with some of these matters and, thus far, they have found in favour of privilege, which should and must be defended. However, we are fast approaching a time when the courts will find otherwise. They will find that the Houses of the Oireachtas, in one shape or form, have overstepped their authority and the rules of privilege and damaged the reputation of a person outside the House who has no recourse to reparation in any shape or form. Once mud is thrown, it sticks and the damage can never be undone.

Incidentally, I will paraphrase two recent judgments in which the courts ruled that the Houses of the Oireachtas had their own provision to deal with such circumstances. My interpretation of these judgments is that the Houses of the Oireachtas, through the Ceann Comhairle, Leas-Cheann Comhairle and those of us who sit temporarily in the Chair, have a responsibility to protect the reputation of people outside the House, while also allowing issues to be raised. However, they must do so without allowing the identification and personal vilification of someone who has no possibility of responding. The only place one can do this is in court, where one can say anything one likes. That is the job of the courts.

The Houses of the Oireachtas have tended to move into that area in recent times and we will pay a price for doing so. The individual Member will not have to pay fines or make resti-

tution but the taxpayer will have to do so when the Houses of the Oireachtas are found to have been in breach of the laws of privilege and of failing to protect the reputation of persons outside the House. I will give an example. I was a member of the Committee of Public Accounts for such a long time that I decided to move elsewhere. The DIRT inquiry, which was a successful investigation, never once moved into the area where the courts might have overtaken us, although we were threatened several times. Members were not allowed to question politicians who appeared before the inquiry, including former taoisigh and Ministers for Finance. The reason was to ensure the hearing was not politicised because it is in the nature of politicians to seek advantage for political purposes when the opportunity arises. Members respected the ruling that we could not question the former Ministers or taoisigh. While the DIRT inquiry was controversial, from memory, I believe it netted £1.5 billion for the taxpayer at a time when billions were a scarce commodity.

The use of the Dáil or an Oireachtas committee for political purposes must be carefully watched, with particular reference to the finance committee and Committee of Public Accounts. The latter has been operating outside its jurisdiction and acting *ultra vires* on many occasions recently. We cannot treat the House as a court or treat each other as potential criminals. The disrespect we show for each other in this House is replicated outside. People come to the conclusion that we are all the same and do not have anything to offer and, as a result, they believe they can treat politicians, members of the Judiciary, gardaí, teachers, hospital medics and others similarly. Disrespect for authority is growing daily, as members of the professions to which I referred will immediately tell us.

During the debate on the Bill yesterday evening, I listened with interest to references to class distinction. For example, the King's Inns were described as a class-ridden entity which only the privileged can attend. That is entirely untrue. Many men and women throughout this country have sons and daughters who entered the King's Inns and did very well there and afterwards. It is grossly unfair to label institutions in that fashion for no other reason than political gain and advantage. I do not mind telling Deputies that in the House because I have told them the same thing privately. We tend to allow ourselves the luxury, privilege and entertainment of going down that path but the Houses of the Oireachtas are not the place for that. We can have that discussion in a debate in an outside forum but not in the Houses of Parliament. We are extending our realm into an area over which we have no authority. We seem to take upon ourselves with alacrity the right to condemn somebody outside the House without knowing anything about the subject matter.

People will have different views as to whether the proposed Bill is a good or bad thing and whether the Judiciary will have a sufficient number of members on the judicial appointments commission to be able to assess the suitability of candidates for the various positions that arise. Deputy McGuinness referred to the repossession courts, as they are known. I and other Deputies have visited the courts numerous times in recent years and I have witnessed heart-rending cases. Generally speaking, the judges have been very fair and given the benefit of the doubt in almost every case. We should respect and acknowledge that. In particular, I compliment the judges in the higher courts, specifically the High Court, where they have been the epitome of courtesy and have encouraged and given every possible opportunity to the individuals in question to make whatever proposal they wish.

They go out of their way to ensure that the lay litigant is not left isolated and has some reasonable knowledge of the process that is unfolding. I compliment them on it. There have been similar experiences at District Court and Circuit Court levels.

There will always be exceptions to the rule. We all know that. There are exceptions to every rule, including the rule in this House. Some Deputies are seriously dedicated and do the job that they were given to do day after day, week after week and year after year. They have a vocation, but vocations are fast disappearing from every facet of Irish society. Careers have replaced vocations. We need to take stock of that from time to time and review what we need to do, the kind of people we need to attract, what they need to concentrate on and what is their mission.

Some time ago, I read about the famous American hanging judge, Isaac Clark, although I am not certain about that name at all. He tried 13,000 cases and gave 187 people the death penalty, half of whom were executed. I am not suggesting that we should do that in Ireland, by the way. In his memoirs, he referred to the legal battle that took place in the courts between representatives and several times mentioned cases that he had lost but should not have. However, he suggested that, because he was beaten by his opposite number - his legal opponent - it was really just setting the scales right for previous events. His point was that perhaps it was not such a great idea to have the same legal opponents facing one another on too regular a basis. They got to know one another's strengths and weaknesses with the client perhaps being the loser in the end. Enough about that famous man. He was appointed by George Washington, who had to remove him later. Not that that is of any consequence in Ireland. I read about him many, many years ago.

I will revert to the independence of the Judiciary and the courts. The Government has the right to appoint people. The commission will nominate suitable people from here on. This was heralded and agreed in the programme for Government. I do not doubt that there will be differences over how the proposal can be improved, if it can be, but it is a form of independence.

I wish to dwell on the issue of independence for a moment, if I might. There is an ever-increasing urge to get an independent view about everything. That is difficult to get on any subject in any country, but particularly so in a small country. The Leas-Cheann Comhairle has been here for as long as me. If people assume that, in the course of the formation of the commission, they will be able to scout the country and find apolitical persons, all I can do is wish them luck, because there are no such persons. I have not encountered them yet. It would be a boring place if there were people like that and if we were not in a position to have a toing and froing in politics that did not interfere in the judicial process.

The proposal before the House is a reasonable one. Members of the legal profession who have concerns about it should make those concerns known because they can be accommodated. The House cannot direct what the Judiciary does, nor should we. Neither should the Judiciary feel intimidated by the Houses of the Oireachtas. We have to act independently, respect each other and respect each other's existence. We must try to ensure that the legislation that we pass is of a quality that is effective, sufficient, efficient and capable of meeting the requirements of a modern society. We need to keep that in mind now in particular.

I do not want to get into the issue of bail laws, which I have referred to often, and I will not be critical of anyone, but if we believe that the bail laws that the country has had to date, which are thankfully now being amended, can continue when we want to make a reasonable impact in terms of curtailing crime, we are coddling ourselves. We can make whatever excuses about that that we like, but it is our job to change the legislation to enable judges and courts to deal with the situation as presented to them.

Debate adjourned.

The Dáil adjourned at 10.15 p.m. until 10 a.m. on Thursday, 29 June 2017.