



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
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DÁIL ÉIREANN

Dé Máirt, 11 Iúil 2017

Tuesday, 11 July 2017

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2 p.m.

Paidir.

Prayer.

Leader's Questions

Deputy Micheál Martin: I am sure the Taoiseach will agree that the health and well-being of our democracy is inextricably linked with the health and well-being of our Defence Forces. A recent study by the University of Limerick, Workplace Climate in the Defence Forces, which follows on from a study in 2015, illustrates a very worrying trend, pointing to a crisis in our Defence Forces, our Army, Naval Service and Air Corps. Morale is very low. The value system to which those in the Defence Forces once adhered is being steadily eroded. Stress is ever present. Work-life balance is an issue, as is the safety of personnel on duty. There are dysfunctional turnover levels according to the research. There is an absolute crisis regarding the retention of personnel, which is a serious issue for our Defence Forces.

Pay and conditions feature strongly in the research. As a subset of that, duty pay emerged as a particularly contentious issue. When commuting and child care costs are taken into account, it actually costs soldiers more to be on duty than they get paid. Officers commenting on the implications of pay levels said that pay is directly impacting on turnover levels of privates and that those with the most potential are leaving. That is a very significant cost in investment, training and so on. Some of the comments in the report highlight this. For example, in the context of the Air Corps, some of the following comments reflect the concerns of the enlisted ranks: “We are short 50% in a technical unit”; “We can’t do things safely. We need to say no to outputs.”; “We are double and triple jobbing. That would be illegal in the private sector”; “It keeps us up at night ... is this safe ... we are signing off on people who don’t have experience”. Members of the Naval Service said: “With the limited time and increasing workload we are only half doing jobs”; and “We were given an 8th ship but only have the number of people for 7”. As for the Army, there is a similar expression and articulation of issues around safety and so on. I raised last week the concerns of the wives and partners of Defence Forces personnel about lack of morale. All of this adds up to the need for a comprehensive response from Government to the wide range of issues facing the Defence Forces and the crisis they are in. It is not just about the Lansdowne Road agreement, but about much more in terms of the overall climate and conditions. It is important that a review emanates from Government.

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I asked the Taoiseach two weeks ago about the need for access by RACO and PDFORRA to the industrial relations machinery of the State. The Taoiseach did not have an answer then. I would appreciate it if the Taoiseach would give me the Government's view about access for the Defence Forces' representative bodies to the industrial relations machinery. Finally, does the Taoiseach accept there is a crisis in the retention of personnel in our Defence Forces?

The Taoiseach: On behalf of the Government of Fine Gael and Independents, I note our immense respect and regard for the Defence Forces and our pride in the work they do whether as an aid to the civil power, the 2016 commemorations, ongoing commemorations such as Sunday's national day of commemoration and its work in the Mediterranean to combat human trafficking and rescue people from the boats that are leaving Libya. The Cabinet approved just this morning a decision to extend the mission in the Mediterranean to allow further participation in the Operation Sophia arrangements, as well as Operation Pontus in the Mediterranean. That will also, of course, require a resolution of the Dáil, which we propose will take place tomorrow. This is being done at the request of the Defence Forces, who want to do more and to continue to be part of the mission in the Mediterranean. They want to do more to rescue refugees and combat human trafficking. The approval of additional operations and the provision of resources to carry them out are testament to and evidence of the Government's commitment to our Defence Forces. It will, of course, happen under the triple lock. There is a UN mandate in place, Government approval issued today and we will ask the Dáil to approve the motion tomorrow. I hope we will have full support across the House for the decision.

Even during the darkest periods of the recession, the Government continued to recruit to our Defence Forces. Many more people apply to become members of the Defence Forces than we have places for. There is still real and huge demand for people to join the Army, Naval Service and Air Corps, although there are, of course, difficulties in retaining people at certain levels. Pay is negotiated as part of collective agreements with public service trade unions and representative organisations, in this case PDFORRA and RACO. The weekly Defence Forces payroll of 5 July saw an increase of 2.5% from 1 January 2016 for annual salaries up to €24,000 and a further 1% for annual salaries between €24,000 and €31,000. A further increase of €1,000 a year occurred on 1 April this year on annualised salaries up to €65,000. That is due to be paid to members of the Defence Forces from 19 July. In addition, recent adjustments to salary scales will significantly benefit general service recruits and privates who have joined the Defence Forces since 1 January 2013; the so-called "recent entrants". They will receive increases in their pay packets ranging between 8% and 24%. As such, no one can dispute the fact that salaries and take-home pay are increasing again for our Defence Forces. We accept, however, that in certain areas it is difficult to hold on to people in management roles and those with particular skills which are valuable in the private sector, including, for example, air traffic controllers. We may need to look at those as specific issues.

Deputy Micheál Martin: The Taoiseach made the same comment last week about recruiting so many applicants notwithstanding the terms and conditions in place. He is in denial as, it appears, is the Government about the crisis. This is not just about Lansdowne Road. I compare what the Taoiseach just said with what Army personnel are saying. There are high rates of mental health issues in the Defence Forces and more than half of members have a second job just to be able to make do. An Army private soldier is cited as saying, "I have to live with my parents along with my wife and kids." One member said, "Stress is being caused by geographical and financial issues." Another said, "I am driving from Cavan and in mortgage arrears. I am double jobbing and doing the job of CO's." The report cites another as saying, "We are commuting

from XXX to XXX every day, that's ... €120 on diesel a week." I do not know if the Taoiseach has read the entirety of the report - he may not have - but it is quite shocking in terms of what it is revealing about the very low morale in our Defence Forces and the sense of crisis - not difficulties - about retention. This is at all levels and not confined to specialists or specific types of jobs. The turnover is across all levels. As I said earlier, it relates in particular to privates who are leaving within a short space of time.

The wives and partners who came to see me about three or four weeks ago did not need this survey.

An Leas-Cheann Comhairle: Tá an t-am caite.

Deputy Micheál Martin: They told me the story through their real life experiences. The fundamental thing that comes out of this report-----

An Leas-Cheann Comhairle: Tá an Teachta thar ama.

Deputy Micheál Martin: -----is the sense of disconnect between how soldiers, Naval Service personnel and Air Corps personnel on the ground feel and what leadership-----

An Leas-Cheann Comhairle: One minute is not two minutes.

Deputy Micheál Martin: -----the Department of Defence and, ultimately, Government may think. That disconnect is again revealed in the Taoiseach's response.

An Leas-Cheann Comhairle: That is two minutes.

Deputy Micheál Martin: Will the Taoiseach address the earlier questions that I put to him first time out?

The Taoiseach: What I also said, which the Deputy did not acknowledge today or some weeks ago when he raised it, is that pay restoration is now under way in the Defence Forces. Pay restoration is occurring across the public service. As I mentioned, pay restoration is happening at all levels, but it is happening in particular for those who were recruited since 2013, who are often referred to as recent entrants. There is pay restoration of more than 20% in some cases. That will continue because we have repaired the economy and are able to balance the books. As the number of those in employment is rising and incomes are rising, we are able to start giving something back, including back to those in the Defence Forces. They will continue to see their salaries rise in the coming years, not just because of pay restoration but because we are reducing payroll taxes such as the universal social charge. They will also see more help with the cost of living, which is an important issue for everyone. For example, in a few weeks' time, the universal child care subsidy will come into effect for anyone who has a child between three months and six months of age. Things are now, at long last, going in the right direction for people across all levels of our public service.

To give an idea of the level of interest in becoming a member of the Defence Forces, 4,000 people applied for the cadet intake for 2017. There is huge interest in becoming a member of the Defence Forces.

Deputy Micheál Martin: Retention is the issue.

The Taoiseach: There is high turnover in the Defence Forces but the turnover in defence

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forces across the world is high. It is not particular to Ireland. However, we acknowledge that there are issues which will have to be examined around retention in particular areas where there are special skills.

An Leas-Cheann Comhairle: Go raibh maith agat, a Thaoisigh.

The Taoiseach: In terms of PDFORRA and RACO, the representative organisations, the Minister of State, Deputy Kehoe, met them on the climate survey recently and he will meet them again on Thursday. Any disputes that occur between the Defence Forces and representative organisations are dealt with through the existing systems and arbitration.

An Leas-Cheann Comhairle: Until such time as the House decides to extend supplementary questions from one minute to two minutes, we cannot allow this slippage. I call Deputy McDonald.

Deputy Mary Lou McDonald: I have raised the chaos within the health service with the Taoiseach many times. This chaos has human consequences. This afternoon I want to put one name and one face to some of these consequences. Earlier I informed the Taoiseach's office that I wanted to raise with him the case of Olivia Harte. Olivia is 41 years of age and from County Leitrim. She is the mother of two young children, Colette and Ronan. She suffers from an aggressive form of Parkinson's disease. Olivia is currently in the intensive care unit of Cavan General Hospital. She has been there for the past seven months. Olivia has been on delayed discharge since January and remains in hospital six months after she was ready to go home. Olivia is on a ventilator most of the time and on oxygen to allow her to eat yoghurt or drink smoothies for short periods during the day. She is fully cognitive with a memory that would put most of us to shame. She can walk a short distance with assistance but she is physically very weak. This is Olivia's reality and it is lived out in the clinical surroundings of a medical facility while her two small children play at her bedside. I think everyone here, and beyond here, will feel the intense sorrow of that image. The team at Cavan intensive care unit, for whom the family has nothing but praise, says that Olivia should be at home with 24-hour nursing care for her needs. However, Olivia cannot go home to her family because the HSE has refused to fund a home care package. Olivia applied for the intensive home care grant following her discharge, but this was turned down on 3 May last due to funding. To add to her sense of despair, she was informed on 14 June that her application for the older person's home care grant was also rejected. These rejections have taken their toll.

I raise this issue with the Taoiseach as a last resort for this family. Olivia celebrated her last birthday, her tenth wedding anniversary and both of her children's birthdays in Cavan intensive care unit. She wants to go home to her family. This is a human and instinctive need that everyone will understand. We all need to be in the company of our loved ones and to feel the comfort of familiar surroundings, particularly if we are sick or vulnerable. In its 2018 pre-budget submission published today, Family Carers Ireland states that for too long home care has been underfunded, inconsistent and inequitable. We are spending €11 million less on home care than we did in 2008. At the beginning of May 4,500 people were waiting for home care packages. Vulnerable citizens must be provided with long-term care in their homes when needed. Olivia is just one of those citizens. Will the Government give Olivia the dignity of being able to return home to her family by funding the home care package she so desperately needs?

The Taoiseach: The Deputy will appreciate that I do not have specific details on individual cases to hand. There are no patient files on my desk, and even if there were, it would be inap-

appropriate to discuss patient information in this House. I know from my previous work as a medical doctor the difficulty and enormous barriers there can be to providing 24-7 nursing care with ventilation at home. It is difficult to provide and is not as straightforward as a normal home care or intensive home care package.

With regard to the general issue, the number of delayed discharges, where people are in hospitals waiting on home care packages to go home, has fallen considerably in recent years. It peaked at approximately 830 in 2014 and has now fallen to 537. There is still a long way to go but we are in a much better position with regard to delayed discharges generally than we were two years ago. The budget for home care packages and home help has been increased this year to €367 million. That is providing 10.5 million home help hours and 16,750 home care packages this year, an increase from 15,000 last year. Some 1,750 more people will get home care packages this year than did last year. In addition, funding has been retained for 190 intensive home care packages, which is a considerable number.

As regards individual cases, I cannot say why that individual was not approved for an intensive home care package or one of the additional home care packages that are now being funded, but I will ask the Minister for Health to follow up on the matter with the Deputy.

Deputy Mary Lou McDonald: I can tell the Taoiseach why Olivia is still in one of only three intensive care unit beds in Cavan General Hospital. She is there unnecessarily and is aware of that. She is very distressed by it. The reason she is there is that the HSE, despite the medical advice and view that she ought to go home, refuses to fund the home care package.

I beg to differ with the Taoiseach. It is incredibly appropriate that he would address himself to Olivia and her family, and do so beyond statistics and figures. This is a young mother who is very sick. She has a six year old and a seven year old and for the past seven months they have been in and out of hospital, playing at her bedside. She wants to, and can, go home. The single barrier between her and her home and family is the HSE and its failure to fund the requisite care. I ask the Taoiseach, as the head of the Government and as a person, to give a commitment today that he will ensure the HSE will release the funds required in order that Olivia can go home. She is a sick woman who has asked me, as a matter of last resort, to ask the Taoiseach to intervene and ensure the right thing is done.

The Taoiseach: I will certainly have the case looked into and I will discuss it with the Minister for Health and ask that full consideration is given to it. However, what I will not do in the House - it would not be the right thing to do even if I had the authority to do so - is direct that the Health Service Executive do anything in any individual case. That is not how decisions should be made. It is important that decisions are made by the professionals and that where resources have to be allocated, they are allocated in that way. I do not think that because a case is raised in the Dáil, it should cause a particular decision to be ordered or made.

Deputy Mary Lou McDonald: That is not the reason. The woman in question has been in an intensive care for seven months.

The Taoiseach: As I say, from my experience as a medical doctor, providing 24-7 care in the home requiring ventilation at the level of the type of care provided in an ICU is very difficult and can be very challenging to provide, even if funding is available. I will certainly endeavour to have the Minister for Health follow up on the case. I mention again that there has been a significant increase in funding for home care packages this year, with the number of packages

increasing from 15,000 to 16,750.

Deputy Michael Lowry: Yesterday, I dropped into my local mart in mid-Tipperary where I met farmers, a number of whom asked me directly how interested the new Taoiseach was in agricultural matters and how aware he was of the problems in agriculture. I assured them that the Taoiseach has a clear understanding of the significance and importance of agriculture and food to the economy, the value of our exports and the importance of these exports to sustaining and maintaining jobs. I informed them that I would have an opportunity to put their questions directly to the Taoiseach today. Conscious that the British Government has stated the United Kingdom will leave the Single Market and customs union and given that Brexit is the most significant threat facing our critically important farming and food sector, they wanted to know what the Government is doing to keep these issues at the top of the European Union's Brexit agenda in order that we can maintain access to the UK market and retain the value of that market? Farmers would also like to know what the Government is doing to ensure the budget for the Common Agriculture Policy increases following the UK's departure from the EU. Such an increase will be necessary to improve farm incomes and deliver a strong, sustainable and competitive agriculture for the benefit of farmers and consumers.

On the proposed aid scheme to support tillage farmers who incurred significant weather related losses in the 2016 harvest, will the Government commit to providing for the maximum of €15,000 permitted under the European Union's state aid rules?

The Irish Farmers' Association in Tipperary has highlighted the anomalies, unfairness and, in some cases, injustice in the farm inspection regime. These inspections have led to punitive penalties causing considerable stress and financial loss to many farmers. What measures will the Government take to remove the unacceptable strain on farm families associated with these inspections? Will the Government introduce an appeals process independent of the Department of Agriculture, Food and the Marine and with an independent chairman?

The Taoiseach: I assure the Deputy's constituents that I am very much aware of the importance of agriculture and the agrifood industry to the economy in terms of the number of jobs supported, its particular importance to the rural economy and the substantial revenue brought into the country as a result of agricultural exports. The Government is very much behind the industry in every way it can be.

Regarding Brexit, it is one of our absolute priorities that we maintain free trade in goods and services between Britain and Ireland, ideally through Britain and the UK staying in the customs union and the Single Market - in light of the election that may even be a possibility again - or, if not, negotiating a free trade agreement that continues to allow for free trade in agricultural and food products after Britain leaves the European Union. It is something with which we are very engaged. Just yesterday, the Tánaiste met Mr. Michel Barnier and again impressed on him our strong view that we need to retain the closest possible trading relationship between the EU and the United Kingdom. I had phone calls with the Scottish First Minister and the Welsh First Minister, who both articulated to me their view - the view of Scotland and the view of Wales - that, even if Britain does leave the European Union, they should stay in the Single Market and should stay in the customs union. They endeavoured to push that view in Westminster and in London that Britain should stay in the customs union and Single Market. I endeavoured at European level to keep the door open to Britain to stay in the customs union and Single Market. Should it be willing to do so, we will keep that door open. In the absence of that, if Britain insists on leaving the customs union and the Single Market, we will advocate

very strongly for a free trade agreement between the EU and the UK that maintains free trade in agricultural products and food products, thus minimising the impact on our farmers and on our food industry.

In terms of tillage, I had a discussion this morning with the Minister for Agriculture, Food and the Marine on this matter. I am very aware that the harvest in 2016 was very poor for our tillage farmers. As a result of that, the Government has decided to set aside €1.5 million, which will be a compensation scheme to be put in place for tillage farmers badly affected by the poor harvest in 2016. The exact detail of that scheme is yet to be worked out. The Minister, Deputy Creed, is very willing to meet the IFA and to discuss the details of that scheme with it-----

Deputy Danny Healy-Rae: These people have been waiting a long time.

The Taoiseach: -----on the basis that there should be no preconditions as to what the outcome should be. However, he is very adamant, and I support him in this, that before any meeting takes place, the occupation of his offices should end. No one should be required to negotiate while his or her workplace is under occupation. Obviously, that is taking up Garda resources and also is creating difficulty for the Civil Service staff in the Department. Should the occupation end, he is very willing to negotiate with the IFA on the detail of that scheme.

Deputy Michael Healy-Rae: Those people had to go there.

The Taoiseach: Some €1.5 million has been allocated by the Government to compensate farmers badly affected.

Deputy Michael Lowry: I appreciate the Taoiseach's response, but will he address the issue of farm inspections and having an independent appeals assessment process with an independent chairman? Farm inspections are a requirement under CAP direct payments. Will the Government give a clear commitment to apply pressure at EU level to have this matter addressed under the CAP simplification review that is under way? The inspection regime is causing a great deal of aggravation, anxiety, stress and financial hardship for many farmers throughout the country, but particularly in my county of Tipperary.

The Taoiseach: There is an appeal system in place already for applicants who consider that an inspection has not been conducted appropriately. The system involves an appeal to a senior officer within the Department, with the option to appeal further to an independent agriculture appeals office and, ultimately, the Office of the Ombudsman. As per the programme for Government commitment to do so, the Minister, Deputy Creed, and his Department are carrying out a review of the Agriculture Appeals Act 2001. That is to ensure the independence and efficiency of the office dealing with appeals from farmers. A steering committee has been established to oversee the delivery of that programme for Government commitment and the Minister will make a statement on it as soon as there is further progress.

Deputy Seamus Healy: South Tipperary General Hospital is a progressive, forward-looking and efficient hospital, but it has a major problem with a lack of bed capacity. Simply put, there are not enough beds to cope with the number of admissions. That this is a problem has been accepted by hospital management, the regional HSE management and the South/South West hospital group management.

The figures are shocking. In 2011, there were 750 patients on trolleys in the hospital. In 2016, there was a sixfold increase to 4,419. Today, at the height of the summer, there are 22

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patients on trolleys in the hospital's corridors. If that is the case today, what in God's name will it be like in the winter and autumn months? Of course, we know what it will be like. It will be chaos, as it was last winter, the winter before and the winter before that. The hospital is bursting at its seams. It is operating at 130% of its capacity overall while the medical department is operating at 150% of capacity. Everybody's preferred option for solving this problem in the medium term is a 40-bed inpatient modular, or hotel-type, unit of accommodation.

Numerous Ministers have visited the hospital in recent years. The former Minister, Senator Reilly, the Taoiseach and, in October of last year, the current Minister, Deputy Harris, have visited. When he visited, the Minister for Health said that the situation was utterly unacceptable, that a solution had to be found and that we would have a decision before the end of the year. We are, however, still awaiting that decision.

Will the Taoiseach personally take up this matter and deal with the situation at the hospital? There is absolutely no privacy for patients on trolleys in corridors. The staff of the hospital are under huge pressure. As I said, the hospital is bursting at the seams and approval for this 40-bed unit is awaited. Will the Taoiseach ensure that the provision of such a unit is approved as a matter of urgency? Will he begin the process today?

The Taoiseach: A look at this morning's trolley figures, which are provided by the HSE, shows that there were 272 patients on trolleys this morning compared to 373 on the same day last year - a reduction of approximately 100. Obviously, I appreciate that if a person is one of the 270 patients who are on trolleys - or a family member of such a patient - that figure is of no benefit because of the enormous distress and inconvenience that being on a trolley causes. I appreciate the very difficult working conditions which our staff in emergency departments have to endure, but a reduction from 373 last year to 272 this year - a reduction of more than 100 year on year - is quite significant.

I have been to South Tipperary General Hospital. It is certainly in need of very significant investment. Like many hospitals in the country there is a new section, which is very much up to standard, and an old part, which is very much not. The Department of Health is conducting a bed capacity review which will establish how many additional beds we may need across our acute hospitals. Building new hospital blocks and new hospital wings takes several years. Even just the planning, tendering and construction could take three to four years before any new blocks could come on train. In addition to that, the Department of Health is working on proposals to provide temporary accommodation in a number of hospitals, the like of which the Deputy has mentioned. It is of course just not good enough to provide temporary accommodation, it must be possible to staff it as well. This time last year, we encountered difficulty in staffing all our beds. That proposal is now being worked up by the Minister for Health and we will see if it is possible to put it in place later this year.

I will make a point on the figures from the Irish Nurses and Midwives Organisation in respect of patients on trolleys in the first half of this year. Those figures were very interesting. They show an overall increase across the country, but huge variations from hospital to hospital. Beaumont Hospital and Connolly Hospital had the lowest number of patients on trolleys since records began and St. Vincent's University Hospital had the second lowest. This is despite two of those three hospitals getting no additional beds whatsoever, whereas some hospitals which got additional beds actually disimproved considerably. That demonstrates to us that providing more staff and more beds on its own does not work. As politicians and as people who make decisions on behalf of the public, we should all acknowledge this. Good clinical leadership is just

as important if not more important. We need all of those things because constantly putting more resources, staff and capacity into a system which is not led or managed well will not be enough.

Deputy Seamus Healy: The Taoiseach's reply is absolutely disappointing and unacceptable. As the Taoiseach, the HSE, the management of the hospital and the management of the south-south west hospital group well know, the situation in South Tipperary General Hospital is absolutely atrocious. Everyone accepts the hospital's lack of bed capacity. This may be the fifth year that various Ministers and Ministers of State gave promised additional beds at the hospital. It is time to bite the bullet. The patients attending South Tipperary General Hospital are entitled to good quality hospital services but they are not getting them.

I understand that a senior medical professional from the South/South West hospital group carried out a forensic analysis of the hospital's bed capacity and has accepted that 35 to 40 additional acute beds are urgently needed at the hospital. I believe the report has gone to the HSE and that senior management of the HSE is now sitting on it, so to speak. Will the Taoiseach ensure the report is acted upon and made public. Approval should be given for beds at South Tipperary General Hospital, not at the Mater Hospital or anywhere else nationally but at South Tipperary General Hospital where there is an agreed and accepted necessity for additional beds.

The Taoiseach: When there are additional beds, one of the most important things to do is to staff them. We are hiring more staff. Some 700 additional nurses will be hired this year alone, allowing us to open beds that may have been closed temporarily and also to facilitate patients being discharged more quickly, thus allowing beds to be used by more patients and to have faster turnover of beds.

The national bed capacity review is not completed yet and we need to complete it. I do not believe a bed capacity review can be done in isolation. As hospitals have overlapping catchment areas, it needs to be done on a national basis. However, I am told it is very far advanced.

I mentioned earlier that providing new blocks or new hospital wings can take a number of years. For example, a new one has just been opened in Galway, providing 75 more beds. A new emergency department in a new block in Limerick has been opened in recent months. A new emergency department and an acute floor have opened in Kilkenny in recent months. All these things took many years to plan and build. Even if we approved additional hospital blocks now, it would take a number of years to build.

Deputy Seamus Healy: We are not asking for a block. We are asking for temporary accommodation, which is accepted by everyone.

An Leas-Cheann Comhairle: The Taoiseach has exceeded his time.

The Taoiseach: Temporary accommodation can provide capacity quickly at under pressure hospitals. That is being actively considered by the HSE and the Minister at the moment, but it needs to be worked through.

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Order of Business

Deputy Seán Canney: Today's business shall be No. *a*10, motion re the tenth report of the Committee of Selection and appointment of Chairs; No. 15, statements on Srebrenica; and No. 16, Mediation Bill 2017 - Order for Report, Report and Final Stages. Private Members' business shall be No. 37, Waste Reduction Bill 2017 - Second Stage, selected by the Labour Party.

Wednesday's business shall be No. 2, Ministers and Secretaries (Amendment) Bill 2017 - all Stages; No. *b*10, motion re defence; No. 16, Mediation Bill 2017 - Report Stage (resumed) and Final Stage, if not previously concluded; and No. 17, Financial Services and Pensions Ombudsman Bill 2017 - Order for Report, Report and Final Stages. Private Members' Business shall be No. 38, Mortgage Arrears Resolutions (Family Home) Bill 2017 - Second Stage, selected by Fianna Fáil.

Thursday's business shall be No. 18, summer economic statement; No. *c*10, motion re 11th report of the Committee of Selection; No. 3, Planning and Development (Amendment) (No. 2) Bill 2017 - all Stages; No. 22, Asian Infrastructure Investment Bank Bill 2017 - Order for Report, Report and Final Stages; No. 19, National Shared Services Office Bill 2016 - Order for Report, Report and Final Stages; No. 1, Adoption (Amendment) Bill 2016 - amendments from the Seanad; and No. 10, motion re framework agreement between the EU and Republic of the Philippines, back from committee.

Friday's business shall be No. 39, Mental Health (Amendment) Bill 2017 - Order for Report, Report and Final Stages; No. 19*a*, Independent Reporting Commission Bill 2017 - Committee and Remaining Stages; No. 4, the Social Welfare, Pensions and Civil Registration Bill 2017 - Order for Second Stage and Second Stage; and No. 5, Legal Metrology (Measuring Instruments) Bill 2017 - Order for Second Stage and Second Stage.

In relation to today's business, it is proposed that (1) the Dáil shall sit later than 10 p.m. and shall adjourn on the conclusion of Private Members' time; (2) the motion re the Tenth Report of Committee of Selection and Appointment of Chairs shall be taken without debate; (3) the statements on Srebrenica shall be brought to a conclusion after 40 minutes, if not previously concluded, and shall be confined to a single round from a Minister or Minister of State and the main spokespersons, or a Member nominated in their stead, which shall not exceed five minutes each and all Members may share time; and (4) the proceedings on Second Stage of the Waste Reduction Bill 2017 shall commence not later than 8.40 p.m. and shall conclude within two hours.

In relation to Wednesday's business, it is proposed that (1) the Dáil shall sit at 10 a.m. and sit later than 10.15 p.m. and will adjourn not later than 11 p.m.; (2) any division demanded on the proceedings of Second Stage of the Ministers and Secretaries (Amendment) Bill 2017 will be taken immediately; (3) the proceedings on the motion re defence shall be brought to a conclusion after 40 minutes, if not previously concluded, and shall be confined to a single round from a Minister or Minister of State and the main spokespersons, or a Member nominated in their stead which shall not exceed five minutes each, and all Members may share time; and (4) the proceedings on Second Stage of the Mortgage Arrears Resolutions (Family Home) Bill 2017 shall conclude within two hours.

In relation to Thursday's business, it is proposed that (1) the Dáil shall sit at 10 a.m. and sit later than 7.48 p.m. and will adjourn on the conclusion of Topical Issues; (2) the summer

economic statements shall be brought to a conclusion after three hours, if not previously concluded and the statements of a Minister or Minister of State and the main spokespersons, or a Member nominated in their stead, shall not exceed ten minutes each, there shall be a second round of 30 minutes in total for Members of the Government, Fianna Fáil and Sinn Féin parties to be divided proportionally on a 40:40:20 basis, respectively, all other Members shall have five minutes with a ten minute response from a Minister or Minister of State, all Members may share time, and if the statements conclude before 1 p.m., then the Dáil shall suspend until 1 p.m.; (3) Leaders' Questions shall take place at 1 p.m.; (4) the weekly divisions shall take place at 1.47 p.m.; (5) any division demanded on the proceedings of Second Stage of the Planning and Development (Amendment) (No. 2) Bill 2017 will be taken immediately; (6) the motion re the Eleventh Report of the Committee of Selection and Motion re Framework Agreement with EU and Republic of the Philippines, back from committee, shall be taken without debate, and the motion re Framework Agreement with EU and Republic of the Philippines, back from committee, shall be taken immediately before Oral Questions and any division demanded thereon shall be taken immediately; (7) the Dáil shall suspend on the conclusion of the voting block for 30 minutes; (8) any division demanded on the Adoption (Amendment) Bill 2016 shall be taken immediately; (9) notwithstanding Standing Order 140(2), neither a Private Members' Bill nor a committee report shall be taken; and (10) questions to the Minister for Housing, Planning, Community and Local Government shall be taken on the conclusion of Government business, or at 8.42 p.m., whichever is the earlier.

In relation to Friday's business, it is proposed that (1) the Dáil shall sit at 10 a.m. to take the business outlined above and shall adjourn not later than 6 p.m. and the Dáil, on its rising, shall adjourn until 2 p.m. on Wednesday 20 September 2017; (2) the Order for Report, Report and Final Stages of the Mental Health (Amendment) Bill 2017 shall be taken in Government time; (3) the Order of the Dáil of 6 July 2017 that the Independent Reporting Commission Bill 2017 be referred to the Select Committee on Justice and Equality be discharged and Committee and Remaining Stages shall be taken on Friday; (4) any division demanded on the Order for Second Stage of the Social Welfare, Pensions and Civil Registration Bill 2017 or the Legal Metrology (Measuring Instruments) Bill 2017 shall be taken immediately; and (5) the Social Welfare, Pensions and Civil Registration Bill 2017 shall adjourn after the opening round of speeches on Second Stage which shall conclude after two hours and 40 minutes, if not previously concluded.

An Leas-Cheann Comhairle: There are four proposals to be put to the House. Is the proposal for dealing with Tuesday's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to?

Deputy Brendan Howlin: In respect of the defence motion that is scheduled for tomorrow, we have not had sight of it yet. Obviously there was some discussion of the change from operation Pontus to operation Sophia. We would need to see the detail. It is not good policy to have a very significant decision being made without the Opposition parties having more than a matter of hours' sight of it. If it has not already happened, when will the motion be circulated? Is it necessary to proceed with this tomorrow? It is very bad practice for a decision of this importance to be rushed in this fashion.

Deputy Aengus Ó Snodaigh: This is a procedural motion to allow for 40 minutes to discuss a defence motion which, as Deputy Howlin said, has not been produced yet. We have heard in the media that it was before Cabinet. That is not good enough. The implications of this motion, if it is to come before the House, are huge. I am not going to go into the specifics of it because we are now discussing the procedural motion. We in this House are supposed to

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have a triple lock. We cannot take a decision of such huge significance, which undermines our neutrality and changes our policy, in 40 minutes.

An Leas-Cheann Comhairle: The Taoiseach to respond.

Deputy Aengus Ó Snodaigh: There has been no pre-legislative scrutiny or discussion in committee. This is a fundamental change and we have to object.

Deputy Lisa Chambers: Hear, hear.

An Leas-Cheann Comhairle: In respect of the procedural motion to the effect that the defence motion be brought to a conclusion after 40 minutes, the defence motion has not been circulated yet. I call on the Taoiseach to respond.

Deputy Brendan Howlin: Why the rush?

The Taoiseach: It can certainly be circulated today. It will be a very short motion so people will have plenty of time to read and consider it. On the advice and recommendation of the Defence Forces, the Government just this morning approved Defence Forces participation in operation Sophia. It is a UN mandated EU naval operation in the southern central Mediterranean. The decision on participation is subject to the triple lock. It requires a UN mandate, which is in place, and a Government decision, which was made this morning. The only thing delaying our Defence Forces and our Navy from taking part in operation Sophia is that we require a resolution of the Dáil.

Deputy Aengus Ó Snodaigh: We are not delaying anything. This House is not a delay.

The Taoiseach: Of course, we want this resolution of the Dáil to go through before the recess.

Deputy Brendan Howlin: If the triple lock is to mean anything, we have to have time to see the motion.

The Taoiseach: We are happy to produce the motion today. It will be a very short motion, maybe only one page. People will have time to consider it and have the debate tomorrow. If more time is required for the debate, that is certainly not a difficulty.

An Leas-Cheann Comhairle: The Taoiseach confirms that the motion will be circulated shortly and that if more time is necessary, the Business Committee-----

Deputy Brendan Howlin: Can we return to this issue tomorrow morning when we have had a chance to look at the motion? Then we can see what kind of timeframe is required.

Deputy Micheál Martin: I do not think we can say that the Dáil is delaying an issue. If anything, the delay has been on the Government's side. We are willing to facilitate this.

An Leas-Cheann Comhairle: In the meantime, the Taoiseach has given a commitment that the motion will be circulated shortly. There could be an extension of time, which would be a matter for the Business Committee.

Deputy Brendan Howlin: Let us park the issue until tomorrow morning.

An Leas-Cheann Comhairle: The Deputy may bring it back tomorrow morning but, in the

meantime, is Wednesday's business agreed to? Agreed. Is the proposal in respect of Thursday's business agreed to? Not agreed.

Deputy Seán Crowe: There are two items. In respect of No. 3, the Planning and Development (Amendment) (No. 2) Bill, it is proposed to do all Stages in one day. That is bad practice. We are talking about a planning Bill.

An Leas-Cheann Comhairle: No. 3 on Thursday is Leaders' Questions.

Deputy Seán Crowe: I am highlighting the proposal in respect of the Planning and Development (Amendment) (No. 2) Bill, to do all Stages in one day. No. 10 is the EU-Philippines framework agreement. Again we want to oppose this motion for the Dáil to consider the framework without debate on Thursday afternoon. I heard the Taoiseach say that it is going to foreign affairs-----

An Leas-Cheann Comhairle: We have heard the Deputy's two points. Deputy Mick Barry is indicating to speak on the same issue.

Deputy Mick Barry: The proposal for Thursday is to take a motion regarding the EU-Philippines framework agreement without debate. As all Deputies in the House will know, there are major human rights issues coming out of the Philippines. There has been a dramatic escalation in-----

An Leas-Cheann Comhairle: We are not going to have a Second Stage debate.

Deputy Mick Barry: We are not. The idea that this would be taken without debate-----

An Leas-Cheann Comhairle: The proposal-----

Deputy Mick Barry: There needs to be space for a debate. If there is no space for a debate on it this week, it needs to be left until the autumn. It cannot be ratified without debate.

An Leas-Cheann Comhairle: There are two questions. It is proposed to take any divisions demanded on the Planning and Development (Amendment) (No. 2) Bill 2017 immediately. The other proposal relates to the framework agreement.

The Taoiseach: I will ask the Minister, Deputy Eoghan Murphy, to speak about the Planning and Development (Amendment) (No. 2) Bill 2017. The EU-Philippines agreement is being considered by the Select Committee on Foreign Affairs and Trade, and Defence at 12.15 p.m. tomorrow. There will be ample time to discuss it at the committee. The committee is free to discuss it for as many hours as it wishes.

Deputy Aengus Ó Snodaigh: On a procedural matter, we are deciding to take a motion tomorrow regarding a matter which is before a committee tomorrow.

Deputy Regina Doherty: Thursday.

Deputy Aengus Ó Snodaigh: We in this Chamber are being presumptuous about what the committee will decide. We do not know whether it will pass the motion tomorrow.

Deputy Brendan Howlin: Thursday.

Deputy Aengus Ó Snodaigh: Yes, both of them are on Thursday. We have no idea whether

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the committee will ask for a debate in this House. It should not be on the Order Paper for-----

An Leas-Cheann Comhairle: Can we revisit this on Thursday morning?

Deputy Micheál Martin: No.

An Leas-Cheann Comhairle: The Taoiseach said there would be-----

The Taoiseach: When this goes to the committee tomorrow, the committee can discuss it further.

Deputy Aengus Ó Snodaigh: It goes to the committee on Thursday.

The Taoiseach: No, the committee is tomorrow. It is coming in here on Thursday.

Deputy Aengus Ó Snodaigh: The committee and the Dáil are dealing with it on the same day.

An Leas-Cheann Comhairle: The Business Committee can look at this. Is it agreed that the Business Committee can look at this, or after the-----

Deputy Aengus Ó Snodaigh: I made the Business Committee aware of this when we met on Thursday. I explained-----

An Leas-Cheann Comhairle: The Business Committee is represented by all-----

Deputy Aengus Ó Snodaigh: I disagreed with the business that was being proposed because it had not passed the committee and was not likely to.

Deputy Mary Lou McDonald: This is a shambles.

Deputy Mattie McGrath: The Business Committee discussed it and agreed it.

An Leas-Cheann Comhairle: Is Thursday's business agreed?

Deputy Aengus Ó Snodaigh: It is not agreed.

Deputy Mattie McGrath: It is agreed.

An Leas-Cheann Comhairle: With regard to Thursday's business, issues have been raised about the Planning and Development (Amendment) (No. 2) Bill 2017 and the framework agreement.

Deputy Barry Cowen: We have not yet heard from the Minister, Deputy Eoghan Murphy, on the Planning and Development (Amendment) (No. 2) Bill 2017.

Minister for Housing, Planning, Community and Local Government (Deputy Eoghan Murphy): The Planning and Development (Amendment) (No. 2) Bill 2017 is a very short Bill, with two sections speaking to one issue. It was actually part of a previous Bill that was debated on Committee Stage. It provides for the extension of planning permission in cases in which people who are building at the moment might not be able to get a second extension to continue building their homes over the summer. If we do not take this particular provision out of the Planning and Development (Amendment) Bill 2016 and pass it in this way, and instead wait until the autumn for that Bill, which is currently on Report Stage, to be continued and finalised,

there is a risk that people will have to stop building over the summer months.

Deputy Mattie McGrath: They have stopped building.

Deputy Eoghan Murphy: This matter has already been debated and considered at length at committee. This is a very short Bill. It speaks to one particular issue, which is the second extension of planning permissions.

Deputy Eamon Ryan: On that very issue, has the Government selectively taken certain sections or amendments and put them forward, but not others? There are real questions from the Opposition side about what is going on here. Are there specific developments that the Government wants to support and see built?

Deputy Michael Healy-Rae: What is wrong with development?

Deputy Eamon Ryan: We need that level of detail before we delve into this business. The way this Bill is being introduced is highly unusual.

An Leas-Cheann Comhairle: We have to move on.

Deputy Eoin Ó Broin: For the record, the specific-----

An Leas-Cheann Comhairle: Deputy Ellis has spoken on behalf of the Deputy's party.

Deputy Eoin Ó Broin: -----provisions of the Planning and Development (Amendment) (No. 2) Bill 2017 have not been discussed by the committee. The general issue was raised. We have no difficulty with the intention behind the Bill. The problem is that we do not have enough time to scrutinise the legislation properly to ensure that there are no unintended consequences and that it cannot be abused. It is not appropriate to try to railroad this legislation through all Stages in a few hours.

Deputy Micheál Martin: I might have to unleash the nuclear weapon.

Deputy Joe McHugh: A Leas-Cheann Comhairle, this was agreed by the Business Committee last Thursday.

An Leas-Cheann Comhairle: Many items are agreed by the Business Committee. It has been agreed by the Business Committee. There are two issues-----

Deputy Micheál Martin: Deputy Cowen wants to come in on the planning and development Bill.

Deputy Barry Cowen: We support what is being proposed in the Planning and Development (Amendment) (No. 2) Bill 2017. We would have preferred a more extensive Bill to deal with many other items that have been discussed previously by the committee with a view to the introduction of more extensive legislation to help this sector to improve its ability to respond to the housing crisis. Having said that, I have already acknowledged that the delay in the way the Planning and Development (Amendment) Bill 2016 has been fashioned has been an error on the part of the Government. We respect the intention to bring forward this aspect of the Bill immediately in order to have it approved by the Dáil and the Oireachtas, thereby allowing developments to continue at pace.

An Leas-Cheann Comhairle: I respectfully suggest that we agree-----

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Deputy Eoin Ó Broin: Not agreed.

An Leas-Cheann Comhairle: -----Thursday's business subject to the Business Committee revisiting matters in the context of the Planning and Development (Amendment) (No. 2) Bill 2017 and the framework agreement. If Members do not agree, I must put the question.

3 o'clock

Question put:

<i>The Dáil divided: Tá, 81; Níl, 39; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Aylward, Bobby.</i>	<i>Adams, Gerry.</i>	
<i>Bailey, Maria.</i>	<i>Barry, Mick.</i>	
<i>Brassil, John.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Breathnach, Declan.</i>	<i>Brady, John.</i>	
<i>Brophy, Colm.</i>	<i>Broughan, Thomas P.</i>	
<i>Browne, James.</i>	<i>Buckley, Pat.</i>	
<i>Bruton, Richard.</i>	<i>Burton, Joan.</i>	
<i>Burke, Peter.</i>	<i>Collins, Joan.</i>	
<i>Butler, Mary.</i>	<i>Connolly, Catherine.</i>	
<i>Byrne, Catherine.</i>	<i>Coppinger, Ruth.</i>	
<i>Byrne, Thomas.</i>	<i>Crowe, Seán.</i>	
<i>Cahill, Jackie.</i>	<i>Daly, Clare.</i>	
<i>Calleary, Dara.</i>	<i>Ellis, Dessie.</i>	
<i>Canney, Seán.</i>	<i>Ferris, Martin.</i>	
<i>Carey, Joe.</i>	<i>Funchion, Kathleen.</i>	
<i>Casey, Pat.</i>	<i>Healy, Seamus.</i>	
<i>Cassells, Shane.</i>	<i>Howlin, Brendan.</i>	
<i>Chambers, Lisa.</i>	<i>Kenny, Gino.</i>	
<i>Collins, Niall.</i>	<i>Kenny, Martin.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>McDonald, Mary Lou.</i>	
<i>Cowen, Barry.</i>	<i>Martin, Catherine.</i>	
<i>Curran, John.</i>	<i>Mitchell, Denise.</i>	
<i>Daly, Jim.</i>	<i>Munster, Imelda.</i>	
<i>Deering, Pat.</i>	<i>Murphy, Catherine.</i>	
<i>Doherty, Regina.</i>	<i>Nolan, Carol.</i>	
<i>Donnelly, Stephen S.</i>	<i>Ó Broin, Eoin.</i>	
<i>Dooley, Timmy.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Doyle, Andrew.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Durkan, Bernard J.</i>	<i>Ó Snodaigh, Aengus.</i>	
<i>English, Damien.</i>	<i>O'Reilly, Louise.</i>	
<i>Farrell, Alan.</i>	<i>O'Sullivan, Jan.</i>	
<i>Fitzgerald, Frances.</i>	<i>Penrose, Willie.</i>	

Dáil Éireann

<i>Fitzmaurice, Michael.</i>	<i>Quinlivan, Maurice.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Ryan, Brendan.</i>	
<i>Harris, Simon.</i>	<i>Ryan, Eamon.</i>	
<i>Harty, Michael.</i>	<i>Smith, Bríd.</i>	
<i>Haughey, Seán.</i>	<i>Stanley, Brian.</i>	
<i>Healy-Rae, Danny.</i>	<i>Tóibín, Peadar.</i>	
<i>Healy-Rae, Michael.</i>	<i>Wallace, Mick.</i>	
<i>Heydon, Martin.</i>		
<i>Humphreys, Heather.</i>		
<i>Kehoe, Paul.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>MacSharry, Marc.</i>		
<i>McConalogue, Charlie.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Mattie.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		
<i>Madigan, Josepha.</i>		
<i>Martin, Micheál.</i>		
<i>Moran, Kevin Boxer.</i>		
<i>Moynihan, Aindrias.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Murphy, Eugene.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>Neville, Tom.</i>		
<i>Noonan, Michael.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>O'Brien, Darragh.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dowd, Fergus.</i>		
<i>O'Keefe, Kevin.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		

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<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Smyth, Niamh.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		

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

Question declared carried.

Education (Inspection of Individual Education Plans for Children with Special Needs) Bill 2017: First Stage

Deputy Carol Nolan: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Education Act 1998 to grant additional functions to the Inspectorate to examine and report to the Minister on the prevalence and standard of individual educational plans for children with special educational needs on an annual basis; and to provide for related matters.

This Bill seeks to extend the powers of the Department of Education and Skills' inspectorate to examine and report on the prevalence and quality of individual educational plans for children with special educational needs. As we know, the Education for Persons with Special Educational Needs, EPSEN, Act was enacted by this House in 2004 but it has never been implemented. One of the provisions of the Act is that every child with special educational needs should have an individual education plan. The purpose of this is to ensure that adequate supports are provided and that measures put in place to help the educational outcome and attainments of the child. This provision of the Act has not commenced and there is currently no statutory obligation on schools to put in place these plans for children with special educational needs.

I have questioned the Minister for Education and Skills on this matter and on the broader issue of the implementation of the EPSEN Act. He has informed me that his Department has received legal advice that the Bill cannot be enacted piecemeal or on an age basis. This legal advice has not been published and the Minister has not really provided a logical explanation for the failure to implement the EPSEN Act 13 years after its enactment. He has stated that it would cost €235 million to implement and that the programme for Government commits to implementing it on a policy basis. There has been little progress to date on this commitment, which is a very important one.

My understanding is that a working group has been established to examine the best way to proceed on the implementation of the Act. I fear this is yet another unnecessary talking shop and a stalling tactic to delay the full implementation of this Act 13 years after its publication. We do not need a working group. The Act is very clear as to what needs to be done. What we need is resources to fulfil that vision of providing every child with an equal opportunity to benefit from education. We hear a lot of talk about inclusive education but we need to put our words into action. In my view, the provision of an individual education plan for a child with special educational needs is a straightforward, relatively low-cost measure that will have a significant and positive impact on the lives of these children.

Schools and teachers are very familiar with the process of planning and there is some evidence that schools are providing these individual plans in some cases but they are not mandatory. The problem is that we do not know how many schools are providing these plans or to what standard they are devised. This Bill seeks to extend the functions of the Department's inspectorate to include the inspection of individual education plans for children with special educational needs. It also proposes that the inspectorate will provide data in its annual report on the number of schools engaged in planning and on the standards. My preference would be that the EPSEN Act be implemented in full. If that cannot be done, however, the Government needs to show that it is serious about implementing the policy objectives contemplated by the Act and about giving all children, particularly those with special educational needs, the opportunity to benefit from a high-quality education.

With this Bill, we are seeking to take a small step forward by facilitating the gathering of information in respect of the level of planning for children with special educational needs. This will give us a picture of the current situation and we can then take action to ensure that such planning becomes standard in schools and is carried out to a very high level.

I commend the Bill to the House.

An Leas-Cheann Comhairle: Is the Bill being opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

Small Unmanned Aircraft (Drones) Bill 2017: First Stage

Deputy James Lawless: I move:

That leave be given to introduce a Bill entitled an Act to provide for the regulation of small unmanned aircraft known as drones and for related matters.

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There are multiple motivations behind this Bill. As Fianna Fáil's spokesperson on technology, I try to stay on top of emerging trends in the industry and sector that may require support or a greater statutory framework. The value of the drones industry has seen exponential growth of late. It is estimated to grow to a worldwide figure of approximately \$127 billion by 2020. Growth in Ireland is as significant as anywhere else in the world. Like any new technology, it offers great opportunities and poses great challenges. Drones are used in search-and-rescue operations, the transportation of medicines to remote areas, environmental surveying, thermal imaging, geological and agricultural surveying, photography and video. Their uses are as plentiful as one can imagine. As part of the automation of industry it is now possible to carry out jobs that were once time and labour-intensive with drones. Where once it might have taken several hundred men to survey a plot or quarry or to conduct a search and rescue operation those jobs can now be done by a drone with thermal imaging in a matter of hours, at a fraction of the cost and manpower.

In Ireland, Intel recently acquired Movidius, which manufactures hardware which has applications in drone cameras. Huge global companies are at play in this market. Within the National University of Ireland Maynooth, there is a drone technology incubation hub. There has been rapid growth in the commercial and hobbyist areas in Ireland, with multiple flight schools instructing people in the use of drones and drone piloting. There is an emerging industry among people who operate on behalf of State agencies, Departments and commercial enterprises. They are well qualified to conduct surveys. The hobbyist sector is also on the rise. In light of their increasing affordability, these devices now appear everywhere - from children's Santa lists to Smyths Toys on every main street. They have become a very accessible albeit sophisticated toy.

All of this is to be welcomed. There is, however, also a need to survey the industry and the existing regulatory framework to ensure that any gaps are filled and that appropriate support and regulation are provided. The Bill seeks to introduce a licensing regime. While there is already a licensing regime of sorts in place with the Irish Aviation Authority, or IAA, the Bill seeks to place matters on a statutory footing while balancing the needs of small hobbyist users with those of heavy duty commercial users. The Bill seeks to provide that the categorisation of users will be a matter for the IAA as the lead authority in this area. Licensing requirements could be as simple as educational information provided by way of a leaflet in the box when one buys a drone or as complex as a multi-week training programme at one of the flight schools around the country on a needs basis. Again, the IAA would be the lead authority to make these calls.

The issue of insurance arises as the possibility of collision with property or persons is always a live one. Criminality is also an issue as drones unfortunately lend themselves to criminal activities of surveillance and digital capture. Emerging data protection and privacy concerns also arise. As we are all aware from a debate in the House last week, the commencement date for the general data protection regulation is fast approaching. It is important that Ireland's legislation is ahead of the curve in this regard. The intention behind the Bill is to strengthen the regulatory framework, placing relevant measures on a statutory footing and recognising the industry and its practices.

There are also measures in the Bill to support research and development in the sector and to identify certain areas which would be suitable for testing. It also seeks to attract investment by way of FDI or from existing companies and global giants. Ireland is unique in its landscape and climate. We have mountains, coasts, railway lines and power cables, all of which factors are used by drone manufacturers for testing. We have them all within single counties in many

cases. The Bill is intended to support the industry and recreational users in granting access to local authority parks and other designated areas. It is both to support and to regulate, recognising that this is a growing sector which needs attention from the Government and the Oireachtas. I would welcome any proposals to amend and improve the Bill as it passes through the Houses. This is the first step on what I hope will be a journey through the different Stages and I am very open to comment and feedback as we go on.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Health (Deputy Simon Harris): No.

Question put and agreed to.

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

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

Question put and agreed to.

Housing (Homeless Families) Bill 2017: First Stage

Deputy Jan O'Sullivan: I move:

That leave be granted to introduce a Bill entitled an Act to make provision in relation to requests for accommodation by homeless families, for that purpose to amend the Housing Act 1988 and to provide for related matters.

On the night of 23 May 2017, 12 families with 30 children among them could not be accommodated by homeless services in Dublin and were sent to Garda stations because there was nowhere else for them to go. It has been reported that at least one of these families slept in a public park. These 30 children had no rights to protection, safety or a roof over their heads except as dependants of their parents. The rights of the child have been written into the Constitution following a referendum, but in the crucial area of homelessness, children have no individual rights and there is no statutory recognition of the needs of a homeless family as a family unit. The Bill I introduce today will change that if enacted. It will require housing authorities to regard the best interests of the child as paramount and to protect and assist families, including by providing them with safe accommodation.

According to the most recent figures, homelessness is rising month by month with 7,699 people now homeless in Ireland, of whom more than one third, or 2,777, are children. We can only imagine the fear and anxiety these children face daily not to mention losing contact with communities, friends and the familiar patterns that are so important to a child's sense of security. The focus of the Bill is the perspective of the children. Statistics published in TCD research today show that 42% of homeless adults are women, many of whom have dependent children in lone parent households. It is clear from the research that there are not enough services to cater for the needs of those families. This underlines all the more the need for specific protection for the children as well as their mothers. Homeless charities, including Focus Ireland, have told us

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it is important the law is strengthened to support families in crisis.

The Bill will also ensure there is a holistic response to the support of families in hotels and hubs, not only with a roof over their heads but with wider supports for the effective functioning of families and the development, welfare and protection of children within the family home. Currently, the Housing Acts refer to a person as homeless where there is no accommodation available which the person together with any other person who normally resides with him or her or who might reasonably be expected to reside with him or her can reasonably be expected to occupy. While such a homeless person is entitled to apply to a housing authority for accommodation or other assistance, there is no explicit recognition in our current legislative scheme of those other persons as persons in their own right with entitlements under law. Specifically, there is no statutory recognition of the need of a homeless family as a family unit. It is also the case that notwithstanding the passing of the constitutional amendment on the rights of the child, there is no statutory recognition of the constitutional rights of homeless children. The purpose of the Bill is to impose an obligation on housing authorities to recognise these persons as a family unit and to have specific regard to the best interests of the children of homeless families in crisis accommodation situations.

I seek leave to introduce the Bill which I hope will have the support of colleagues right across the House.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Health (Deputy Simon Harris): No.

Question put and agreed to.

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

Deputy Jan O'Sullivan: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Tenth Report of Standing Committee of Selection: Motion

Minister for Health (Deputy Simon Harris): I move:

That Dáil Éireann:

(a) approves the Tenth Report of the Standing Committee of Selection in accordance with Standing Order 27F, copies of which were laid before Dáil Éireann on 10th July, 2017, and discharges and appoints members to Committees accordingly; and

(b) pursuant to Standing Orders 93(2) and 108(8), appoints the following members as Chairs of Committees:-

Deputy Alan Farrell - Chair of the Committee on Children and Youth Affairs

Deputy Josepha Madigan - Chair of the Committee on Budgetary Oversight

Deputy Fergus O'Dowd - Chair of the Committee on Transport, Tourism and Sport

Deputy Maria Bailey - Chair of the Working Group of Committee Chairmen.”

Question put and agreed to.

Ceisteanna - Questions

Legislative Programme

1. **Deputy Brendan Howlin** asked the Taoiseach the legislation his Department is planning to introduce. [31184/17]

2. **Deputy Gerry Adams** asked the Taoiseach the status of Bills under preparation in his Department. [32319/17]

3. **Deputy Richard Boyd Barrett** asked the Taoiseach the legislation his Department is planning to introduce. [32517/17]

87. **Deputy Micheál Martin** asked the Taoiseach the Bills his Department is now working on. [32815/17]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, and 87 together.

My Department has responsibility for the National Economic and Social Council, or NESC, the statutory basis for which is as a body under the framework of the National Economic and Social Development Office Act 2006. As that framework is no longer necessary, the Government has agreed that it should be dissolved with NESC itself placed on a statutory footing in its own right. That work is ongoing and is the only legislation being prepared in my Department. The proposals will be brought forward in due course.

NESC's role is to analyse and report on strategic policy matters relevant to Ireland's economic, social, environmental and sustainable development. The council has a long record as the vehicle for multilateral dialogue among Government, employer, trade union and farming interests and, more recently, among community, voluntary and environmental interests as well as independent experts. Since the decision to place the council on a statutory footing was made, the policymaking landscape has continued to evolve and there are now other fora in which dialogue can take place. It is important to make sure we have the best arrangements in place for the council in order that it can continue to provide the highest quality research and advice to Government, especially as we want to reflect these in legislation.

A new NESC was appointed in May and has begun its work. The new restructured council is smaller and is adopting more flexible operating arrangements. The combination of analysis, consultation and engagement will be whatever is most appropriate for the policy issue being examined. The reconfigured council is continuing its work and the absence of specific legislation does not impede it in carrying out its mandate.

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Deputy Brendan Howlin: Having pursued the matter with the former Taoiseach, I am trying to get a view from the new Taoiseach as to the role he sees for the National Economic and Social Council into the future. As the Taoiseach knows, there was a very long gap between the termination of the term of office of the previous incumbents and the appointment of a new council. The Government's legislative programme lists the National Economic and Social Development Office (Amendment) Bill for pre-legislative scrutiny but we have yet to see the heads of that Bill. The National Economic and Social Development Office, NESDO, was established by the National Economic and Social Development Office Act 2006. The proposed Bill in the programme for Government would dissolve NESDO and place NESC on a statutory basis. What role does the Taoiseach see for NESC? Will the Government be proceeding with this? From what I heard in his reply, I presume the Government will be proceeding with legislation this year.

On a related Bill, last week I introduced the Genuine Progress Indicators and National Distributional Accounts Bill to change the way we measure social progress in this country so that we would not merely be looking at economic growth but social and environmental issues also. Does the Taoiseach see that as a role for NESC?

Deputy Mary Lou McDonald: The Government has been understandably and correctly criticised for its poor legislative programme. There are many examples of this but I want to ask the Taoiseach about one specific area. Today, SafeIreland is holding a conference entitled "Understanding Coercive Control - Domestic Violence, Domination and the Defence of Liberty". It is to be addressed by Evan Stark, an American academic. Mr. Stark has criticised the State's record for investigating and prosecuting domestic violence. He has previously pointed out that for every 100 reports of physical or sexual assault, only approximately two result in any kind of policing action. Almost nobody is receiving any significant custodial sentences. Ellen O'Malley-Dunlop, the chair of the National Women's Council of Ireland, has also called for specialist training in and an understanding of coercive and controlling behaviour to be provided to first responders and judges who deal with issues of domestic violence. Today's conference will examine some of the legislation that this State needs to implement to meet our obligations under the Istanbul Convention on preventing and combating violence against women and domestic violence and the EU directive on victims' rights.

The Istanbul Convention was formally adopted by the Council of Europe on 7 April 2011 and entered into force almost three years ago on 1 August 2014. It took the Government another year to sign it on 5 November 2015. At the time, the Government also published 18 outstanding actions necessary to ratify the convention in the multi-annual action plan. It was intended that these would be delivered in the first quarter of 2018. One of the key actions is the enactment of a consolidated domestic violence Bill. As the Taoiseach knows, the purpose of the Bill is to consolidate and update the law. We have been waiting and waiting for this legislation and I am blue in the face, as are others, from raising this issue on the floor of the Dáil. Today I would like an answer as to when we will see the Bill. When will it complete its legislative journey and be signed into law?

Deputy Richard Boyd Barrett: Another shameful statistic has emerged in the utterly shameful record of this Government on the issue of housing and homelessness. We now top the league table in Europe for the proportion of women who are homeless. The number of women as a proportion of those who are homeless is 48%, which is approximately 10% higher than the next highest in Europe. This is shameful. I have looked at the draft National Risk Assessment - Overview of Strategic Risks that the Department of the Taoiseach has produced and, frankly,

I understand why we are in this mess. This document was produced in the last couple of days. While there is a lot of commentary about how we got here and the failures of the market, in all of the prescriptions, in so far as there are any in the risk assessment, and there are very few, there is no mention of social housing: none. That is extraordinary given a collapse in the provision of social housing is the key reason we are in this mess. There is no mention of the need to increase the stock of social housing dramatically and for the State to do it when the market has so obviously failed. It is in that context that I am asking if the Taoiseach will consider, as I and others have asked before, moving legislation for a constitutional referendum on the right to housing. It needs to be established in our Constitution so that there is an obligation on the State to deliver the housing that we so urgently need to deal with the shameful situation that has emerged under Fine Gael's watch.

Deputy Micheál Martin: I thank the Taoiseach for his reply on NESC. We are in dire need of proper strategic oversight of economic and social policy, in particular the connection between both, and I hope that a new legislative status for NESC would achieve that. I want to make a general reference to whether the Department of the Taoiseach is co-ordinating legislation across Government. It seems to me that this particular Government has been very slow in producing legislation. There has been a significant lack of it, particularly in the priority areas of housing and health where a major crisis is to be seen. The waiting lists and times in health are getting worse all of the time and, as Deputy Boyd Barrett said, the homelessness question is getting progressively worse. We are at the bottom of the league table in terms of the number of women who are homeless - we are the worst - and children are in emergency accommodation.

There was an interesting article this morning in *The Irish Times* by Fintan O'Toole. I would not agree with everything he writes but he did draw an interesting contrast between the speed at which the Rugby World Cup 2023 Bill 2017 was rushed through the Dáil in two hours yet we were not in a position to prioritise other legislation. I thought we were going to go an extra week next week to consider legislation but it seems there was not enough material to keep us here. Notwithstanding some of the objections we had earlier about rushing some aspects of legislation this week, apparently there was not a whole lot of material to keep the House next week, and not until we come back on 20 September. There will be some commentary on that. The capacity of the Government to produce legislation seems to be an issue. Is there a draftsmanship issue? Have we enough draftspeople to draft legislation? On the education front, there are Bills that have been around for quite some time. The Technological Universities Bill is a classic one. We are now told it needs 80 amendments. That was nearly ready to be passed before the last general election.

Deputy Brendan Howlin: It was.

Deputy Micheál Martin: The last general election was a year and a half ago and we are being told the Bill is nowhere near ready for introduction never mind completion. There is a real need to focus on what legislative output can be achieved. I am not just talking in terms of publishing Bills-----

Acting Chairman (Deputy Declan Breathnach): If the Deputy wants the Taoiseach to respond, he will need to give him time.

Deputy Micheál Martin: -----but finishing and completing Bills.

The Taoiseach: I am sure the Deputy is aware of the purpose of the Rugby World Cup 2023

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Bill. It will allow the State to provide a certain guarantee and to underwrite the finances of the Rugby World Cup bid. I can guarantee the House that if there was simple legislation that we could rush through the Dáil to eliminate waiting lists or homelessness we would do it. However, those are not problems that can be dealt with by legislation alone. To compare the Rugby World Cup 2023 Bill with complex problems such as homelessness or waiting lists is not to make a fair comparison.

I had a look at what is going potentially to get through the Houses of the Oireachtas this week and next week. There are nine Bills, including the Planning and Development (Amendment) Bill, the Ministers and Secretaries (Amendment) Bill, the Mediation Bill, the Minerals Development Bill, the Rugby World Cup 2023 Bill, which was mentioned, the Financial Services and Pensions Ombudsman Bill, the National Shared Services Office Bill, the Adoption (Amendment) Bill and the Independent Reporting Commission Bill as well as Deputy Browne's Mental Health (Amendment) Bill. With the co-operation of the House ten Bills could be passed by the Houses of the Oireachtas by the end of next week, which would bring the total for this year so far to the high twenties. That does not reflect a Dáil that is not passing legislation. Potentially there could be 27 or 28 Bills enacted so far in 2017. The total was approximately 40 in many years in the past, but obviously if the Government had a majority it could get far more legislation through. However, it does not and the process of getting legislation through-----

Deputy Micheál Martin: That is not the issue. It is just that the Bills are not being produced.

The Taoiseach: -----is much slower than it would have been in the past.

The Domestic Violence Bill is being piloted by the Minister for Justice and Equality and it is priority legislation for the next session. We have already passed some legislation relating to domestic violence. A particularly important provision relates to temporary orders which ensure that it is the abuser who is ordered to leave the family home, thus allowing the person who is experiencing domestic violence to stay in the home. That is good legislation which is already in place.

I only had a cursory look at the Trinity College report, "Women's Homelessness in Europe", which was published this morning. What has gone largely unreported is that the report shows Ireland has one of the lowest rates of homelessness overall among EU member states. It shows that there is a gender gap, with men more likely to be homeless in Ireland than women. However, the gap between men and women in terms of the likelihood or prevalence of homelessness is narrower than in other countries. There is a big difference between male and female homelessness. The male homeless tend to be single men and often they are men who have mental health and addiction issues. Women tend to be in a different group and often have children. That is why the family hubs are being developed, to provide alternative accommodation to hotels, which nobody believes are suitable.

While the report the Deputy refers to might not discuss social housing, the Government's strategy on housing and homelessness does. The Rebuilding Ireland plan contains a commitment to increase our social housing stock by more than a third, reversing the policies of previous Governments, which were to sell our social housing stock. Instead, we intend to expand the social housing stock by more than a third in the coming years. Indeed, 1,600 social housing units are now in the process of planning and construction and only yesterday the Minister for Housing, Planning, Community and Local Government, Deputy Eoghan Murphy, was in north

Dublin handing out keys to families who have been provided with affordable accommodation. That is an example of the different things that are happening.

Deputy Richard Boyd Barrett: It is a drop in the ocean.

The Taoiseach: With regard to NESC, its role is to analyse and report to me, as Taoiseach, on strategic issues relating to the efficient development of the economy, the achievement of social justice and the development of a strategic framework for the conduct of relations and the negotiation of agreements between the Government and the social partners. The 2006 Act provides for social partnership but that context has changed significantly from what it was in 2006. The work programme on which the council is working at present relates to housing policy and the challenge of affordability, the circular economy, natural capital and the requirements and implications of an effective infrastructure policy.

Cabinet Committee Meetings

4. **Deputy Paul Murphy** asked the Taoiseach when the Cabinet committee on justice reform last met. [31193/17]

5. **Deputy Brendan Howlin** asked the Taoiseach when the Cabinet committee on justice reform last met. [32102/17]

The Taoiseach: I propose to take Questions Nos. 4 and 5 together.

The Cabinet committee on justice reform was established to provide political oversight of the delivery of commitments in the programme for a partnership Government to reform the policing, justice and legal systems and related issues.

The Cabinet committee last met on 7 March 2017.

The main focus of the Cabinet committee was the establishment of the independent Policing Authority to oversee the policing functions of An Garda Síochána and a number of related reforms, including strengthened powers for the Garda Síochána Ombudsman Commission, GSOC, and a programme of recruitment and investment in An Garda Síochána.

The Cabinet committee also oversaw the enactment of legislation to establish the Legal Services Regulatory Authority.

As I have previously indicated to the House, the Government has streamlined the Cabinet committee structures. Justice-related issues will now fall within the remit of Cabinet sub-committee B, which covers issues relating to justice, social policy and public services.

The Government is determined to ensure substantive reform of the policing and justice systems, both as a result of the work of the Commission on the Future of Policing in Ireland and in the short term through implementation of the existing Garda modernisation and renewal plan.

Deputy Brendan Howlin: I am a little concerned that one Cabinet committee would try to cover a remit that includes all justice-related issues, public service issues, presumably including public service reform which should not fall off the agenda, and social policy. The Taoiseach might reflect on that again. Policing reform is one of the most important issues facing our society. The implementation of the numerous recommendations of the Garda Inspectorate

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consumed a great deal of the time of the previous justice reform committee, of which I was a member. How does the Taoiseach envisage the implementation of the Garda Inspectorate reform proposals being accomplished and overseen? Second, I understand we will get a report in September from the Commission on the Future of Policing in Ireland on the review of policing in Ireland, which is currently under way. What implementation mechanism does the Taoiseach envisage will be put in place at Government level to ensure that its recommendations become reality, rather than having yet another report on policing that simply is not implemented?

Deputy Micheál Martin: With regard to the change or reform of Cabinet committees, there are many questions about the strategy the Taoiseach has deployed. The Taoiseach said he wanted the committees to be more focused, but he has put many issues involving wide-ranging and diverse disciplines under one committee. As a result of his changes, the national anti-poverty strategy, public sector reform, the drugs strategy and the promotion of the Irish language will be dealt with by the same Cabinet committee. That is absurd and it will be difficult to achieve a focus in that committee. In my view, abolishing a sub-committee in an area such as justice reform is wrong. Every Cabinet committee had an associated senior officials group which met separately, and that is often where most of the detailed work got done. Now, effectively, there will be no dedicated interdepartmental group on nearly all issues. Perhaps the Taoiseach will explain how he believes the previous work that was undertaken by interdepartmental groups on specific topics will be continued.

Regarding the reform of policing and the Commission on the Future of Policing in Ireland, can the Taoiseach indicate when he expects an interim report or when the Minister for Justice and Equality will be able to make a presentation? The Taoiseach must accept that morale within An Garda Síochána is low. It was not helped last week by his comments. When court cases are concluded and other court cases relating to the same incident are about to take place we must avoid comment on the issues.

Acting Chairman (Deputy Declan Breathnach): Go raibh maith agat.

Deputy Micheál Martin: It raises questions for a garda today should another event or incident happen on the street. What will his or her response be-----

Acting Chairman (Deputy Declan Breathnach): I call Deputy Boyd Barrett.

Deputy Micheál Martin: -----in terms of rushing to the defence of a person going about their business or a civilian whose freedom of movement is being curtailed? There is always a balance in these matters. I am not talking about imprisonment here but one's right to walk on the street and to go from A to B. I believe gardaí should vindicate that right-----

Acting Chairman (Deputy Declan Breathnach): I remind Deputies to abide by the time limits.

Deputy Micheál Martin: -----but it often is not vindicated in the modern era. We must be very careful about cherry-picking various aspects of a case when we have not been in the court room for the length of the trial.

Deputy Brendan Howlin: Some of us are very disciplined, Chairman.

Acting Chairman (Deputy Declan Breathnach): Deputy Martin, you are a minute and a half over time.

Deputy Micheál Martin: It undermines morale even further, whether the Taoiseach accepts it or not.

Deputy Richard Boyd Barrett: The clock applies to all of us. The Taoiseach was right to acknowledge that there was something to be investigated given the outcome of the trial of the Jobstown defendants. I welcome that he did so. This is all in the public domain. The evidence was aired. There was a flat contradiction between objective video evidence and statements made by three very senior gardaí. There were also other highly significant contradictions in evidence. When three senior gardaí make the same false statement, word for word, that is a crime if it turns out to be collusion. I hope Deputy Micheál Martin acknowledges, as the Taoiseach appears to have done, the seriousness of this matter, coming as it does on the back of the scandals about whistleblowers, 1 million false breath tests and 15,000 false convictions. I could go through a list but this is another instance of the same thing that needs to be investigated. In that context, I put it to the Taoiseach that the investigation cannot be conducted by the Garda. These are serious matters and the investigation must be done by people who will consider the evidence objectively.

Has the Taoiseach discussed the correspondence sent by the solicitor representing Cynthia Owen to the Minister for Justice and Equality? He will be aware of the terrible case involving an 11 year old girl who was raped and gave birth to a child that was subsequently murdered and who has made allegations against very senior gardaí. Ms Owen's solicitor has stated that the barrister from the independent review mechanism, the panel of barristers examining certain cases, who carried out the review of her case had previously represented one of the accused in the case. This gives rise to a serious conflict of interest. I ask the Taoiseach to examine this serious issue. Cynthia Owen is being denied the justice and investigation she is seeking in a context of a major conflict of interest on the part of the person who made the decision in her case.

Deputy Mary Lou McDonald: The Taoiseach raised some legitimate concerns around the Jobstown trial in a fair and forthright manner. Will he set out for us how this matter should be resolved? What manner of investigation or review is required to establish whether, deliberately or otherwise, there was a misrepresentation of the facts to a court of law by members of An Garda Síochána? This is an incredibly important issue and, unlike Deputy Micheál Martin, I do not believe the Taoiseach was being unfair to anyone in making certain observations. He was simply making a statement of the blindingly apparent and it is also blindingly apparent that there must be a high-level response.

On another justice related matter, the Taoiseach also answered a question about a very strange and serious allegation that the Minister for Social Protection, Deputy Regina Doherty, made a complaint to which the Garda responded by stopping an individual, since named in the press, at Dublin Airport and, it seems, asked or obliged this person to sign a statement on pain of not being allowed to catch a flight and exit the jurisdiction. The Taoiseach stated he had raised this matter with the Minister. It is very important that he makes a more substantive statement on this turn of events to set out the facts and the Minister's involvement in them.

The Taoiseach: Regarding Cabinet sub-committees, I am trying a new way of working. The previous system of Cabinet sub-committees sometimes worked well and sometimes did not work well. There were ten or 12 such sub-committees if I remember correctly, and when one included Ministers, Ministers of State and senior officials, between 30 and 40 people attended meetings on occasion. As I was not sure that system provided the necessary focus to get things done, I slimmed down the system to five sub-committees.

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Deputy Brendan Howlin: The Taoiseach expanded them.

The Taoiseach: The format in which people meet will depend on the issue. It will not be the case that everyone will be required to attend every sub-committee meeting. Some people will be required and others will be invited depending on the issues that are being dealt with. I am doing many more things bilaterally. I had a very long bilateral meeting with the Minister for Justice and Equality and his Secretary General last week and I will carry through a whole programme of bilateral meetings with Ministers through to the end of July.

More is also being done at the Cabinet table rather than at sub-committees. For example, we had two Cabinet meetings last week and we will also have two Cabinet meetings next week. More things are being done collectively by the whole Cabinet rather than having them delegated to sub-committees. This is just a different way of doing things and if it does not work out, we will review the position after six months and possibly change it. The important thing is not the structure but the outcomes. Let us see the outcomes.

Regarding Jobstown, I restate my view that I do not condone in any way the actions of the protestors in Jobstown. While no one was convicted, the scenes were ugly and violent. I was particularly struck by the moment when a vote was taken as to whether the two women should be detained all night. That was more like a scene from *Lord of the Flies* than a scene from a peaceful protest.

To respond to Deputy Micheál Martin, there is a world of difference between commenting on a trial that is over and one that is under way. As Head of Government, I believe there is legitimate concern about any failed prosecution, whether in the Jobstown case or the prosecution of Seán FitzPatrick, given the enormous amounts of taxpayers' money that go into prosecuting people and the time taken up by citizens serving on a jury and those who have to be part of the trial process in many different ways. When a prosecution fails there should, at the very least, be a review of the reasons it went wrong, and I am glad such a review is under way in both the cases to which I referred. If I had failed to call for such a review, Deputy Martin may have been the person calling for such review and asking why I was not supporting one.

Deputy Micheál Martin: That is not what the Taoiseach said. He should not be disingenuous.

The Taoiseach: I also want to state clearly that I am a big supporter of the Garda. Ireland is a very peaceful country with a very low level of crime, and part of the reason for that is that we have an unarmed, trusted and respected police force. These are not only words. Look at the actions the Government has taken. We restarted recruitment, which Fianna Fáil stopped when in government.

Deputy Brendan Howlin: The previous Government restarted recruitment.

The Taoiseach: There are now 13,500 members of the Garda and the number will increase to 15,000 as part of the current programme. We will also increase the size of the Garda Reserve and double the number of civilians in the force. That is what we are doing to improve the Garda. We also have a €300 million plan for investment in information technology, buildings and vehicles in the Garda. The Government has also accepted the Labour Court recommendation on pay which will bring average pay levels in the Garda up to close to €70,000.

We have a bigger, better equipped and better remunerated force than we had two years ago,

and in another two years it will be bigger again and even better equipped. Remuneration will also continue to improve. It is precisely because I support the Garda that I expect the highest standards. This means statistics, whether on breath tests or domestic violence, should be accurate, accounts should be managed properly-----

Deputy Brendan Howlin: We have not yet been given an explanation for any of those matters.

The Taoiseach: -----public moneys should be used only for the purposes for which they are intended and prosecutions should be taken to the highest standard. It is because I support the Garda so much that I want the highest standards from the force and that is something I will communicate strongly to the Garda Commissioner and Minister for Justice and Equality in my interactions with them.

Deputy Richard Boyd Barrett: What if a crime has been committed?

Acting Chairman (Deputy Declan Breathnach): The time for this question has expired.

Taoiseach's Meetings and Engagements

6. **Deputy Gerry Adams** asked the Taoiseach the foreign visits he plans to undertake during the remainder of 2017. [31240/17]

The Taoiseach: Political engagement with our European Union and international partners is important, especially as negotiations on Brexit proceed. I am, therefore, likely to have a number of overseas meetings during the second half of 2017. These will include two meetings of the European Council in Brussels scheduled for 19 and 20 October and 14 and 15 December. A number of other high-level informal EU summits are also planned, including one in Tallinn, Estonia. In addition, the British-Irish Council is scheduled to meet in Jersey in November. These meetings have all been confirmed and a significant number of other potential meetings and invitations are under consideration.

4 o'clock

Deputy Mary Lou McDonald: The Taoiseach might take the opportunity when he gets to his feet to answer my question about the Minister, Deputy Regina Doherty, her communications with An Garda Síochána and its subsequent actions regarding the individual whom I mentioned. The Taoiseach is familiar with the matter, given that he has answered questions on it in the public domain. Will he make a fuller statement, please?

Acting Chairman (Deputy Declan Breathnach): Supplementary questions must be relevant to the specific question, Deputy.

Deputy Mary Lou McDonald: Yes. This is a supplementary to an original question to which no answer was offered by the Taoiseach.

Acting Chairman (Deputy Declan Breathnach): We are on Question No. 6.

Deputy Mary Lou McDonald: We are here to hold the Taoiseach to account and I want him to answer the question.

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The Taoiseach's travel plans will be largely, if not exclusively, focused on the fact that the Brexit negotiations are officially under way. The British paper on the rights of EU citizens that was submitted several weeks ago fell spectacularly short of what might have been expected or required. We have raised with the Taoiseach and the Minister for Foreign Affairs and Trade time and again the need to keep the North of Ireland in the customs union and the Single Market. I presume that the Taoiseach remains committed to those objectives. When might we see the Government's Brexit mitigation paper, which is overdue? It is a matter of some urgency that we have sight of it.

Acting Chairman (Deputy Declan Breathnach): Deputy Boyd Barrett is next, followed by two more Deputies. We have 11 minutes left to give the Taoiseach a chance to respond.

Deputy Richard Boyd Barrett: Will the Taoiseach include Egypt on his itinerary of foreign visits? As the Taoiseach knows, the trial of Ibrahim Halawa has dragged out for more than four years. He has suffered terribly in that time. He is going through a laughable legal process under what is now just a tin-pot repressive dictatorship that is locking up *en masse* anyone in its own population who politically dissents against its brutal regime. The prosecution case against Ibrahim finally got going and ended at the weekend, but the Halawa family's fear is that the judges will be changed in September, given that Egypt changes its judges. If that happens, the whole process will return to the start and there will have been four wasted years. That cannot be allowed to happen.

I urge the Taoiseach to increase the Government's efforts by making a high-level visit to Egypt and insisting that our citizen be brought home. This sham legal process cannot continue. Ibrahim Halawa cannot stand much more time incarcerated in that country.

Deputy Micheál Martin: The Taoiseach seemed to say European Council meetings in Estonia and-----

The Taoiseach: Two in Brussels and one in Estonia.

Deputy Micheál Martin: And then a meeting with the President of the United States next March, which I believe was confirmed in the phone call. Is that right?

The Taoiseach: Yes.

Deputy Micheál Martin: We have heard the list, but it does not seem to include any substantive bilateral meeting with European colleagues.

I have been asking the Taoiseach about this next matter for three weeks but he has consistently dodged the question. Why did he decide to change the entire ministerial team dealing with the EU and Brexit? The previous Minister for Foreign Affairs and Trade and Minister of State had built up many bilateral contacts in the context of Brexit. What was the logic behind the decision to forgo all of those bilateral relationships and start again? Will the Taoiseach confirm whether the reports that he fired the former Minister of State with responsibility for European affairs, Deputy Dara Murphy, simply because he did not support him during the leadership contest are wrong? The Deputy is on record as saying this. Surely the Taoiseach would not remove someone from such an important job for such a petty reason.

Deputy Brendan Howlin: The Minister for Health, Deputy Harris, is looking nervous now.

The Taoiseach: I wonder where he is.

Deputy Micheál Martin: I would have thought that the explanation for replacing the entire Brexit team with a new one would be down to a major change in strategy that the Taoiseach had in mind. The former Taoiseach held many meetings with Heads of State and Government across Europe. Does the current Taoiseach intend to complete that work? In the context of the Brexit negotiations, does he have meetings lined up with other European leaders?

Deputy Brendan Howlin: Regarding the notion of the Taoiseach having a discussion with the Egyptian authorities directly, the most impactful way of doing so would be by travelling to Egypt. As the Taoiseach knows, an all-party group met President el-Sisi, although I am not sure that it had any great effect. Neither am I sure that the Taoiseach meeting him would have any greater effect but we need to exhaust every avenue to protect a citizen of Ireland who has been incarcerated without trial for four years.

I wish to ask a further question on the Taoiseach's foreign travel. Would he consider visiting the refugee camps in Jordan and Lebanon to meet Syrians? Some 4,000 Syrians are coming to Ireland, some of whom have already arrived. Might we expand that number and will the Taoiseach avail of an opportunity to see on the ground the generosity of the people of Lebanon and Jordan, who have given shelter to a significant number of refugees within their own borders under considerable strain on their finances and resources, for example, water?

The Taoiseach: The meetings that I outlined - in Tallinn, in Brussels, in Jersey and in Washington - are those that are confirmed. There are, of course, others that are in planning but are not confirmed yet. I have had bilaterals already with Prime Minister May, Prime Minister Ratas, Prime Minister Muscat and Chancellor Merkel. I have met President Macron. As Deputy Micheál Martin will know from European Council meetings, they run over two days and we spend about 14 to 15 hours together. During the course of those meetings, one has an opportunity to meet with all prime ministers and presidents, so I have actually met every Head of State or Government in the EU at this stage and was able to do that over the course of the two days that I spent in Brussels. There are others that are planned but they are not confirmed yet. I certainly see the value in having as many bilateral meetings with other prime ministers as is possible.

In respect of the Minister, Deputy Regina Doherty, I had a brief conversation with her about it. I understand that she made a complaint to the Garda with regard to harassment, and the Garda thought it sufficient to caution the individual against whom the complaint was made. Obviously, if Deputy McDonald has any further questions, she should put them to her directly. This is clearly a private matter. It is not one of public policy. It is one involving two individuals - one individual who felt that she was being harassed by another. The Garda, based on the evidence it saw, decided to take the action that it did.

On Egypt, the Minister, Deputy Coveney, is currently in the Middle East. He is visiting Israel and Palestine at present. Consideration was given to adding Egypt to that visit but it was not possible to organise meetings at a sufficiently high level to make the meetings worthwhile. Deputy Howlin is quite right - there is little point in travelling to Egypt if one is not able to meet the people one needs to speak to. I know that the Ceann Comhairle and the delegation have been there and were able to secure some meetings. We are finding that a little bit difficult at the moment.

I did, at the request of Deputy McDonald, raise this issue with Prime Minister Tsipras, who again I met bilaterally when I was in Brussels recently. He was not aware of the case of Ibrahim Halawa, but he did agree to raise with President el-Sisi the case and also the issues relating to

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Greece allowing EU monitoring of the trial. That was done on foot of the request that I received in this forum.

As a Government, we want to do everything we can to secure the release of Ibrahim Halawa. He was a 17 year old when he was arrested and has been detained without a full trial now for several years. I think that everyone believes that he should be released, if not on bail, then released entirely so that he can return to his family in Ireland.

I have had a meeting with the ambassador, Mr. Cole, who came over from Cairo to meet me to discuss the case, and the Minister, Deputy Coveney, has had several meetings about it as well. We are determined to do all that we can to assist in his release. We are also very conscious, though, that we do not want to do anything that might prove to be counterproductive. There is, of course, a risk of doing something that actually might make his situation worse and we need to be careful not to do that. My predecessor, Deputy Enda Kenny, spoke to President el-Sisi and also met him as well. The Minister, Deputy Coveney, is seeking a conversation and meeting also with the Minister of Foreign Affairs in Egypt. However, the Egyptian authorities are very much holding the line that they are not willing to intervene in a court process. While they may be able to do something when the trial is complete, they are not willing to do anything while the trial is under way, citing the separation of powers, which is often cited in this House as well. We are not going to give up on our efforts. We will continue to explore all options and take any actions we can which will expedite his release but we must always be conscious not to do something which might be counterproductive.

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 Pat The Cope Gallagher - the cardiology rehabilitation and telemetry monitoring service at Letterkenny University Hospital; (2) Deputies Mattie McGrath and Jackie Cahill - the Irish Medical Organisation, IMO, data on the threatened decline in rural GP practices; (3) Deputy Mary Butler - to discuss the recommendations of Age Action on regulating nursing home charges; (4) Deputy John Brassil - to examine arrangements for licensing of mussel seed fishermen using UK registered boats in 2017; (5) Deputy Sean Fleming - the future of Portlaoise mail centre; (6) Deputy Carol Nolan - to discuss the cuts to home help hours in County Offaly; (7) Deputy Tom Neville - the need for traffic calming on the N69 at Kilcornan, County Limerick; (8) Deputy Michael McGrath - to provide an update on a permanent school building for Educate Together at Rochestown, County Cork; (9) Deputy Seán Canney - the closure of a free youth mental health service in Galway county and city; (10) Deputy Michael Harty - the impact of budget tax cuts on health reform as outlined in the Sláintecare report; (11) Deputy Michael Healy-Rae - the impact of reduced nursing hours on special needs students at St. Francis special school in Beaufort, County Kerry; (12) Deputy Tony McLoughlin - to provide an update on the development of the Garda regional headquarters in Sligo; (13) Deputy Aengus Ó Snodaigh - the findings of the well-being in the Defence Forces climate survey; (14) Deputy Thomas Byrne - to discuss upgrading of the N2 from Kilmoon to Ashbourne in County Meath; (15) Deputy John Lahart - the clarity of the planning decisions of Dublin City

Council; (16) Deputy Peadar Tóibín - ambulance response times and the lack of fire service co-operation in County Meath; (17) Deputy Marcella Corcoran Kennedy - delays in orthodontic treatment for children and adolescents in the midlands public dental service; (18) Deputy Frank O'Rourke - the national home care package services and subsequent delivery to end-users; (19) Deputy Marc MacSharry - the impact of delays in rheumatology services for vulnerable children suffering with juvenile arthritis; (20) Deputy Eoin Ó Broin - supports for people who experience sudden blindness; (21) Deputies Charlie McConalogue and Martin Ferris - compensation for farmers who had their crop destroyed by severe wet weather last year; (22) Deputy Eamon Ryan - the alarming and continued rise in new HIV infections; (23) Deputy Gino Kenny - urban equine welfare; (24) Deputy Imelda Munster - to discuss the matter of funding for housing adaptation grants for County Louth; (25) Deputy Margaret Murphy O'Mahony - the impact on Ireland of the UK withdrawal from the London Fisheries Convention; (26) Deputy Martin Heydon - the need for a review of pension and social welfare provision for foster parents; (27) Deputy Bernard J. Durkan - to discuss the development of the town centre at Naas, County Kildare; (28) Deputy Pat Buckley - the recent report of parents' views of the HSE child and adolescent mental health services; (29) Deputies Mick Barry and Ruth Coppinger - the action taken by crane operators seeking improvement in pay and conditions; (30) Deputy Donnchadh Ó Laoghaire - to discuss recent reports of testing of products on residents at Bessborough, Cork, and whether such matters can be considered by the mother and baby homes commission; (31) Deputy Mick Wallace - the need for strengthening of the Policing Authority legislation; and (32) Deputy Pat Casey - the need for a review of income levels for the SUSI grant scheme.

The matters raised by Deputies Pat The Cope Gallagher, Mattie McGrath and Jackie Cahill, Mary Butler and Tony McLoughlin have been selected for discussion.

We will now move onto priority questions to the Minister for Defence. Is the Taoiseach taking these questions or is Deputy Paul Kehoe?

The Taoiseach: The Minister of State, Deputy Kehoe, is taking them.

Ceisteanna - Questions (Resumed)

Priority Questions

Defence Forces Personnel

28. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence when he received the report reviewing claims made by Air Corps whistleblowers; when it will be published; and if he will make a statement on the matter. [32775/17]

Deputy Lisa Chambers: My question is in respect of the Air Corps and the ongoing health and safety issues in that organisation which span a number of years. When did the Minister of

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State receive the report reviewing claims made by Air Corps whistleblowers? When will it be published? Will the Minister of State make a statement on the matter?

Minister of State at the Department of Defence (Deputy Paul Kehoe): I thank the Deputy for the question and extend my apologies for being late. The report of the independent third party I appointed to carry out a review into alleged failings of the Air Corps in the area of health and safety with regard to the use of toxic chemicals, was received by my Department on Friday, 16 June 2017 and submitted to me on Monday, 19 June 2017.

As the Deputy will be aware, the allegations are also the subject of ongoing litigation and I have therefore sought legal advice in respect of the report. The Deputy will also be aware of the obligations to protect the identity of those who made disclosures and this will also have to be considered. When the legal advice is to hand, I will determine the next steps to be taken, including the issue of possible publication.

The individuals who made the disclosures were notified by my office that the report had been received and I have indicated to them that once I have legal advice and have determined the next steps I will be in contact with them again.

I am committed to ensuring that recommendations contained in the report will be acted upon swiftly to ensure the safety of the men and women of the Air Corps. To that end, I have also sent the report to the Chief of Staff for his observations and response which I expect to have before the close of business this week.

Deputy Lisa Chambers: Do I take it that there is a possibility that the report will not be published? If so, that is highly inappropriate and totally unacceptable to the House. When does the Minister of State expect to have this legal advice? When does he expect to decide what to do next? When will we know what is happening? The Minister of State says that he will fully implement the recommendations. Will we even have sight of them? How will we know they are being implemented?

There were reports recently that one of the whistleblowers is facing dismissal from the Defence Forces next month due to an industrial dispute. It is reported that the man, who made protected disclosures about health and safety management of hazardous chemicals at Casement Aerodrome, Baldonnell, has been summonsed to appear before a Defence Forces medical board in August. A brief report issued prior to the board meeting has accused the member of chronic ineffectivity due to anxiety and a work-related industrial dispute. The Protected Disclosures Act 2014 is supposed to protect people who make disclosures. Has the Minister of State met this whistleblower to discuss his concerns? Did he inform the Minister of State that an Air Corps official ordered the shredding of health and safety inspection reports dating back to the 1990s? If so, I assume he is not the first person to make such an allegation. What does the Minister of State propose to do in respect of those reports, which cannot now be found?

Deputy Paul Kehoe: Regarding the people who made the protected disclosures, I have met two of the individuals. One was unavailable to meet at the time. The conversations which I had with both persons will remain private and confidential. That is only fair. I have asked the Chief of Staff to investigate those reports which the Deputy spoke about and on which I have received correspondence. Regarding the individual in the Defence Forces and the dismissal, I only became aware of this recently. I do not want to specify an exact date. I have asked for a report on that issue. Regarding the legal advice sought, I will not put any pressure on those

from whom I have sought legal advice in respect of the report but I have asked them to prioritise it and I expect to receive it shortly. Regarding the publication of the report, as soon as I have the legal advice and the response from the Chief of Staff I will make a judgment. After that I will proceed to the next stage and consider the publication of the report.

Deputy Lisa Chambers: There is much mention of reports but there are missing reports which have not been accounted for in highly suspicious circumstances. There is no review report from the Minister of State in terms of the whistleblower allegations. We do not know what the recommendations will be and we have had no health review of those affected. We have had very little progress since we first raised this issue in the Chamber with the Minister of State. The progress is extremely slow and very unfair to those affected.

Last month I met six former members of the Air Corps. I am sure the Minister of State has met at least some of that group. All were in their 40s, apart from one who was in his 50s. They are suffering from huge health problems they all believe stem from their exposure to chemicals in the Air Corps. All have had colonoscopies, in some cases more than one. A has had rectal cancer, neurological neuropathy and chronic obstructive pulmonary disease, COPD, despite having never smoked. B has Hodgkin's disease and COPD. He has had five emergency surgeries. He has lost his house, his marriage has broken up and he lives in constant pain. C has suffered huge health issues including two heart attacks. He once was once found face-down on the floor. Thankfully his wife was a first responder. D has experienced nausea, anxiety, diabetes, autoimmune conditions and so on. E was doused in chemicals as a prank and as a direct result of that has ongoing health issues.

These are individuals I have met in person. This cannot be a coincidence. We need an immediate health review of all persons possibly affected. The State needs to step up. If we have done wrong and if, as an employer, our inadequacy in health and safety has resulted in serious problems for people we need to step up and ensure their health cover is paid for and they are properly compensated. It is the right thing to do.

Deputy Paul Kehoe: Some of these cases are under litigation. I will leave that at that. The Deputy is being unfair in making the accusation that nothing has been done here. On numerous occasions in reply to written and oral parliamentary questions and in Topical Issue debates, I have given her the full detail of the Health and Safety Authority, HSA, report that has been carried out, the number of visits the HSA has made to the Air Corps, the number of recommendations it has made, the way we are dealing with the recommendations and a timeline for everything. I have outlined that to her. It is unfair and unjust for her to make an accusation to me-----

Deputy Lisa Chambers: The HSA's words are not the Minister of State's own words.

Deputy Paul Kehoe: -----that the HSA-----

Deputy Lisa Chambers: We have no report from the Minister of State-----

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

Deputy Paul Kehoe: It is unfair of the Deputy to make an accusation that-----

Deputy Lisa Chambers: -----and no action for those who are suffering.

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Deputy Paul Kehoe: -----there has been no action on this. She is-----

Deputy Lisa Chambers: Those affected have had no action.

Deputy Paul Kehoe: It reminds me of some-----

Deputy Lisa Chambers: Outline the-----

Acting Chairman (Deputy Declan Breathnach): Please-----

Deputy Paul Kehoe: She is telling untruths. It is beneath her to do that.

Health and Safety Inspections

29. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence his views on whether it is credible that all copies of the reports of inspections into health and safety at Casement Aerodrome in the 1990s sent by Forbairt to the Department of Defence in 1995, 1997 and 1998 have disappeared; his further views on the position of military authorities whose lack of concern at their disappearance is matched by their inaction when informed the reports were missing; if he will initiate an independent probe into the disappearance of these reports which whistleblowers claim in a protected disclosure were to be shredded on the orders of a named official; and if he will make a statement on the matter. [32215/17]

Deputy Aengus Ó Snodaigh: Does the Minister of State seriously want us to believe that at least four health and safety reports into conditions in workshops etc. at the Air Corps' Casement Aerodrome in Baldonnell, County Dublin, have just vanished in an organisation that is scrupulous in retaining files? It is inexcusable that no investigation into the disappearance has been initiated even though we know that at least two of the files were scheduled for shredding.

Deputy Paul Kehoe: As I indicated to the Deputy in my letter of 17 May 2017 and my reply to Question No. 2278 on 20 June 2017, I was advised by the military authorities that there was a report on measuring carbon monoxide fumes from aircraft compiled by Forbairt in 1995 and a further report on monitoring air contaminants in workshops in 1997, which was also compiled by Forbairt.

Unfortunately, following an extensive search and the military authorities having consulted Enterprise Ireland, which superseded Forbairt, and having also conducted a search within the Department, it has not been possible to locate these reports.

The military authorities have indicated that the Defence Forces have neither a hard copy record nor an electronic copy of the Forbairt reports. The military authorities have indicated there are a range of potential causes for the loss of the reports such as the changeover of electronic recording systems in 2004 or that the reports were misplaced over time. However, this is purely speculative.

This matter was raised with me in recent correspondence where certain allegations were made that the documents had been destroyed. The correspondence in question was also addressed to the Chief of Staff and to the Deputy. I have requested a report from the Chief of Staff on the actions taken on foot of the accusation. When that report is to hand, I will consider what further steps may be required.

Deputy Aengus Ó Snodaigh: Many former Air Corps members, especially those involved in the maintenance of planes in the 1980s, 1990s and since, are suffering severe chronic illnesses that they believe were caused by their exposure to toxic chemicals while working as technicians at Casement Aerodrome, Baldonnel. A toxicologist has given his medical opinion that these conditions exist in the case of six men who are suing the State and that they developed as a result of their exposure to chemicals.

I have been alarmed at the possible clusters of very serious health anomalies existing in Air Corps personnel and former personnel, including autoimmune problems, chronic fatigue, bowel failure, heart conditions, mental health problems, a higher than normal number of birth defects among the children of those servicemen and servicewomen and, in certain cases, infertility.

Central to all this is the question whether the State took all reasonable steps to protect the workers. At least four health and safety inspection reports produced in the 1990s have gone missing. These inspections were carried out on behalf of the State body, Forbairt. The Minister of State claims that one such report has gone missing, but it is in fact four. I know the Minister of State has had sight of at least two of those recently. Did he ask for a copy of those reports to follow up on questions raised in this House? Is he aware that some of those reports exist beyond the two he has seen? On foot of those, will he go back to those authorities, which have files on everything? These are not electronic because it was in an era when most of them were done on paper.

Deputy Paul Kehoe: I have referred the Deputy to ongoing litigation involving a number of former employees of the Air Corps and the Irish Defence Forces. When I became aware of the reports the Deputy mentioned, I made my own inquiries. I have written to the Chief of Staff and asked him about these reports. When I got further correspondence from the personnel section, I handed over a copy the correspondence and asked him to come back to me on it. I did not destroy any reports nor am I aware of anyone destroying any reports. I have asked the Defence Forces Chief of Staff to investigate and find out why the reports were not kept on record within the Defence Forces. If the Deputy has any information regarding who destroyed the reports, I will gladly listen to him.

Deputy Aengus Ó Snodaigh: Does the Minister of State believe personal protection equipment was issued to the men and women in the Air Corps in the 1980s? Does he believe they were seriously exposed to chemicals such as these? I know he has seen the photograph I am holding up. It was shown to him by the whistleblowers. When he met the whistleblowers, did he ask them for copies of the report? I have in my hand copies of two of the reports that were scheduled for shredding.

Acting Chairman (Deputy Declan Breathnach): If the Deputy wants the Minister of State to respond, he must conclude.

Deputy Aengus Ó Snodaigh: In the Minister of State's view, are the whistleblowers distinguished or disgusting?

Deputy Paul Kehoe: I gave freely of my time to meet the personnel and I listened to their cases. It is appropriate that I treat the information they gave me in full confidence. I treated both individuals with the height of respect. The Deputy is aware of the ongoing litigation against me as Minister of State at the Department of Defence. It would be inappropriate for me to discuss those cases.

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Acting Chairman (Deputy Declan Breathnach): I remind Deputies that they will not be able to ask a second supplementary question if people talk down the clock. If they want the Minister of State to respond, they need to stick to the times.

International Terrorism

30. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence the measures put in place to bolster the capacity of the Defence Forces in assisting in dealing with a major terrorist incident; and if he will make a statement on the matter. [32776/17]

Deputy Lisa Chambers: What measures have been put in place to bolster the capacity of the Defence Forces in assisting in dealing with a potential major terrorist incident? What kind of planning has taken place? What threats have been identified? Are we ready?

Deputy Paul Kehoe: The White Paper on defence, published in the autumn of 2015, considered the security environment, including the threat from international terrorism. The security environment is kept under constant review. The White Paper notes that the Department of Justice and Equality and An Garda Síochána have primary responsibility for protecting the internal security of the State. The Defence Forces provide, on request, supports in aid to the civil power of an ongoing and contingent nature.

An Garda Síochána can request a broad range of supports from the Defence Forces, including explosive ordnance disposal teams and the Army Ranger wing. Ongoing co-ordination and liaison meetings take place between the Defence Forces and An Garda Síochána. Based on ongoing threat assessments, the Garda and the Defence Forces liaise with regard to possible Defence Forces supports required for a range of contingencies. As part of this co-operation, initiatives to enhance support and interoperability include the development of agreed protocols, joint seminars on response to a terrorist attack and tabletop exercises on crisis management. I can confirm that there is very active co-operation between An Garda Síochána and the Defence Forces.

As Minister of State with responsibility for defence, my priority is to ensure that the operational capability of the Defence Forces is maintained to the greatest extent possible so as to enable the Army, Air Corps and Naval Service to carry out their roles as assigned by Government, including the provision of support in the form of aid to the civil power in the event of a terrorist incident.

The White Paper on Defence sets the defence capability agenda for the next decade. In recognising the dynamic nature of the security environment, the Government decided that the Defence Forces would continue to retain a range of flexible conventional military capabilities, in order to meet the roles assigned and as a hedge to future uncertainty.

A broad range of White Paper projects are currently being implemented which are intended to identify, develop and maintain such capabilities.

It remains a top priority for me and my Department to implement the White Paper projects and ensure that the operational capacity of the Defence Forces is maintained to the greatest extent possible.

Deputy Lisa Chambers: Assessing the security environment is one thing but the issue is

whether we are ready to deal with an incident. In that event, if there is an Islamic terrorist attack in the country - I hope we never see that day - the State's two specialist units, namely, An Garda Síochána's emergency response unit, ERU, and the Defence Forces Army Ranger Wing are both located on the east coast. Should an attack take place requiring specialist intervention in the south west or the north west, the transportation of the specialist forces would be a major challenge due to the geography of the country. The Air Corps does not have a troop-carrying vehicle to transfer personnel from one location to another. As a consequence, it would take us a number of hours to get the specialists to a particular location. If, for example, there was an incident in the Ring of Kerry or somewhere in Mayo, how would we transport the troops that we need or personnel from the ERU to that location? Could we reasonably respond in the same timeframe, for example, that the emergency units in the UK responded to the attacks that took place there recently? I believe the honest answer would be "No".

We know that the ERU and the Army Ranger Wing have undertaken joint scenario planning, strictly on a table-top basis. They have not put the planning into practice and practice is clearly the key. Both entities have showcased their operational capabilities to each other but only in a demonstrated form. No deployed live exercises have ever taken place involving the ERU and the Army Ranger Wing. Is that acceptable given the international climate and the attacks that have taken place in neighbouring countries close to us? Can we really leave ourselves in such a low state of preparedness?

Deputy Paul Kehoe: The Defence Forces provide, on request, support to aid the civil power on an ongoing and contingent basis. An Garda Síochána can request a broad range of supports from the Defence Forces, including the services of explosive ordnance disposal teams and the Army Ranger Wing.

The Deputy spoke about transportation of military personnel. One of the reasons we have rotary helicopters is to be in a position to transfer Army personnel, if needed, to whatever part of the country. Deputy Chambers might be aware that when the White Paper on Defence was set out in 2015, we looked at the capabilities and threat assessment. The current threat assessment is moderate, that is, possible but not likely. Like the Deputy, I hope we never have to deal with such a scenario but we must be ready, willing and able to respond to any terrorist attack. There is ongoing communication between An Garda Síochána and the Defence Forces and they are partaking in table-top exercises. The Chief of Staff is in regular contact with the Garda Commissioner.

Acting Chairman (Deputy Declan Breathnach): Deputy Chambers can ask a very quick supplementary. There are fewer than 40 seconds left.

Deputy Lisa Chambers: My point is that a table-top exercise is not sufficient. That is fine in the planning stages in terms of working together as a co-ordinated group but one needs to put that into practice. It is my understanding that a significant contributing factor that has prevented live exercises taking place is that there is a divergence in terms of the standard operating procedures, SOPs, and tactics, techniques and procedures, TTPs. Both entities operate under separate SOPs and TTPs. Should a complex terror attack occur, An Garda Síochána is first in line to respond. If military personnel have to assist, then command and control is key in the context of who is in charge and how it works. The only way one can iron out the bugs, for want of a better phrase, is by live practice, so one entity gets to know how the other operates and both get to know how to work together. That has not been done. It is good practice, even if the threat is considered low, to know how to work with the other group in the event that it is required. I

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urge the Minister of State to look seriously at the issue. He should speak to the officials in the Department and to Defence Forces management. He should also speak to his counterpart in the Department of Justice and Equality who is responsible for An Garda Síochána because it is important that such an approach is taken. It is quite bizarre that a live practice has never been carried out, not to mention on a monthly basis.

Acting Chairman (Deputy Declan Breathnach): I am moving on to Ceist Uimh. 31. I am sorry but the time has run out on that question. I already warned that this would happen.

Defence Forces Personnel Data

31. **Deputy Mick Barry** asked the Taoiseach and Minister for Defence if members of the Defence Forces who have not been permitted to take their full annual leave allowance in recent years can be fully compensated for this loss. [32344/17]

Deputy Mick Barry: In recent years, many members of the Defence Forces have not been permitted to take their full annual leave allowance. Does the Minister of State intend to fully compensate them for those losses?

Deputy Paul Kehoe: Depending on rank, the annual leave entitlement for officers varies from 31 to 43 days and for non-commissioned officers and privates from 28 to 30 days. Non-commissioned officers or privates filling appointments as instrumentalists in the establishments of the Defence Forces School of Music may be granted 31 days annual leave and members of the Naval Service serving afloat may be granted annual leave of 43 days. Members of the Defence Forces are entitled also to public holidays and to three specific military holidays.

In addition, a wide variety of special leave is available to Defence Forces personnel, such as mission leave when deployed abroad, special leave on return home, certain NCOs and privates qualify for special leave on extension of service and on termination of service subject to various requirements. Certain officers may be granted special leave prior to retirement.

Defence Forces regulation, DFR, A11 governs the granting of leave, other than sick leave, in the Permanent Defence Force. As part of normal personnel management, the granting of annual leave is a balance between the entitlement of the individual to annual leave and the requirement to ensure continuity of a public service. Paragraph 16 of DFR A11 provides for the carrying forward of annual leave not granted or availed of in the leave year concerned. This can be of benefit both to the individual and the organisation. Officers may be allowed to carry forward a maximum of 24 days, non-commissioned officers and privates in the Army and Air Corps may carry forward a maximum of 19 days and non-commissioned officers and ordinary or able seamen of the Naval Service may carry forward a maximum of 24 days.

The request to increase the number of carry-over days has been considered. The current carry-over has been found to be proportionate and reasonable.

I have been advised by my officials that three plenary summonses have been taken by members of the Defence Forces in respect of the transposition of the working time directive and the carry-over of annual leave. Given that these matters are before the courts, it would be inappropriate to comment further on the legal proceedings which have been commenced in connection with this matter.

Deputy Mick Barry: I submitted a question last year and it took an age for me to receive a response. That response finally arrived in January. I inquired as to how many days over the course of recent years have been surrendered to the State on foot of paragraph 16 of the DFR A11, which limits an annual carry-over to 19 days, regardless of whether members of the Defence Forces can actually avail of their leave entitlement due to tours of duty, leave cancellation and post-tour rest and recuperation. The fact is that in 2015 - the only year for which the Department has so far come back to me with figures - the level of annual leave entitlements denied to Defence Forces personnel came to a wage equivalent to €30 million. I do not see much balance there.

Yesterday, an article in the *Irish Examiner* on the University of Limerick, UL, report referred to poor pay, lack of expertise and exhaustion. Clearly, the denial of the request to roll over annual leave, which the previous reply disgracefully described as “privilege” is a contributory factor. The Minister of State will be discussing the issue with PDFORRA and RACO on Thursday. What will he say to them on this and other issues?

Deputy Paul Kehoe: I am not sure whether the Deputy is aware that PDFORRA brought a claim within the provisions of the conciliation and arbitration scheme. Discussions within the scheme are confidential. In addition, the matter is now subject to legal proceedings. It would be totally inappropriate for me to comment on these cases. However, as the Deputy will be aware, it remains open to PDFORRA, under the terms of the scheme, to record its disagreement at council and to refer the matter for independent adjudication. As I have stated, three individuals have taken separate cases. There is a number of reasons that people might be unable to take leave. To give a practical example, if an individual is selected for an overseas mission deploying in May, he or she may not be in a position to take annual leave for nine months of that year. He or she will commence pre-deployment training in March, deploy in May, return in November and then avail of post-deployment special leave of 30 days, which is in addition to the three weeks’ mission leave. The only time available to him or her to take annual leave would be in January, February or December. This is mitigated, however, by the provision to carry over 19 days’ leave in these circumstances, as I stated earlier.

Deputy Mick Barry: The fact that PDFORRA has been forced to embark on the legal proceedings to which the Minister of State refers is a scandal. There should be a settlement forthwith. Speaking of exploitation in the Defence Forces, the report to which I referred yesterday described the privates’ quarters in Rathmines barracks as “Hotel Rwanda”, with no hot water, broken urinals, and walls encrusted in damp. I welcome the fact that after ten years of campaigning and pressure, the Department has been forced to make changes. On “Drive Time” yesterday, however, the Minister of State suggested that anyone who joins the Irish Defence Forces does not feel they are going to get “five star”. The men and women of the Defence Forces do not expect to be keeping up with the Kardashians. They do not expect five star treatment and never asked for it. They do expect accommodation which has hot water and proper toilets. I suggest that the Minister of State might cut down a bit on the glib throwaway remarks and put his energy instead into tackling scandals like this, which continue to flourish on his watch.

Deputy Paul Kehoe: I am glad the Deputy was listening to me on “Drive Time” yesterday evening. He omitted to say that I doubled the budget last year for investment in barracks and specifically in areas of accommodation. I am very disappointed that he only heard what suited him and his negative talk about the Defence Forces of the last months. Not one member of the Defence Forces has ever come to me and raised accommodation or said they had no hot water or broken urinals or anything like that. I mix with these people on a weekly and monthly basis.

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Deputy Mick Barry: Is the Minister of State saying that there was hot water?

Deputy Paul Kehoe: If the Deputy listens to me maybe-----

Deputy Aengus Ó Snodaigh: The Minister of State did not wash his hands.

Deputy Paul Kehoe: Not one of them ever approached me to say there was no hot water or broken urinals or damp on the walls or any of that. If they have an issue with their accommodation, they are welcome to address it to me. I am open and transparent and have no issue whatsoever.

Deputy Mick Barry: It took ten years.

Deputy Paul Kehoe: I am in this position for the past 12 months. I doubled the budget in that time. I do not think that is bad going.

Defence Forces Deployment

32. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence the number of times the Defence Forces have been called on to perform aid to the civil power duties at Shannon airport to date in 2017; his plans to make changes to the arrangements whereby the Defence Forces provide aid to the civil power at the airport; and if he will make a statement on the matter. [32619/17]

Deputy Mick Wallace: Ireland, sadly, has been sponsoring the US war of terror and aggression in the Middle East, Afghanistan, northern Africa and beyond for 16 years now. Different Governments in that time have found it difficult to admit that we are complicit in what is happening. We cannot for one second say we are neutral any more, given that we are allowing Shannon to be used as a US military base for the region in which they have caused untold destruction.

Deputy Paul Kehoe: I thank the Deputy for his question. The Minister for Foreign Affairs and Trade has responsibility for the use of Shannon Airport by foreign military aircraft and for the granting of permission for overflights by foreign military aircraft. The Department of Justice and Equality and An Garda Síochána have primary responsibility for the internal security of the State.

Among the roles assigned to the Defence Forces in the White Paper on Defence is the provision of aid to the civil power which, in practice, means to assist An Garda Síochána when requested to do so. The decision to seek support from the Defence Forces is an operational matter for An Garda Síochána. Security assessments are carried out by An Garda Síochána, which determines if Defence Force assistance is required. The number of times the Defence Forces have been called on to perform aid to the civil power duties at Shannon Airport to date in 2017 is 167. For security reasons it would not be appropriate to disclose the precise detail of such deployments. Since 5 February 2003, An Garda Síochána has requested support from the Defence Forces at Shannon Airport on occasion.

I have no plans to make changes to the current aid to the civil power arrangements as set out in the White Paper on Defence. I am satisfied that there is ongoing and close liaison between An Garda Síochána and the Defence Forces, and between my Department and the Department

of Justice and Equality regarding security matters generally, including the Defence Forces aid to the civil power roles.

Deputy Mick Wallace: In March alone, US-led airstrikes in Iraq and Syria have killed at least 1,400 civilians. A US airstrike levelled a residential area in Mosul, killing as many as 200 civilians. Imagine if this was Dublin - to kill 200 civilians and say it was a mistake. How in God's name can we continue to allow one of our airports be used to facilitate their war of aggression? This is one of the worst chapters in the history of mankind. It is horrific. Over 1 million Iraqis have died since 2003. Where is the rationale for it? We had people like Bush and Blair telling lies to organise the start of the war in the first place, and we agreed to let our airport be used. Can we not rethink this? I do not believe for a second that we would lose any US business if we said we did not want our airport used as a military base any more.

Deputy Paul Kehoe: I wish to inform the Deputy that the Department of Foreign Affairs and Trade has primary responsibility for overflights and landings of foreign military aircraft. This has been facilitated for 50 years or more. I presume that when the Deputy speaks about what has happened in Iraq and whatever is on board the planes, he is aware that the Minister for Transport, Tourism and Sport, Deputy Shane Ross, has recently announced that his Department will conduct an internal review to identify the options available for updating various aspects of the order. I also understand that a public consultation is envisaged to ensure that any proposed changes are considered in an open and transparent manner. I presume that, when this is open to public consultation, the Deputy will make his comments available to the Department of Transport, Tourism and Sport.

Deputy Mick Wallace: Although the review is welcome, it concerns civilian aircraft, as the Minister of State knows. His Defence Forces are going down to Shannon and minding military aircraft that are not supposed to have any guns or munitions on board, for which we do not actually search. Is there any way that the Minister of State's Defence Forces could be used to make sure that those planes are keeping within international law? Up to ten military planes a week go through Shannon. The notion that there are no guns or munitions on any of them beggars belief.

When he was in opposition, the former Taoiseach, Deputy Enda Kenny, asked how we could know what was on the planes if we did not search them. The Labour Party also wanted them searched when it was in opposition but when it went into government it did not want them searched any more.

Would the Minister of State not use his Defence Forces to start checking these planes? Let us keep them honest in one area.

Deputy Paul Kehoe: That would be a matter for An Garda Síochána. We are called upon as aid to the civil power by An Garda Síochána when we are required to provide a service at Shannon Airport. As I have stated, we have provided a service on 167 occasions since 1 January 2017. It is not my area of responsibility. It is a matter for the Department of Foreign Affairs and Trade, which has primary responsibility for overflights and landings of foreign military aircraft, and for An Garda Síochána after that.

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Other Questions

Military Medals

33. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence when he plans to award medals to the surviving veterans and next of kin of the deceased veterans who served with distinction during the siege of Jadotville in the Democratic Republic of Congo in 1961; and if he will make a statement on the matter. [32263/17]

Deputy Aengus Ó Snodaigh: This question arises from a welcome announcement that was made by the Minister of State in June. When I asked the Minister of State about this matter on 21 June last, he said he was not sure whether legislation was required to issue medals to the survivors of the siege of Jadotville and the families of those who fought there but have since died.

Deputy Paul Kehoe: The Cabinet and I decided on 13 June last to award medals to the men of A Company, 35th Infantry Battalion and to the next of kin of deceased members in full and due recognition and in honour of the courageous actions of the men during the siege at Jadotville in September 1961. This decision fully recognises their bravery and courage during the unique circumstances of the siege of Jadotville. I had been working on this initiative for some time. I was privileged to be able to decide to award a medal to the men and women of A Company.

The UN peacekeeping operation in Congo was the first time the UN deployed a significant military force. It was also one of Ireland's earliest UN peacekeeping operations. The siege of Jadotville was a seminal event during this deployment. The collective bravery of the members of A Company, 35th Infantry Battalion deserves recognition. One of the first decisions I made on my appointment to the office of Minister of State was to honour the men of A Company by presenting a unit citation in recognition of their collective actions during the siege. The decision that has now been taken to honour these men with medals is an exceptional step. It builds on last year's ceremony and gives full recognition to the performance of these men during the siege.

Civil and military officials have commenced planning for the medal ceremony. The exact date has not yet been determined. I assure the Deputy that all reasonable efforts will be made to ensure that the medals will be awarded without delay. I anticipate that this will happen in the autumn.

Deputy Aengus Ó Snodaigh: As I said at the outset, I welcome this decision. It is a pity it was not made 56 years ago. More than two thirds of the members of A Company, 35th Battalion have passed away. Their next of kin will receive their medals on their behalf. My colleague, Senator Mac Lochlainn, along with Senator Craughwell, has proposed a motion on this issue in the Seanad. I think the Minister of State's decision to award these medals has the support of Deputies on all sides of the House and of everyone outside it. If anything can be done to speed up the awarding of these medals to ensure it happens early in the autumn, in line with what the Minister of State has indicated, it will help to ensure as many survivors as possible can part in the event, which will recognise for once and for all the heroism of the Irish troops in the face of the odds they faced.

Deputy Paul Kehoe: This specially commissioned Jadotville medal will be attached to the

unit citation that was presented in September 2016. As Minister of State with responsibility for defence, I decided - in conjunction with the former Taoiseach, Deputy Enda Kenny - to award medals to all the men of A company in recognition of the significance of their actions at Jadotville. We made this decision on the basis of our increased knowledge and understanding of the unique and exceptional circumstances of the siege of Jadotville. I agree fully with the Deputy that it is unfortunate. I said for many years that if I ever had an opportunity to recognise the men and women of the Irish Defence Forces who fought in Jadotville, I would do my level best to do so. I am delighted to be able to recognise them in this way. It is unfortunate that many of these people have passed away in recent years and will be unable to receive their medals in person. I know their families are delighted and honoured to receive the medals on their behalf.

Deputy Aengus Ó Snodaigh: This is a welcome move towards vindication, once and for all, that the stance taken by the Irish troops was heroic. Their heroism stands despite commentary by some people, including some Ministers in this House, over the years that suggested otherwise. It is right and proper at this stage, in the interests of undoing the damage that has been done over 56 years, that this recognition is given as soon as possible.

Deputy Paul Kehoe: Absolutely. A team from the Department of Defence and the military has commissioned the medal and is working on the ceremony. It will probably be late September or October before we have a date set for the ceremony. I intend that it will be similar to the event that was held in Athlone when the citation was presented. It will be a day for the surviving members and the families of the deceased members. They will be duly recognised in a fashion in which they have not been recognised up to now.

Defence Forces Deployment

34. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence if he will report on the Defence Forces' participation in the UNDOF mission in the Golan Heights; and if he will make a statement on the matter. [32510/17]

35. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence further to Question No. 7 of 29 March 2017, the details of the engagements he has had at UN level regarding the ongoing deployment of Irish peacekeepers in the Golan Heights, particularly regarding the merits of this operation and its long-term effects on the region; his views on whether the UNDOF peacekeeping mission could be facilitating the ongoing illegal Israeli occupation in the region, particularly in view of the calls from members of the Israeli Government to increase the Israeli settler population in the Golan Heights by 100,000 over the next five years; and if he will make a statement on the matter. [32521/17]

55. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence if there has been or will be a change in the mandate of the peacekeeping force posted in the Golan Heights, particularly in view of the recent ongoing fighting between Syria and Israel in the region; and if he will make a statement on the matter. [32520/17]

68. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence if he will begin the process of withdrawing Defence Forces personnel from the UNDOF mission in the Golan Heights in view of recent comments by a person (details supplied) and given that their presence is being used by Israel to legitimise its annexation. [32347/17]

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Deputy Lisa Chambers: It appears from reports we are hearing back from the UNDOF mission in the Golan Heights that a full-scale offensive is taking place in Quneitra. Since I tabled this question last week, it has emerged in media reports that heavy machine gun fire from the Syrian civil war has landed in the Irish base in the Golan Heights and that mortar rounds have hit just outside the camp. I understand that during five days of intense local fighting, Irish troops were forced to take cover repeatedly in their base. Will the Minister of State provide an update on what is happening there? Will he brief us on what is being done by the Department and by military management?

Acting Chairman (Deputy Declan Breathnach): Two of these questions are in the name of Deputy Wallace and one of them is in the name of Deputy Clare Daly. I will allow them to ask supplementary questions.

Deputy Paul Kehoe: I propose to take Questions Nos. 34, 35, 55 and 68 together. The United Nations Disengagement Observer Force, UNDOF, was established on 31 May 1974 under United Nations Security Council Resolution 350 (1974) following the agreed disengagement of the Israeli and Syrian forces in the Golan Heights in May 1974. UNDOF was established to maintain the ceasefire between Israel and Syria, to supervise the disengagement of Israeli and Syrian forces and to supervise the areas of separation and limitation, as provided in the May 1974 agreement on disengagement. Since 1974, the mandate of UNDOF has been renewed every six months, most recently in June 2017. In a recent report on UNDOF, the UN Secretary General stated that the presence of UNDOF in the area continues to be essential and recommended that the Security Council should extend the mandate of UNDOF for a further period of six months until 31 December 2017. The Syrian Arab Republic gave its assent to the proposed extension and Israel also expressed its agreement. A contingent of the Permanent Defence Force has been deployed to UNDOF on the Golan Heights since 2013. The contingent operates in the role of a quick reaction force. The current contingent - the 55th Infantry Group - deployed to UNDOF in early April and the next contingent is due to deploy in October.

I had the privilege of visiting Irish personnel based in the Middle East in March 2017. I met the UNDOF head of mission and force commander, Major-General Shanker Menon of India, as well as Irish personnel deployed to the mission headquarters. It was a valuable opportunity to be briefed on the mission and to see at first hand the challenges facing troops in the mission area. On 26 April 2017, while representing Ireland at an informal meeting of Defence Ministers in Malta, I met the UN Under-Secretary General for Peacekeeping, Mr. Jean-Pierre Lacroix. We agreed that the presence of the UNDOF mission remains an important element in ensuring the continuing ceasefire between Israel and Syria and in the wider Middle East region. The valuable contribution the Defence Forces are making to this mission was acknowledged. The UN Under-Secretary General took note of the security concerns I outlined to him regarding the return of troops to the area of separation. Pending the full return of UNDOF to the area of separation, UNDOF has continued to maintain a credible presence in the Golan Heights in line with its mandate. On 14 November 2016, UNDOF completed the initial phase of the incremental return of the mission to Camp Faouar on the Syrian side of the area of separation where Fijian and Nepalese troops are now based. The incremental return to the area of separation will be considered in the light of the security assessment and other required assurances. As with all missions, deployments and developments in the UNDOF area of operation are kept under ongoing review.

Deputy Lisa Chambers: Will I get back in for a second supplementary question?

Acting Chairman (Deputy Declan Breathnach): Yes, if time allows.

Deputy Lisa Chambers: In one instance, the mortar fire landed so close to the Irish base that it shook the ground and Irish troops thought they had been hit. Informed sources are saying that fighting in the area has always been a constant.

5 o'clock

However, the scale of what happened last week was unprecedented. Much of the fighting has centred on Quneitra, less than 2 km from the Irish camp in the Israeli-occupied Golan Heights. Informed security sources say that at no time were the Irish camp or UN personnel deliberately targeted. However, the fighting was so close to the Irish camp and so intense that many Irish military personnel are concerned at what they perceive as a lack of response from the Government. I am concerned that there has been no publicity about this and no official response. I am also concerned that there has not been more briefing on it and that it was not acknowledged, particularly in light of the scale of the offensive action that took place. A number of our troops in the area are clearly concerned about this matter. Why has the Minister of State not briefed the Dáil about this before now and why did he wait to be prompted? What measures are the Departments of Defence and Foreign Affairs and Trade taking in light of what we have learned? Has the Minister spoken to the Minister for Foreign Affairs, Deputy Coveney?

Deputy Mick Wallace: The rationale behind the original UNDOF deployment to the Golan Heights in 1974 was to maintain the ceasefire between the Israeli and Syrian forces and to supervise the implementation of the disengagement agreement. Today, we are facilitating the ongoing illegal occupation of the Golan Heights by Israel. The Israeli Government recently called for an increase in settlements by 100,000 over the next five years. This is scary. We have watched what Israel has got away with in Palestine but is it going to get away with the same behaviour in the Golan Heights? The Israelis have taken advantage of the civil war in Syria to strengthen their position there and the fact that our troops are there makes it look as if we are facilitating them. Our forces could be better deployed in other regions. No one doubts the quality of our forces and the good work they do but we and a lot of other people think they would be better used in other regions.

The situation is deteriorating and even the UN General Assembly has called on the Israeli Government to stop settlements and repressive measures against the Syrian population of the Golan Heights. Has the Minister of State had any talks at UN level about the fact that the situation is deteriorating and growing more problematic? The days of us being out there should be behind us and we should move on. There is a lot of trouble coming down the tracks and we are only facilitating Israel's illegal occupation.

Deputy Clare Daly: It is an odd type of ceasefire when it is an established fact that Israel has been giving material aid to ISIS, the al-Nusra Front and others in the Golan Heights. I speak of the very same al-Nusra Front from which Irish Defence Forces personnel sheltered for five days and which kidnapped 44 Filipino peacekeepers in the region three years ago. The most recent UNDOF report on the Golan Heights, released in May, pointed out that large artillery weapons had been observed within the 10-km ceasefire line, multiple rocket launching systems and Iron Dome systems had been seen within the 20-km ceasefire lines and there had been multiple violations of the ceasefire. It is quite clear that the ceasefire has been and continues to be used by Israel as a cover for its annexation of the region. The public comments by the Prime Minister, Mr. Netanyahu, to that effect last month, when he said the Golan Heights

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would always be theirs, lends weight to that assertion. We are legitimising annexation and there should be a withdrawal.

Deputy Paul Kehoe: I answered questions from the media on this last week. I was asked a number of frank questions and I responded to them. No member of the Opposition contacted me to outline their concerns about what happened last week. Our ability to protect the health and safety of our personnel is my paramount concern when considering any mission and it is policy and practice to ensure that Defence Forces personnel serving overseas are appropriately trained and equipped with the most modern and effective equipment to carry out their missions. Unfortunately, no mission is without danger. I am assured by the Chief of Staff that appropriate security measures are in place for Defence Forces personnel serving with the United Nations disengagement observer group. During my visit to the UNDOF mission area earlier this year, I met the head of mission and the force commander, Major-General Menon, who briefed me on the ongoing situation and the challenges facing the mission. I was also briefed by, and voiced my concerns to, the UN Under-Secretary General for Peacekeeping when I met him in Malta at a European Council meeting.

Deputy Lisa Chambers: I tabled a question last week but the offensive operations started a number of weeks ago. I assume the Minister of State would have been aware of them before last week. There is concern that the US Government is undermining the UN missions on which its personnel serve in both Syria and neighbouring Lebanon, at a time when the security situation is already incendiary. The US envoy to the UN, Nikki Haley, said on a visit to the Middle East last month that the UN had bullied Israel for too long, and welcomed the reduction in funding from the US Government to the UN. I have also heard reports that when Ms Haley was visiting a position in north Israel, at the behest of the Israeli Defence Force, IDF, the Irish general in charge, Mick Beary, of the United Nations interim force in Lebanon, UNIFIL, was invited. However, the IDF then sought to undermine him, and the mission, in front of Nikki Haley.

There is concern in the Defence Forces that more is not being done on the international stage by governments to raise the deteriorating security situation and to defend our people and our position. Has the Minister of State raised any concerns at Government level about this? Has he pressed the Minister for Foreign Affairs, Deputy Coveney, to raise it with the US through diplomatic channels? In light of his experience as Minister of State at the Department of Defence, he will know the value of UN peacekeeping missions and our participation in them. There is concern that Ireland is not pressing the UN about the impression that the Americans are undermining UNDOF and UNIFIL, which involve some 600 Irish personnel. At the very least, I ask the Minister of State and the Minister for Foreign Affairs, Deputy Coveney, to write a strongly worded letter to the ambassadors of both countries to express our dissatisfaction at the clear undermining of UN missions and our personnel in the area.

Deputy Mick Wallace: According to al-Marsad, the Arab human rights centre in the Golan Heights, the 23,000 Israeli settlers in Golan occupy 95% of the land, leaving just 5% for the 25,000 Syrians living there. In 1989 only 600 Israelis lived there but now there are 23,000 and there are plans to expand further. Given the recent reduction in US funding to the UN, is the US undermining UN missions? Does the Government have any concerns about this? What Israel is doing in the Golan Heights is reminiscent of what it has been doing in Palestine and we should have no hand, act or part in it. It is time we took our troops home or put them somewhere else where they would be better served.

Deputy Clare Daly: The civil war in Syria is being actively used by Israel to make its hold

on the Golan Heights permanent. That is in flagrant breach of the UNDOF mission. By keeping our troops there, we are legitimising that illegal act. The last time we raised this matter, the Minister of State said he did not recognise Israeli sovereignty in the region. He might not, but it is an absolute fact and that is not much comfort to the 25,000 Syrians crammed into five overcrowded villages, while Israeli settlers have spread themselves out over 95% of the land. It is not going to stop Israel hoovering up the profits from a recent massive oil find in the area either. By staying there, not only are we legitimising what is happening, we are also standing by and facilitating them doing it. It has been no secret that the Israeli Prime Minister has been lobbying to legitimise this annexation and by staying we are undoing a lot of the good work that Irish peacekeepers have done in the past. There are many other places around the world where our personnel could be much better and more appropriately deployed.

Deputy Paul Kehoe: I will state again that no mission comes without its dangers and I do not believe it would be in the best interests of peacekeeping to pull members of the Irish Defence Forces out of the Golan Heights. I believe they are doing very important work there on an ongoing basis. To respond to Deputy Chambers, I received a brief from the general staff on the ongoing situation regarding UNDOF and have asked the Deputy Chief of Staff Operations, General Brennan, to keep me abreast of all ongoing situations out there.

Deputy Wallace stated that the US is undermining UN peacekeeping efforts. Ireland is absolutely, steadfastly committed to UN peacekeeping, and this informs our interactions with all partners at the UN and elsewhere regarding the issue the Deputy has raised. The Department of Foreign Affairs and Trade has confirmed that during the discussions on the UN's budget for peacekeeping operations in 2017-18, Ireland's priority was to ensure that those engaged in peacekeeping operations have the resources available to carry out their mandates fully, safely and effectively. I have been assured by the Chief of Staff that our own personnel are equipped to carry out safely and partake in any mission in which they are involved.

Air Corps Operations

36. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence if his Department contacted the companies or persons that carried out the 1990s safety reports into aspects of the Air Corps' safety procedures at Casement Aerodrome, Baldonnel, on behalf of the State agency Forbairt in order to ascertain if they might still have copies of the reports that his Department claims to have lost. [32262/17]

Deputy Aengus Ó Snodaigh: This is a simple question and, to some degree, a follow-up to an earlier question. It seeks to nail down what actions the Minister, the military authorities or his Department have taken to track down at least four health and safety reports on Air Corps installations which were carried out in the 1990s and have vanished. Are we to depend on the *Irish Examiner's* Joe Leogue's investigative journalistic skills to unearth more information, as has been the case to date?

Deputy Paul Kehoe: As I have previously indicated to the Deputy, I was advised by the military authorities that a report on measuring carbon monoxide fumes from aircraft was compiled by Forbairt in 1995. A further report on monitoring air contaminants in workshops in 1997 was also compiled by Forbairt.

Unfortunately, following an extensive search and the military authorities having consulted

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with Enterprise Ireland, which superseded Forbairt, and having also conducted a broad range of searches within the Department, it has not been possible to locate these reports. I understand that Enterprise Ireland advised the military authorities that records were not kept beyond ten years and that records had been disposed of in 2007.

The military authorities have indicated that the Defence Forces have neither hard copies nor electronic copies of the Forbairt reports. The military authorities have indicated that there are a range of potential causes of the loss of these reports, such as the changeover of electronic recording systems in 2004 or that the reports were misplaced over time. However, this is purely speculative.

This matter was raised with me in recent correspondence in which certain allegations were made that the documents had been destroyed. The correspondence in question was also addressed to the Chief of Staff and to the Deputy, and I have requested a report from the Chief of Staff on the actions taken on foot of the accusation. When the report is to hand, I will consider it further and consider whatever steps may be required.

Deputy Aengus Ó Snodaigh: I may be of some assistance to the Minister. He has answered some of the questions I was going to ask. He has asked the military authorities about the reports. I do not know how in-depth that query was. Did they ask the key personnel involved in commissioning these reports whether they recalled commissioning them, whether they had sight of them, whether they ever had possession of them or whether they perhaps put them into the National Archives where, as the Minister said, all the files on Jadotville are? He said his Department contacted Enterprise Ireland directly. Perhaps I can be of some assistance in this regard. One of the reports was Dr. Joe Kearney's 1997 report on monitoring air contaminants in the workshop. He did the report on behalf of Forbairt, which carried it out on behalf of Lieutenant Colin Roche of the engineering wing of the Air Corps in Baldonnel, and it was given to the Air Corps on 9 January 1997. Did they contact Conor Tonra, an environmental consultant who carried out the ambient air monitoring for health and safety at work at the engineering cleaning area, the welding shop and the paint shop? The publication date of that report is 2 August 1995. It was carried out on behalf of the noise and vibration section of Sound Research Laboratories Limited; Environmental Engineering Limited, which had an address in both Cork and Dublin; and Forbairt. Principally, however, it was carried out on behalf of Captain John Maloney. As far as I know, the military personnel I have indicated and both the consultants who carried out these reports are still with us today and some are still operating. Has any contact with them been made to find out whether they have their own copies or whether those organisations have copies that might be useful to the Minister? Only two of the four reports that we know have been carried out have come to light so far. As I said earlier, perhaps the Minister might ask the whistleblowers we met recently whether they will give him copies of at least two of the reports.

Deputy Paul Kehoe: As I have stated, I have written to the Chief of Staff and asked him to investigate the reports that were alleged to have been carried out by Forbairt. I await his reply but I note in the reply to a parliamentary question given earlier today that Deputy Ó Snodaigh has stated he has copies of some of the reports. I do not have copies of those reports but I would very much appreciate having them. If we are to progress the health and safety issues in the Air Corps, and if we are all concerned in this House about the health, safety and well-being of the men and women of the Air Corps, it is in all our interests that the Deputy give me a copy of those reports. As he will be aware, there are ongoing litigation issues at present and I am limited in what I can state but I will say that it would be in all our interests if the Deputy has copies of the reports that I get a copy of them and that the health and well-being of our members in the

Air Corps is satisfactory.

Deputy Aengus Ó Snodaigh: Personally, I would have no problem acceding to the Minister's request but, like him, if someone gives me something as a whistleblower, I am not at liberty just to hand it over. I will contact the whistleblowers and ask if they wish me to pass the reports on to the Minister. However, the Minister had sight of them, I am told by the same whistleblowers, when they met him. I do not know whether he asked them at that stage for a copy of them. Perhaps he can do so if he contacts them. There are other reports from 2014 which he might be interested in and about which he should also ask the military authorities because I can guarantee him that those reports have not been shredded, as was the intention with the two reports I cited earlier. I would be happy to comply with the Minister's request if the whistleblowers allow me to do so. There is legislation in place that prevents me from disclosing anything other than the fact that I have the reports. I would love to share them with the Minister to be helpful, and I encourage the whistleblowers to be as helpful as possible, but the people I mentioned earlier are still living and working. They should be contacted to see whether they have copies. These are only two of at least four reports that we know were carried out in the 1990s.

Deputy Lisa Chambers: There are four reports from different reporting periods. I fully accept that the Minister did not shred or mislay these reports, but he was the individual tasked with explaining what may have happened to them. He will understand why we - and I think the public - find it difficult to believe the suggestion that all four may have been lost in translation over to the electronic system or that, over time, they just coincidentally disappeared. In the absence of a realistic and reasonable explanation, people will draw their own conclusions. The Minister mentioned the ongoing litigation. One must ask the question if there is a sinister motive as to why these reports are not available where they should be. Is there some reason or some motivation why some body, person or group may have wanted to destroy these reports? These are the questions being asked. We have access, we believe, to perhaps two of these reports. There may be more. Getting copies now is not the problem; the issue is that we potentially have four reports that could bolster the cases being taken against the State - four reports that, potentially, were purposely destroyed. We do not know who did it or why it was done but the public is drawing its own conclusions and ultimately, Deputy Kehoe is the person responsible.

Deputy Paul Kehoe: The buck will always stop at the Minister's desk, but I am glad that the Deputy has said that I did not destroy the reports. I absolutely did not destroy the reports. I had not seen any of these reports, and I have stated to both Deputies that I have written to the Chief of Staff, who has primary responsibility for the Defence Forces. These reports were carried out under the auspices of the Defence Forces and within the Air Corps. I have asked when these reports were carried out, what detail is available from the reports and who carried out the reports. The Deputy informed me of a number of names today. I will bring that information to the Chief of Staff and will write to him either this evening or tomorrow with the names of the people that have been passed to me today.

I am not sure if this is sinister. I cannot comment on that, but I have asked the Chief of Staff to look into this, find out where the reports are and investigate this thoroughly. We are all interested and concerned about the health and well-being of members of the Air Corps. If people have reports I ask them, as Minister of State at the Department of Defence, to provide copies of these reports in order that I can look at them when I am making a decision on the independent reviewers and the further actions I must take. These reports would be very handy to have when I am deciding.

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Questions Nos. 37 to 40, inclusive, replied to with Written Answers.

Common Security and Defence Policy

41. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence his views on efforts by France and Germany to get EU member states to sign up to a new pan-EU defence scheme; if he will attend the ministerial conference in Paris on 13 July 2017 when this matter will be discussed; and if Ireland will reject the plans for a pan-EU defence scheme and refuse to participate or contribute to the scheme. [32265/17]

Deputy Aengus Ó Snodaigh: This question concerns the conference that the Minister of State is scheduled to attend later this week. What are his views on the efforts by France and Germany to get other EU member states to sign up to an EU defence scheme? Will he comment on that and will he reiterate Ireland's rejection of such plans and our refusal to co-operate, contribute or participate in such a scheme?

Deputy Paul Kehoe: I presume that the Deputy is alluding to an article in *EUobserver.com* of 22 June, following the European Council of the same date. As the Deputy will be aware, discussions within the EU in the area of defence and security take place in the context of the Common Security and Defence Policy, CSDP, including at regular meetings of Heads of State and Government. The European Council of 22 June last reviewed the progress report on the overall implementation of the EU global strategy, as well as the implementation of the EU-NATO declaration of July 2016. The development of the EU's security and defence policy received particular attention, reflecting the focus on the security environment. The Heads of State and Government committed themselves to strengthening the capacity of the Union to deliver on its international security and defence commitments. This, in turn, contributes to the security of our own citizens by addressing at their source threats, such as terrorism, which have their roots in instability in our neighbourhood. The Council sought to give impetus to those existing security initiatives agreed in the Lisbon treaty and the EU global strategy, focusing on crisis management planning structures, capability development and defence expenditure.

The upcoming Franco-German meeting taking place on 13 July in Paris is part of ongoing bilateral relations between France and Germany. The Franco-German joint ministerial meetings have been taking place since 2003 and the meeting scheduled for Paris on 13 July is the next scheduled meeting in that format. Participation encompasses the ministerial cabinet of both the Government of Germany and the Government of France. It is not unusual for EU member states to meet in bilateral or multilateral formations to discuss priority areas where they would hold views in common, including in the area of security and defence. These engagements do not prejudice the formal EU decision making processes.

Within the EU, it is accepted that the area of defence and security is a national competence. Ireland continues to have an equal voice on defence issues within the EU institutions. The treaties require that the EU respects the specific and different policies of member states in the area of security and defence and that has not changed. Ireland always seeks to be constructive and realistic in EU discussions in this area and we continue to strongly support the CSDP and any initiatives that strengthen the EU's capacity to act as an international peace provider, particularly in support of the United Nations.

Deputy Aengus Ó Snodaigh: I thank the Minister of State for his answer. This is an on-

going battle, involving myself and others who believe in Ireland's neutrality. Virtually every single meeting of EU Defence Ministers or EU Justice and Home Affairs Ministers continues to erode our stand-alone policy on neutrality and our vision of the primacy of the UN. Each meeting contributes to the concept of fortress Europe. Whether it is at the behest of this Government or with a nod from this Government, it has continued apace. The Minister of State mentioned defence expenditure and already this year, there have been major moves to increase defence spending in each of the member states and contributing part of the EU budget towards military research. These things will contribute to poverty and instability in the world and therefore contribute to further wars, as well as some of the actions the Minister of State mentioned that have been focused on fortress Europe.

Deputy Paul Kehoe: I know the Deputy has concerns. He has raised these concerns with me on numerous occasions. We operate within the structures of common security and defence. Any contribution I make at EU level always comes back to Ireland's neutrality. Our policy on neutrality, in any decision we make as a Government in the future, will not be compromised in any way. It is a primary concern for me at EU level that we always maintain and retain our policy on neutrality.

Deputy Aengus Ó Snodaigh: While I accept that the Minister of State has a stated policy in this House of respecting our neutrality and supposedly fighting for it, this goes beyond our neutrality. It is the fact that we are a part of the European Union, and every time the European Union speaks as a single voice our neutrality is ignored, forgotten about or put to one side. When the EU decides to use Turkey as a vehicle for part of the common security policy on the issue of the refugee crisis, we get tainted with that because we do not speak out as a voice. Regardless of whether it is a voice in the wilderness, we should at least speak out and call a halt to this or at least be seen internationally to be that lone voice. We have to put that across and that does not come across in the reports from any of the EU Defence Ministers' meetings or any of the other EU meetings at which decisions are taken to further erode the position of neutrality that we have taken and that we have encouraged other nations around the world to take.

Deputy Paul Kehoe: If the Deputy looks at any of the contributions I have made at those meetings, it is clear that I have no issue with being out in the wilderness. I also, however, look for inclusiveness in any of the policies going forward, be it permanent structured co-operation, PESCO, the co-ordinated annual review of defence, CARD, or any decision making relating to common security and defence. Our policy of neutrality is our absolute priority on any decisions that are taken in the area of common security and defence.

Questions Nos. 42 to 45, inclusive, replied to with Written Answers.

Defence Forces Remuneration

46. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence the reason the defence sector did not engage during pay talks in addressing the concerns and issues raised by the defence representative associations similar to those other sectors that agreed side deals; and if he will make a statement on the matter. [32507/17]

Deputy Lisa Chambers: Why did the defence sector not engage during pay talks addressing the concerns and issues raised by the Defence Forces representative associations similar to those other sectors that agreed side deals? Will the Minister of State make a statement on this?

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(Deputy Paul Kehoe): As I have stated, the Department of Defence, in conjunction with the Defence Forces, made a submission to the Public Service Pay Commission. This is specifically mentioned by the commission in paragraph 6.13 of the report. Following the publication of the report of the Public Service Pay Commission on 9 May 2017, the Government initiated negotiations on an extension to the Lansdowne Road agreement ahead of budget 2018 considerations.

Both the Representative Association of Commissioned Officers, RACO, and the Permanent Defence Force Other Ranks Representative Association, PDFORRA, were invited to the negotiations which were held under the auspices of the Workplace Relations Commission, WRC. The Defence Forces representative associations attended and participated in all plenary sessions which were attended by public sector trade unions, representative associations and management. Senior officials from the Department of Defence and the Department of Public Expenditure and Reform and the Defence Forces representative associations also had their own meetings, which were chaired by officials from the WRC.

The issues raised by the Defence Forces representative associations were considered in tandem with those raised by other public sector representative associations and trade unions. The Defence Forces have received the benefits of collective agreements in the past and it is intended that future remuneration of Defence Forces personnel will continue to be dealt with within this process.

The Public Service Stability Agreement 2018-2020 contains proposals for a 7.25% increase over the period of the agreement for those earning less than €30,000 per annum, a 6.75% increase over the period of the agreement for those earning under €32,000 per annum, and a 5.75% increase over the period of the agreement for those earning over €32,000 per annum. The proposals have been presented to both PDFORRA and RACO, which participated in the negotiation process. They will now be subject to ballot by members of the associations.

Officials in the Department continue to engage regularly with both representative associations. An example of one of the benefits of these negotiations is that an agreement was reached earlier this year between the Department of Defence, the Department of Public Expenditure and Reform and PDFORRA on a revised pay scale for general service recruits and privates who joined the Permanent Defence Force after 1 January 2013.

Deputy Lisa Chambers: It appears that other sectors engaged and were able to conclude side deals that benefited them more than the defence sector. It is clear to me from media reports that the representative associations are not happy with the way the pay talks went and do not feel their concerns have been adequately addressed. RACO has stated that these side deals, in addition to a range of additional deals secured by those unions and associations which either took or threatened industrial action or whose sectoral management negotiated added benefits to accept the Lansdowne Road agreement, undoubtedly have secured greater pay advantages relative to those serving in the Defence Forces. That is unacceptable. Everyone should be on the same level playing field. The Defence Forces feel they are not getting the same hearing and level of commitment to having their concerns heard. When we see other sectors getting additional side deals and the defence sector not doing so, one has to ask if this is fair.

Deputy Paul Kehoe: Prior to the recent pay talks I spoke to the Minister for Public Expenditure and Reform, Deputy Donohoe, asking that PDFORRA and RACO be very much involved in the pay talks, and they were present for the full duration of the talks. PDFORRA signed up to the Lansdowne Road agreement in March and its members will have significant

salary increases. The benefits which accrue to PDFORRA members are an increase of 2.5% from 1 January 2016 for annualised salaries of up to €24,000, 1% for annualised salaries between €24,000 and €31,000, and I understand this and the back pay were included in last week's payroll, and an increase of €1,000 from 1 April 2017 on annualised salaries of up to €65,000, which will be a further increase of approximately €19 gross per week and which is due to be paid in next week's payroll. In real terms this means that privates who have completed their 29 weeks' training will benefit in the region of €1,500 gross per year in the first three years of service. A deal was done for post-2013 recruits who will have an increase of 8% and 24%, depending on their point in their pay scales. This is significant and positive news for members of the Defence Forces. I instructed the Department of the Taoiseach and Defence to make a recommendation to the pay commission when it was carrying out its review.

Deputy Lisa Chambers: While I welcome any increase in pay restoration to members of the Defence Forces, there were other cuts to their pay as well as increased taxes, which every public servant bore. The Defence Forces suffered cuts to technician pay, duty pay and various allowances, and the cumulative effect was that their weekly wages were down substantially. One of the major difficulties is that those allowances are not being restored properly.

RACO's comments highlight the fact the Defence Forces cannot go on strike, and while I would not condone their going on strike, that is not what the representative associations are asking for. It is important, however, that we do not take advantage of that fact. While other sectors can use the threat of strike or embark on industrial action, which is well within their rights, the Defence Forces cannot. We cannot use that against them or take advantage of that. The fear in what is happening here is the fact that side deals were done with other sectors and the Defence Forces appear to have been left behind. Better representation for the Defence Forces is required in public sector pay talks.

Deputy Aengus Ó Snodaigh: Given the report yesterday on the terms and conditions of the men and women in the Defence Forces, will the Minister of State again consider the industrial relations legislation to allow RACO and PDFORRA to engage more fully in collective bargaining in discussions around pay and conditions, which it is to be hoped would address some of the issues that emerged yesterday?

Deputy Paul Kehoe: I am not sure the Deputies are aware that a committee has been set up by the Department of Justice and Equality with a representative from the Department of Defence. We are keeping abreast of anyone getting rights on industrial relations. There were also side deals for members of the Defence Forces and the new Public Service Stability Agreement 2018-2020, which was negotiated recently, contains a proposal for further increases: a 7.25% increase over the period of the agreement for those earning less than €30,000 per annum, a 6.7% increase over the period of the agreement for those earning under €32,000 per annum, and a 5.75% increase over the period of the agreement for those earning more than €32,000 per annum. It is up to the representative associations to sign up to the newly negotiated settlement for their members. There are great benefits for the members of PDFORRA and RACO if they sign up to the new agreement.

An Ceann Comhairle: We go now to Question No. 47. I note that this is a matter that is before the High Court and I am sure the Deputy will be very careful in her comments.

Deputy Mick Wallace: That makes it more interesting.

Deputy Clare Daly: Always.

Defence Forces Medicinal Products

47. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence further to Question No. 262 of 30 March 2017 and the clarification of 13 June 2017 (details supplied), the year in which the Defence Forces was first of the view that the specific reactions of anxiety, restlessness or confusion, if declared by a member of the Defence Forces to be present, would necessitate withdrawal of mefloquine. [32348/17]

Deputy Clare Daly: This follows a previous question that was answered thanks to the good offices of the Ceann Comhairle, about listed side effects of Lariam. We asked the Minister of State to say whether they were deemed minor, tolerable or intolerable. This is important because that is the basis upon which the Defence Forces define whether someone can serve or not, and whether Lariam should be withdrawn.

(Deputy Paul Kehoe): The State Claims Agency is currently managing 55 claims which have been made by members and former members of the Defence Forces who allege personal injury as a result of their consumption of mefloquine, also known as Lariam. The first was scheduled to be heard in the High Court on 4 July 2017 and has now been adjourned to 3 November 2017. The question raised by the Deputy would engage me on matters that relate to the litigation. It is therefore inappropriate for me to comment on the matter.

Deputy Clare Daly: It is interesting that it took an inordinate length of time to get the Minister of State to provide some clarity on the matter prior to the case being listed before the High Court. In any event, the position of the Defence Forces on the matter has been that if someone is going to sub-Saharan Africa, he or she must be given the drug at least two weeks prior to departure to accommodate either minor or tolerable side effects or to determine whether the side effects are intolerable. The problem has been that the Defence Forces have never defined what was tolerable and minor and what was intolerable until, with the intervention of the Ceann Comhairle, the Minister of State answered a previous parliamentary question admitting, and there is no secret about this, there were adverse reactions which mandated that Lariam would be discontinued. My question today sets out a list of specific reactions, including anxiety, restlessness or confusion, which terms were used as early as 1995 in the newsletter of the Irish Medicines Board, as well as by the manufacturer of the drug in its list of side effects. When did the Defence Forces become aware that the side effects required the discontinuance of Lariam? The Minister of State has already admitted to me that there were other side effects that were deemed to be intolerable and which required the discontinuance of Lariam.

Deputy Paul Kehoe: The choice of medication is a matter for the medical professionals within the Defence Forces, namely, the medical officers. It is not up to Members of Dáil Éireann to decide on what is the most appropriate medication to be taken in sub-Saharan Africa. All personnel are screened prior to deployment to ensure they are suitably fit for whatever medication is prescribed. It is the medical professionals who assess each individual. I expect that the report of the review group will be given to me shortly. At that juncture, I will consider the findings of the review group and whatever recommendations are made in the report. Due to High Court litigation which has been adjourned from 4 July to 3 November 2017, I am precluded from commenting any further on the individual cases.

Deputy Clare Daly: The decision is, of course, a medical one, but it is a decision based on medical advice which the Defence Forces themselves take. As such, it is not a theoretical, abstract or political question. It is a factual medical situation. The Minister of State has stated in previous correspondence that there is a list of adverse reactions that would mandate the discontinuance of Lariam. I ask the Minister of State when the Defence Forces were first of the view that the specific listed side effects would necessitate the withdrawal of Lariam. The answer is a date or a year. The reason for this is that if someone presents with side effects which are deemed to be intolerable, he or she is told that Lariam will be discontinued and he or she will no longer be allowed to serve in places like sub-Saharan Africa. This is an area that has not been adequately or publicly defined previously. It is a simple matter of providing a date and time answer. That is not impacted on by litigation or anything like it. It is obviously based on medical knowledge.

Deputy Aengus Ó Snodaigh: This is not a question on the administration of Lariam *per se*. The Minister of State made a comment that it was not up to the Dáil to make a decision on medical advice and the administration of Lariam. Given that the Cabinet regularly issues funding based on HSE advice on medicines, it is a political issue as to whether the Dáil takes a decision which is not complied with by Cabinet or the military authorities. The Minister of State was wrong in what he said, unless he elaborates further on it.

Deputy Paul Kehoe: It would be totally inappropriate for me to comment on the decision-making of the medical professionals within the Defence Forces. Prior to deployment, all personnel are screened as to the medication it is most suitable to prescribe for them. If there are issues around the medication prescribed during deployment, that is a matter for the medical professionals who will take the most appropriate course of action. This is about the safety, health and well-being of members of the Irish Defence Forces and protecting them from malaria. I stated in the House last week what the dangers of malaria were. We are very lucky to have lost no members of the Defence Forces to malaria, which means someone must be making the right decisions. That is totally up to the medical professionals.

Written Answers follow Adjournment.

Message from Select Committee

An Ceann Comhairle: The Select Committee on Health has completed its consideration of the Health and Social Care Professionals (Amendment) Bill 2017 and made no amendments thereto.

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Topical Issue Debate

Hospital Services

Deputy Pat The Cope Gallagher: Tá áthas orm deis a bheith agam labhairt ar an ceist tábhachtach seo in Ospidéal na hOllscoile Leitir Ceanainn. This is the fourth time I have had an opportunity to raise a Topical Issue on Letterkenny University Hospital but, with no disrespect to the Minister of State, Deputy Finian McGrath, the Minister has yet to present himself in the House to debate these matters. I will deal later with the political aspect of it, in which he is more interested. I am pleased to bring this issue before the Dáil today. I am convinced that by doing so, I have secured the necessary funding for the replacement of the telemetry monitoring unit at the hospital. I know the answer already. It is a sad indictment that it took a Deputy like me to drag the Minister to the House to deal with this.

For the last six weeks, no cardiology rehabilitation services have been provided in Letterkenny. They have not been available for outpatients who had heart attacks or who had undergone a cardiac procedure. As the Minister of State knows, this service should be available four weeks after a heart attack or stent procedure. It is a critical, essential treatment for cardiac patients. The service commenced in Donegal in 1999 and has been excellent. I pay tribute to all involved in it. In addition, it was available in the community in my own town of Dungloe, as well as in Ballyliffin on the Inishowen Peninsula. The approval of funding for the telemetry monitoring unit is only the first step, however. There is no point in having this unit if it is not fully staffed. There is only one nurse available while a second nursing position has remained vacant for six years with the result that the equipment in the unit cannot be used to its full potential.

For the last number of years, we have been failing to provide the minimum number of cardiac rehabilitation sessions. The Irish Association of Cardiac Rehabilitation recommends a minimum of two sessions per patient. Due to staffing shortages, Letterkenny University Hospital is unable to provide that, which is not good enough. I am here to represent the people of County Donegal and want to ensure that they will get the same services as those that are available throughout the country. Without the second nurse, this will not be fully utilised. The first step we need to take after the announcement I expect the Minister of State to make today is to ensure that the second nurse is made available and that the funding is provided for the employment of that nurse as quickly as possible. It is not acceptable to me that patients in County Donegal are treated in this manner. The second nurse is absolutely essential.

This was decided today by the Minister for Health, Deputy Harris, but the Minister of State, Deputy McGrath, may not be aware that the Minister is more interested in the PR surrounding the statement which the Minister of State will make this evening than the patients in County Donegal. Although not in the same wing, the Minister of State is in government, and that Government spent some time this afternoon, after I had raised the issue, deciding how it could get out a statement before I raised it in the Dáil and secured a favourable response. I am not interested in the politics of this. I put the people of County Donegal and their health ahead of any politics. I await what the Minister of State has to say.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank Deputy Pat The Cope Gallagher for his passionate representations on behalf of the people of County

Donegal. I know from my visit there a few months ago that he is also very much involved in disability services issues. I thank him for his kindness and for being an excellent host.

I offer the House the Minister's apologies. The Minister for Health would like to thank the Deputy for raising this important issue and wishes to acknowledge the inconvenience and upset that the suspension of the cardiac rehabilitation programme, as part of the overall cardiology rehabilitation services at Letterkenny University Hospital, is causing to patients who are eager to continue on their path to recovery.

Cardiology rehabilitation services are aimed at optimising physical function in patients with cardiac disease or who have had recent cardiac surgeries. As part of the programme, patients attend rehabilitation sessions under the direct care of nursing staff and the supervision of a consultant cardiologist. A critical element of this type of rehabilitative care is the gathering of telemetry data on patients undergoing these sessions. These data are gathered using monitors worn by the patients while undertaking physical activity during their rehabilitation sessions.

Evidence based research shows that cardiac rehabilitation can reduce hospitalisation by 30% in the following year. A recent health technology assessment by the Health Information and Quality Authority rated cardiac rehabilitation as one of the most effective self-management support services and the importance of the continued provision of these services is recognised by the Department of Health and the HSE. However, the HSE advises that there is currently an unmet need for these types of cardiac rehabilitation sessions. The HSE is currently preparing a self-management support framework which will specifically target this issue at a national level.

With regard to Letterkenny University Hospital, the Saolta University Health Care Group has advised that the cardiac rehabilitation programme has been suspended for the past few weeks on the advice of the consultant cardiologist for reasons of patient safety. This is due to the technical malfunction of some of the telemetry monitors required to monitor patients during their rehabilitation sessions. Saolta advises that these malfunctions are due to expected wear and tear on the units. It is important to note Saolta has confirmed that these issues are not affecting the monitoring of telemetry for cardiac patients in need of acute care. Telemetry services are in place in Letterkenny University Hospital for these critical patients.

Since 2012 the HSE capital plan has included a separate allocation for the equipment replacement programme. In 2017 this allocation was increased to €35 million. Saolta has advised the Department of Health that it has applied to the HSE for suitable replacement units through this scheme. In light of the critical need for the cardiology rehabilitation service in County Donegal, Saolta has advised the Department of Health that it has recently given Letterkenny University Hospital authorisation to order suitable replacement telemetry devices. This process is currently ongoing.

Deputy Pat The Cope Gallagher: I thank the Minister of State for, in particular, the last paragraph in his statement, which was that the funding will now be made available. After six weeks, I have no doubt in my mind, and I am not trying to promote myself in any way, that it would not have happened if not for the raising of this Topical Issue in the House. People were scurrying in various offices, wondering how they could get this statement out before the issue was raised in the Dáil. Had I not had the opportunity to raise it today, I am convinced that there would be procrastination until September. Between now and September, I will be calling on the Minister to return to the House to confirm what he will have done with regard to the second nurse.

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I know the Minister of State cares. When he was in County Donegal, he met many people, took a particular interest and followed through. I am now asking the Minister of State to bring to the attention of the Minister for Health and the HSE the importance of providing the necessary funds for a second nurse. Why would the HSE expend between €40,000 and €50,000 on this piece of equipment, which is so important to those who require these services four weeks after a heart attack or stent procedure and two to three months after surgery, and not use it to the full? We need the second nurse. From a health and safety perspective even, a second nurse is absolutely essential. I know the HSE is trying to say that this is not affecting the monitoring of telemetry for cardiac patients in need of acute care. We know that. However, these are for patients who have had their surgery carried out in other parts that are not in the hospital. That is absolutely essential.

Good Government PR seems to be more important than the substantive issue of health care. We must ensure, and I will ensure, that the patients in County Donegal receive the treatment that is available in all other parts of the country. I thank the Minister of State and ask him to pursue this because I will be pursuing it vigorously over the next number of weeks.

Deputy Finian McGrath: I will bring all the suggestions that the Deputy raised back to the Minister for Health, particularly the second nurse issue and his major point that the people of County Donegal should be treated equally to those in the rest of the country. I know the Deputy is a supporter of cross-Border services. This is particularly relevant to County Donegal. The primary percutaneous coronary intervention, pPCI, service provided through Altnagelvin Hospital in Derry - a cross-Border cardiology project - became operational on 4 May 2016. This service provides pPCI services at the area hospital in Derry for patients with a diagnosed heart attack in County Donegal. Patients are also referred to a state-of-the-art new cardiac laboratory at the same hospital. These things are happening in terms of the delivery of health services.

It is also important to remember that, in terms of budget allocations, model 3 hospitals, of which Letterkenny University Hospital is one, were allocated amounts ranging from €57 million to €141 million in 2016 and that Letterkenny University Hospital was resourced towards the top of that range at approximately €120 million. We will invest in services. We need to develop them. I will bring the Deputy's message about the second nurse being made available and the development of services for the people of County Donegal back to the Minister.

Deputy Pat The Cope Gallagher: If I may, I wish to acknowledge the excellent coronary care unit that was opened in Letterkenny last week.

General Practitioner Services

An Ceann Comhairle: The next issue will be discussed by Deputies Mattie McGrath and Jackie Cahill.

Deputy Mattie McGrath: Ar an gcéad dul síos, I thank the Ceann Comhairle and his good deputy, now sitting on this side of the House, for allowing us to raise this important Topical Issue. However, I wish to record that I am disgusted that the Minister for Health is not here. I met him in the corridor behind the Ceann Comhairle's seat only 15 minutes ago, so he is in the House. This is not the first time that this has happened. He is running around on the phone but he will not come in and answer questions.

In front of our eyes, we can see what is happening. General practitioners in rural areas are disappearing.

6 o'clock

A report out today states that 666 GPs are currently over 60 years of age and that 244 of these are over 65 years of age. I have been warning the Minister and, indeed, his predecessor, our current Taoiseach, about the impending crisis in rural general practice for a number of years. We are now even closer to the cliff edge, with the viability of general practitioner services in significant areas of the country at stake. It is obvious. Today's report is stark and deeply worrying. It shows that Cavan, Clare, Dublin, Kerry, Offaly, Tipperary, Cork and Wexford stand to lose at least 25% of their GPs in the next seven years. That is a crisis by any definition. Of course, the HSE would not see a crisis if the combine harvester in front of Agriculture House drove over and hit it with one. It cannot, or does not want to, see a crisis.

One of the frustrating aspects of this saga is that the Government could immediately address some of the burn-out issues confronting a significant number of GPs by reviewing the silly implementation of the children under six free GP scheme, which I and the Tipperary GPs opposed. We were the last people standing. Now, we see the rewards of it. Since the implementation of the scheme attendance by these children at some practices has increased by up to 40%. It is crazy. They would not be there at all if the scheme was not in place. This is clearly impacting on GPs. The Minister must examine this.

He should also examine the financial emergency measures in the public interest, FEMPI, legislation, which crippled GPs. Some 35% or 36% of their income was wiped away. It affected not only their earned income but also the equipment they use to run their premises and so forth. They have provided a valuable service in Ireland over the decades. They are the front line but they have an onerous task. Many of them are fleeing the country. I await the Minister of State's response because this is outrageous.

Deputy Jackie Cahill: I thank the Ceann Comhairle for selecting this Topical Issue. It is a significant issue throughout Ireland and is a particular problem in Tipperary over the past 12 to 18 months. We have failed to attract young doctors into practices, even practices that appear on the surface to be very attractive. We must tackle this problem immediately.

Some 27% of doctors in County Tipperary will retire in the next seven years. This problem must be approached on a number of fronts. One of them is finance for primary care. There is not enough investment in primary care. A study was carried out in a practice in Longford recently where proper primary care was being provided for diabetes patients. This reduced complications by 80%. The saving this generated in avoiding expensive secondary care is enormous. Primary care needs more nurses, physiotherapists and occupational therapists. If resources were put into primary care, the savings down the line would be immense.

The quality of life must be addressed to attract young doctors into general practice. We expect doctors, particularly those in single practices, to work extremely long hours. They have alternative options in Canada and New Zealand that are far more attractive. If we are serious about this, we must change their terms and conditions. New contracts and a new pay structure must be put in place. There must be investment incentives for rural doctors to upgrade their premises. Rural practices are not part of a primary care centre so if tax breaks were put in place to incentivise doctors to invest in their practices it would be a great help. Many local practi-

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tioners feel frustrated that they do not have the wherewithal to invest in their practices. The FEMPI legislation implemented huge cuts, including a severe cut to the rural practice allowance. That must be restored and increased to approximately €25,000. The travel allowance, or distance code, had a huge effect on primary care in rural areas.

All these issues must be addressed if young doctors are to be willing to take up the challenge of serving in these practices.

Deputy Finian McGrath: I thank Deputies Mattie McGrath and Cahill for raising this important issue. I assure Deputy Mattie McGrath that the Minister, Deputy Harris, is hard working.

Deputy Mattie McGrath: He is out in the corridor. He is afraid to come here.

Deputy Finian McGrath: He is working 24-7 on all sorts of issues across the board. It is an extremely important portfolio.

The Government is committed to the continued development of GP capacity to ensure that patients across the country continue to have access to GP services, especially in remote rural areas and in disadvantaged urban areas, and that general practice is sustainable in all areas into the future. We wish to ensure that existing GP services are retained and that general practice remains an attractive career option for newly qualified GPs. As of 1 July last, 2,491 GPs held General Medical Services, GMS, contracts with the HSE and this is continuing to increase year on year. A further 438 GPs hold other contracts to provide services such as immunisation, the national Heartwatch programme, methadone and cancer screening.

The HSE, based on the demographic profile of current GMS GPs, expects that approximately 157 GPs may retire on age grounds between 2017 and 2021. Efforts undertaken in recent years to increase the number of practising GPs include changes to the entry provisions to the GMS scheme to accommodate more flexible shared GMS GP contracts and to the retirement provisions for GPs under the GMS scheme, allowing GPs to hold GMS contracts until their 72nd birthday, as well as the introduction of enhanced supports for rural GP practices. These steps should help to address the future demand for GPs by enticing GPs who may have ceased practising for family or other reasons back into the workforce, facilitating GPs to work past the standard retirement age and encouraging more GPs to work in rural areas.

Separately, the State is seeking to train more GPs to provide GP services to the population. A Programme for a Partnership Government commits us to increasing the number of GP training places to 259 annually. In 2009 there were 120 places available and in 2017 there are 186. This is an increase of 55% in seven years. The Minister is anxious to achieve further increases in the number of GP training places in future years and officials from the Department of Health are working closely with the HSE and the Irish College of General Practitioners, ICGP, to ensure that all available places are filled to meet the future manpower needs of general practice.

I accept the point that there are many challenges facing those in general practice. That is why the Minister has repeatedly emphasised the need for a new GP services contract which will help modernise our health service and develop a strengthened primary care sector. Health service management has already progressed a number of significant measures through engagement with GP representatives in recent years. These include the introduction of a diabetes cycle of care for adult patients with type 2 diabetes, an enhanced support framework for rural GPs, which is expected to double the number of qualifying GPs to approximately 330, and a revised

list of special items of service under the contract to encourage the provision of more services in the primary care setting. These measures, combined with the children under six and the over-70s initiatives, will increase the financial support for general practice.

The next phase of engagement on a new GP contract is under way and the sustainability of general practice in rural areas will be considered in this context. The process will also seek to introduce further measures aimed at making general practice a fulfilling and rewarding career option into the future.

Deputy Mattie McGrath: It is typical to read out a reply prepared by the mandarins. The Minister for Health is not listening and rural Ireland, as is normal, will be hardest hit by the retirement level among GPs. The figures are available. I do not know where the Minister of State got his figures for the usual spin. There are two GP associations to be dealt with. The Minister, Deputy Harris, and the HSE must address this as a priority, not least because if people do not have access to local GPs they will end up in accident and emergency departments, and the crisis in emergency departments is growing every day. It is appalling. The GPs are not respected. The contract is 40 years old. The GPs give huge time to providing a wonderful service. I compliment all the GPs in Ireland for the work they do on the front line and in dealing with crises each day, ranging from those in a single practice to those in the many big ones, including the three or four in my home town of Clonmel, in Thurles and elsewhere. The Government is seeking to roll out primary care centres, to be paid for through public private partnerships. They are not a success either. They are failing. I was surprised to hear today that one in Mitchelstown, across my county's border, is struggling. They are not the answer.

It is all spin that looks lovely on paper. The Government must act to support the GPs. It must deal with FEMPI and the other issues and give the GPs a half decent rural practice allowance. Let them do what they are trained to do under the Hippocratic oath, namely, serve and save sick people. They should not be treated as if they were little better than skivvies, which is how they are being treated. Again, the Minister should have been here. He is out running around the corridor. I know he is getting married and is busy, and I wish him well in that regard. Nonetheless, he should have been here for this debate.

An Ceann Comhairle: Is the Deputy going to the wedding?

Deputy Mattie McGrath: I have not been invited yet.

Deputy Jackie Cahill: While I appreciate the Minister of State's response, he did not address the issues. He referred to additional general practice places and so forth. Doctors are deciding their fate with their feet by choosing to emigrate. A doctor who was in practice in Tipperary for ten years emigrated recently, leaving a major void in the town. For two years, a practice with 800 medical card holders in my home town of Thurles failed to attract a single applicant to take it over, although a locum recently agreed to take it over for six months.

It is obvious that the terms and conditions available to general practitioners are not sufficiently attractive to persuade young doctors to take up the challenge of running general practices in both urban and rural areas. The severe cuts imposed under the financial emergency measures in the public interest legislation must be reversed immediately. A new contract must be introduced to make it financially attractive for young doctors to take up the challenge of general practice. Investment in primary care centres will be part of addressing this challenge because it will generate substantial savings in secondary care. A doctor told me recently that it

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was no longer practical to stitch cuts sustained by young men playing hurling and all these cases are being referred to accident and emergency departments. This adds significantly to the costs of accident and emergency units and worsens overcrowding.

I appeal to the Minister of State to address this problem, which is getting worse by the day as the age profile of doctors increases. A contract must be introduced with terms and conditions that will convince young doctors to remain in Ireland.

Deputy Finian McGrath: I reject Deputy Mattie McGrath's comments about the Minister for Health, Deputy Harris. The Minister is exceptionally hard-working and deals with the issues that matter on a 24-7 basis.

Deputy Mattie McGrath: He should come into the House and face us.

Deputy Finian McGrath: To respond to the Deputy's points on rural Ireland, we listen to the views of people living in rural areas. I do not engage in spin; I pursue sound policies.

Deputy Cahill called on the Government to deal with the issues facing general practitioners. Let us consider the facts regarding general practice. As of 1 July, there were 22 vacancies in the General Medical Services scheme nationally. As there are currently almost 2,500 general practitioners contracted to provide services under the scheme, this constitutes a vacancy rate of less than 1%. All vacancies are currently covered by a locum general practitioner, which means a GP service continues to be provided in all the affected areas.

Deputy Mattie McGrath: That is not true.

Deputy Finian McGrath: In 2016, the total amount paid to general practitioners under the General Medical Services scheme was approximately €518 million, including more than €85 million in subsidies for the employment of staff, namely, practice nurses, practice managers and secretaries. Some GPs also receive payments from the Health Service Executive under various other measures such as the Heartwatch scheme and the Health (Amendment) Act 1996. The total amount paid out in such fees increased to approximately €44 million in 2016.

I acknowledge the issues raised by the Deputies and accept that vacancies must be filled and that some young medical graduates are moving abroad. However, we are addressing these issues and doing our best to ensure excellent general practice services are provided throughout the country. Priority must be given not only to recruiting more general practitioners in rural areas but also in disadvantaged areas, including areas in my constituency of Dublin Bay North. We will push very hard to achieve this.

Nursing Home Charges

Deputy Mary Butler: I congratulate the Minister of State with responsibility for mental health and older people, Deputy Jim Daly, on his appointment. As chairperson of the all-party working group on dementia, I look forward to working with him on the issue of older people. Thankfully, people are now living longer and most of us will live independently for the rest of our lives. Less than 5% of elderly people require care late in life and every effort should be made to facilitate this. Under the nursing home support scheme introduced in 2009, often referred to as the fair deal scheme, the State offers financial support to people whose care needs indicate they require long-term residential care. The scheme covers the cost of the standard

components of long-term residential care, namely, nursing and personal care appropriate to the level of care needs of the person; bed and board; basic aids and appliances necessary to assist a person with the activities of everyday living; and laundry service.

Age Action Ireland, which does fantastic work to protect elderly people, has uncovered disturbing cases that some nursing homes are ripping off the elderly. Last week, it published a new briefing paper on nursing home charges which states that older people and their families are being prevented from choosing nursing homes under the fair deal scheme because of additional charges. One of the key principles of the fair deal scheme is that older people have choice and no one is prevented from choosing the nursing home he or she prefers for reasons of income. However, steadily increasing charges imposed by nursing homes are pricing older people and their families out of the market because the extra charges are a step too far for some families. When someone is completely dependent on the State pension, as many people are, he or she is left with only €50 per week after making the contribution levied under the fair deal scheme. Obviously, he or she will not be able to afford an additional charge of up to €200 per month imposed by some nursing homes for social activities.

While nursing homes are permitted to charge additional fees to fair deal residents for certain services, some of these services may be required to be provided by the Health Information and Quality Authority. Age Action Ireland has uncovered abuses in charges to the elderly for services such as social activities, incontinence wear and therapies. Residents, some of whom are of limited means, face charges ranging from €15 to €100 per week. As a result, they have only limited funds to buy clothes or gifts for grandchildren, which can cause them distress.

Openness, transparency and accountability are key for every service provider and we all have a reasonable expectation to be made aware of the cost of any service we buy or employ. It is not too much to expect that fees charged by nursing homes should be publicly available online and easy to understand and that patients should be informed of extra costs they may incur prior to taking up residency. In this regard, I welcome the response from Nursing Homes Ireland, which has made clear that nursing homes must be transparent in pricing and long-term care. The organisation also provides all members with a template contract for care. I look forward to the Minister of State's comments on the issue.

Minister of State at the Department of Health (Deputy Jim Daly): I appreciate the opportunity to speak on the important issue raised by Deputy Butler, which has been reported in the media and is a source of considerable concern for the individuals affected and their families.

The nursing homes support scheme, otherwise known as the fair deal scheme, provides financial support towards the cost of long-term residential care services in nursing homes and ensures that long-term nursing home care is accessible to everyone assessed as needing it. Participants contribute to the cost of their care according to their means, while the State pays the balance of the cost. The scheme covers the cost of the standard components of long-term residential care, namely, nursing and personal care, bed and board, basic aids and appliances and laundry service. A person's eligibility for other schemes, such as the medical card scheme or drugs payment scheme, is unaffected by participation in the nursing homes support scheme or residence in a nursing home.

In determining the services covered by the nursing homes support scheme, it was considered very important that the care recipient and taxpayer would be protected and would not end up paying for the same services twice. For this reason, medications and aids that are already

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prescribed for individuals under an existing scheme are not included in the services covered by the nursing homes support scheme as this would involve effectively paying twice for the same service.

Although the nursing homes support scheme covers core living expenses, residents can still incur some costs in a nursing home, such as social programmes, newspapers or hairdressing. In recognition of this, anyone in receipt of financial support under the nursing homes support scheme retains at least 20% of his or her income. The minimum amount that is retained is the equivalent of 20% of the non-contributory State pension. An operator should not seek payment from residents for items which are covered by the nursing homes support scheme, the medical card or any other existing scheme.

Part 7 of the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013 stipulates that the registered provider of the nursing home must agree a contract in writing with each resident on his or her admission to the nursing home. This contract must include details of the services to be provided to the resident and the fees to be charged. Residents should never be charged fees which are not set out in the contract. The Department of Health and the Health Service Executive are not parties to such contracts, which are concluded between each resident and the private or voluntary nursing home.

Registered providers of nursing home care are obliged to provide an accessible and effective complaints procedure. Concerns about additional charges should in the first instance be taken up with the nursing home provider. I would encourage anyone with concerns to raise them with the nursing home through this complaints procedure. The Office of the Ombudsman can examine complaints about the actions of a range of public bodies and, from 24 August 2015, complaints relating to the administrative actions of private nursing homes. The Office of the Ombudsman normally only deals with a complaint once the individual has gone through the complaints procedure of the private nursing home concerned.

Age Action's paper, which highlights this issue, is welcome and I assure the Deputy that we are committed to ensuring members of the older population are protected and get the care they need and deserve, particularly at this vulnerable stage in their lives. An interdepartmental agency working group has been established to progress some of the recommendations contained in the review of the nursing homes support scheme, which was published in 2015. I have requested that the working group further examine the matter the Deputy has raised, namely, additional charges, and report to me on same. I have also met Age Action and Nursing Homes Ireland in the past week to discuss the issue of additional charges. It was a productive meeting.

To improve the transparency of these additional charges, I have outlined that a schedule of charges should be provided to potential residents on inquiry as opposed to at the point of admission to a nursing home. Nursing Homes Ireland undertook to advise its members to do so and has reissued its template contract for care to all members. Furthermore, next week I will meet the National Treatment Purchase Fund, NTPF, and HIQA to discuss this issue further and determine their positions on it. The Department of Health will continue to engage with relevant bodies and monitor the issue.

It is important that older people are protected and have all the information they need to make an informed decision, especially as many older people who are entering long-term residential care are at a vulnerable stage in the lives.

Deputy Mary Butler: I thank the Minister of State for his answer and I welcome his request for a schedule of charges to be provided to potential residents on inquiry rather than at the point of admission. This important element is the crux of the matter.

As spokesperson for older people, I have visited many nursing homes in Waterford city and county and have been impressed by the services offered. However, the core of the issue is the fact the subvention provided by the Government is on average €200 more for public nursing homes than it is for private nursing homes, which may be contributing to the additional costs some residents are incurring.

I was surprised by a recent answer to a parliamentary question that each private nursing home had to negotiate and agree a price for long-term residential care services with the NTPF. It varies from nursing home to nursing home. When the Minister of State meets the NTPF next week, he might suggest that the prices be more standardised.

I was also surprised to learn that a private nursing home had received a subvention of €910 when a public nursing home in the same area had received a subvention of €1,100. Surely one would expect the same level of care in each nursing home and, it would be fair to say, that the costs of subvention would be similar. I appreciate and understand that the subvention would be more in respect of a patient with additional complex needs, but that was not the case in the instance in question. I am delighted to hear that the Minister of State has been working with the steering committee that was established to oversee the review of the pricing system for private long-term residential care facilities. I await that report.

The Minister of State might not have heard me say it, but I am the chair of the Oireachtas all-party group on dementia. We are meeting him in the morning with Senator Kelleher. I look forward to working with the Minister of State.

Deputy Jim Daly: I appreciate a spotlight being put on any issue affecting older people, who are my area of responsibility. As the Deputy will be aware, I have only been in the job for three weeks and this issue has arisen straight away. There is an onus on us as a Government and a society to protect vulnerable people and ensure older people are not being taken advantage of in nursing homes. From my perspective on what is happening, the jury will be out until I get the full picture. That is why I am looking forward to my meetings, including a further one with Nursing Homes Ireland this week, the NTPF and-----

Deputy Mary Butler: Age Action.

Deputy Jim Daly: -----HIQA. We must ensure that we do not compromise any of the activities undertaken in nursing homes. I want there to be more activities undertaken. It is not right that older people should just sit in a chair with their heads to one side for the entire day or lie in bed without being moved. They should get entertainment, stimulation and so on. We must ensure and encourage a comprehensive range of activities for older people. I do not want anything in this debate to take from that. We are adding years to life, but we also want to add a good quality of life to the years people are spending in nursing homes.

As Age Action is stressing, the key to this is consistency and transparency. The Deputy referred to both when discussing the online publication of charges. I would have no difficulty with the charges being covered by the State or anyone else. We can examine any method, but activities should continue and be charged for - if they are charged for at all - in an open, transparent and consistent way. If that is done, I will be satisfied that our elderly people are being

looked after.

I welcome the attention that the Deputy is bringing to this very important subject.

Garda Stations

Deputy Tony McLoughlin: I thank the Ceann Comhairle and his office for selecting for discussion what is an important issue on the ground in Sligo and a significant issue for the men and women of the Garda there who have to work day and night in a dangerous, unsafe and outdated station.

During October 2015, I was delighted to be able to announce to my constituents that, after much negotiation and representation from my office, County Sligo was to be allocated a new regional Garda headquarters under the Garda capital investment programme. That Sligo was earmarked to receive this new top-of-the-range Garda facility lifted the spirits in the Garda force locally and gave a vote of confidence to Sligo in general as a regional town which the Government was keen on investing in and improving. I thank the Minister for his attendance at this debate but, much to my disappointment at the time, the progress made on this project since the original announcement by the former Minister for Justice and Equality, Deputy Fitzgerald, has been unacceptable.

It is clear to me from the OPW's responses that I have received to parliamentary questions that there have been few or no developments in real terms on delivering on this issue since 2015. I have been advised that the site allocation period for acquiring a suitable location in Sligo for a new Garda station has been longer than anticipated and has been under way since January 2017.

Why has this only been the case with the Sligo Garda station? While I understand that the former Minister reaffirmed last February that the delivery of a new regional Garda station to Sligo remained a Government priority, we are still no clearer on questions like where the site will be located, when construction will start and how long it will take before the people we trust to uphold law and order in my constituency of Sligo, Leitrim, south Donegal and west Cavan are given the safe working conditions they deserve to be able conduct their work.

The Minister will be aware that the lack of progress with the new Garda station is holding up the development of two other stations, one in Macroom and the other in Clonmel, because they are lumped in as part of a single public private partnership project. For some reason, those two projects are at a much more advanced stage than the Sligo project.

The urgency on my part regarding this issue comes after reading a damning report conducted by Michael Reilly & Associates, which the Garda Representative Association commissioned this year to evaluate the overall health and safety problems at the station in question. The report's findings are shocking and raise several issues of concern that only a new station would address. For example, the report identified serious health and safety issues, including infestation by rodents, ventilation problems, poor heating and dampness, limited and inadequate toilet and shower facilities, leaking toilets, failures in building compliance, fire safety failures, failures in HSE health and safety procedures and requirements, hazardous safety issues, cramped public spaces, limited and outdated cell accommodation, inadequate canteen facilities, lack of interviewing rooms, no garage facilities, poor office accommodation, little or

no IT infrastructure, limited file storage areas, no purpose-built armoury and many other serious items of concern.

From reading the report, it is clear that gardaí in Sligo are not being given the tools, resources and standards required to do their jobs effectively in combating crime in the Sligo-Leitrim division. Will the Minister explain to me what is happening with regard to the development of the new Garda station in Sligo? Will he explain to me why there has been such a long delay in Sligo as opposed to the other two areas? Will he advise me as to when we can expect a site to be identified and construction to start on the new Garda station in Sligo?

An Ceann Comhairle: Does the Minister have good news for Sligo?

Minister for Justice and Equality (Deputy Charles Flanagan): I acknowledge the contribution of the Deputy in raising this issue of importance. As Deputy McLoughlin will be aware, the Office of Public Works, OPW, has primary responsibility for the provision and maintenance of Garda accommodation and works closely with the Garda authorities in this regard. As Minister, I do not have any direct role in these matters.

The programme for Government recognises that An Garda Síochána must also have the modern technology and other resources, including fit-for-purpose buildings, necessary to do its job. The programme notes that the capital plan for 2016 to 2021 secured resources in this regard.

Deputy McLoughlin will be aware of the significant efforts being made by Government to enhance the working environment generally for members of An Garda Síochána and of the major investment which has been committed under the capital plan for 2016 to 2021 to upgrade Garda premises, the Garda fleet and Garda ICT infrastructure. This is evidenced by the Garda station building and refurbishment programme 2016-2021, which is an ambitious five-year programme which will benefit more than 30 locations around the country and includes more than €60 million of Exchequer funding as part of the capital plan, as well as a major public private partnership project. Under the programme, new Garda stations will be provided in a number of locations, including Sligo, Macroom and Clonmel, by means of public private partnerships.

I know the Garda station in Sligo very well. I know it needs refurbishment. I would go further and say that it needs replacement. In that regard, I am advised by the Garda authorities that in the context of the public private partnership, the Office of Public Works is progressing the acquisition of sites, including a site for the Sligo development. The Deputy will be aware that, earlier this year, the Office of Public Works published advertisements in Sligo with a view towards acquiring a suitable and appropriate site.

Pending the development of the new station in Sligo, the acquisition of the site and the building of a modern state-of-the-art facility, I understand that local Garda management and the Office of Public Works have been working closely to develop proposals to improve the accommodation situation in the existing station in Sligo. This includes exploring options for the relocation of certain functions outside the station and reconfiguring the premises to meet the needs of front-line operational personnel and to address space or health and safety concerns. I also understand that other short-term measures have been taken to address and improve the accommodation situation at the station, for example, works to refurbish fully the toilets above the public office were completed in July of last year and a new industrial standard kitchen facility has been installed.

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I assure the House that the Government is fully committed to proceeding with its major investment programme which aims to provide new Garda stations and to modernise older stations at key locations around the country, including Sligo, to ensure a safe, modern working environment for gardaí as well as fit-for-purpose facilities for visitors, victims, suspects and anyone making use of the Garda station in Sligo or in any other part of the country.

Deputy Tony McLoughlin: I thank the Minister for his reply but it does not answer the questions which I raised. The Minister is quite right that the OPW has a major role to play in this. As Minister for Justice and Equality, he will be aware of the needs of An Garda Síochána and the environment in which gardaí work at the moment and he has outlined some of those issues. He will be aware that gardaí must have proper facilities to combat crime, which they are doing. I acknowledge, on the record, the work which An Garda Síochána is doing under very difficult circumstances. Will the Minister intervene with the OPW to ascertain why there has been such a delay in locating a site? A number of sites have been identified and it is time for the new site to be identified very quickly and then we can get on with the other areas in the country.

It has been brought to my attention that some of the senior Garda personnel are to be transferred to another site in Finisklin. This has not happened. Perhaps the Minister would take note of that in future, along with the need for extension, investment and upgrading of the Garda station in Tubbercurry, County Sligo. This is vitally important. There are a number of issues there which are very concerning for An Garda Síochána. I have been highlighting these issues for a number of years. I have been told about the issues in Tubbercurry, the issues around the site which was to be occupied by senior Garda personnel in Finisklin and the need to vacate a part of the Garda station in order that there would be more room for the gardaí on duty in Sligo Garda station. There are a number of issues. I appeal to the Minister. It is vitally important the Department of Justice and Equality and the OPW get together and make an immediate decision in respect of the site required for Sligo Garda station.

Deputy Charles Flanagan: I very much regret if Deputy McLoughlin is disappointed with the answers which I have endeavoured to give him. I assure him of the help and assistance of the Department of Justice and Equality and my office, and of my own interest in this issue. The issue, as I see it, is the acquisition of a local site in Sligo. Perhaps the local Deputy could assist and use his good offices to assist in the provision of a local site for a Garda station. I assure him that the Government will provide the appropriate resources for the construction of the Garda station. Again, I assure the Deputy and the House that the OPW and local Garda management continue to work closely to improve the accommodation in the existing station in Sligo, which I acknowledge is inadequate. In the circumstances, it is not fit for purpose. Actions of a short-term and interim nature are proceeding. These actions have been taken to address the issue and to improve the accommodation in Sligo.

I reassure the House that the Government remains fully committed to proceeding with a major investment programme which aims to provide a number of new state-of-the-art Garda stations in conjunction with a number of new courthouses. I had the pleasure and privilege of opening one such courthouse yesterday. I assure Deputy McLoughlin that it is a priority of this Government to modernise older stations at key locations, including Sligo, to ensure the provision of a safe modern working environment for gardaí as well as fit-for-purpose facilities for all who use them. I have an obligation to ensure the provision of these things. I ask the Deputy to keep in contact with me on this matter.

Srebrenica: Statements

An Ceann Comhairle: Before I call the Minister, I wish to express my thanks to the members of the Business Committee for agreeing to my proposal to discuss this important issue in the Dáil today on the anniversary of the massacre in Srebrenica. I had the pleasure of meeting representatives of Remembering Srebrenica earlier this year and I am very pleased that the Dáil has an opportunity to discuss the matter today. I commend the work of the organisation, Remembering Srebrenica. I welcome representatives of the group and their friends to the Public Gallery.

The events in Srebrenica 22 years ago still leave scars on the consciousness of all right-thinking Europeans. What happened to the Bosnian Muslims in this tragic episode in our Continent's history must never be allowed to happen again and must never be forgotten. Actively remembering asserts our collective dignity and rejects the venom of racial and ethnic intolerance. This time in Dáil Éireann, therefore, allows us to remember that cruel massacre in 1995 and to express our hope across all sides of the Chamber that such events will never happen again.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon): I am pleased to open statements remembering the 22nd anniversary of the genocide in Srebrenica this evening. The Minister for Foreign Affairs and Trade, Deputy Coveney, regrets that he cannot be here due to prior travel commitments in the Middle East.

I have just come from the Seanad where we discussed the issues raised by the Srebrenica genocide, including the appalling nature of the atrocity that took place, its lasting impact on individual human beings and on a country, and the road to reconciliation and to building a future based on tolerance, inclusivity, justice and peace.

I welcome to the Visitors Gallery members of the Remembering Srebrenica organisation, including those who have travelled from Northern Ireland and representatives from the Bosnian community in Ireland, many of whom arrived to this country in the wake of the appalling massacre at Srebrenica.

We remember the 8,000 men and boys who were murdered and think of their families and loved ones and the other survivors of that atrocity. We also acknowledge the tremendous legacy of this event and its effect on the people of the region as they work towards reconciliation in the wake of that time of war in the Balkans. Today, Srebrenica is synonymous with one of the worst atrocities of history. This took place in living memory and in Europe

We know well the shadows of conflict in Ireland and have been reminded of a sometimes uncomfortable past during this Decade of Commemorations. As we look at our own past, it is right that we remember the events elsewhere that have helped to shape our collective consciousness. Twenty years ago, Ireland welcomed some 500 people from Bosnia, and I am very pleased that those who made their home here will be part of our shared future.

As we commemorate the 8,000 men and boys who lost their lives, we remember also the impact this atrocity had on those left behind, in particular, the women, many of whom suffered sexual violence and mental trauma as well as bereavement. They were the mothers,

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grandmothers, sisters, girlfriends, neighbours and friends who picked up their own lives after such devastation and who, by their testimony, remind us of the human cost of Srebrenica, and the need to ensure that diversity and ethnic difference are celebrated rather than dismissed or, worse, persecuted. We honour those women, admire their courage and resilience and support their contribution to the rebuilding of a country still living with the consequences of hatred, just as we support the work they do to ensure that the lessons of Srebrenica will not be forgotten.

We all have a responsibility to ensure that every community within our society feels safe and protected. We cannot allow racial or ethnic discrimination to fester and we must be continually vigilant to ensure that our society is an open and inclusive one. We must redouble our efforts to promote tolerance and respect as fundamental values.

The European Union was founded on the principles of peace and justice, and Ireland remains committed to supporting a peaceful, secure and prosperous future for the people of Bosnia and Herzegovina, and the wider region. We continue to encourage them on their European path and to help them overcome the legacy of recent conflicts. We firmly believe that the accession process is a transformative driver for peace and stability, and that by choosing to follow the path towards EU integration, Bosnia is making a positive and active choice about her future as a single, united and sovereign country. We, for our part, will assist in any way we can. Our peacekeepers are serving with the EU mission, Operation Althea, and we are also active within the European Union in encouraging progress across the enlargement dossier, in particular on fundamental freedoms and human rights, and in offering bilateral assistance where possible.

The entire western Balkans region continues to face enormous challenges, including a rise in inter-ethnic tensions and an increase in extreme nationalism. The international community is committed to working with the people of Bosnia to ensure that current tensions are not allowed to spill over. In this context, the reaffirmation by the EU of its commitment to the western Balkans is very welcome. Tomorrow, regional leaders will meet at the Trieste summit to discuss enhanced regional co-operation. This spirit of collaboration can only serve to bring tangible benefits to all of the citizens of the region, and to shape a more prosperous, peaceful future.

As I conclude, I ask the House to commemorate and honour the victims of Srebrenica, and to remember the victims and survivors of all wars. Srebrenica will always serve as a reminder of a dark period in Europe's past. By learning the lessons of the past and by working together, I believe we will secure a more peaceful Bosnia, working in friendship with her neighbours and as a partner in the European Union.

Deputy Darragh O'Brien: It is an honour for me, on behalf of Fianna Fáil, to speak on this, the 22nd anniversary of when the Srebrenica massacre began. I remember that day and the reporting of those events when 8,000 Bosnian men and boys were murdered by Bosnian Serb forces under the command of former General Ratko Mladic. The barbaric slaughter of thousands of innocent civilians was compounded by the fact that this was supposed to be a UN safe zone under the protection of approximately 600 Dutch troops. The failure of the UN came at an horrific cost to innocent victims and still casts a dark shadow over the UN and the international community.

The Srebrenica victims were buried in mass graves. In an effort to conceal the war crime, the remains were removed to other sites, with bodies dismembered and dispersed. Last Tuesday, 71 of those people were finally laid to rest in a funeral ceremony. The youngest, Damir Suljic, was only 15 when he was killed. He was buried next to his father, grandfather and uncle.

We can only imagine the hurt and loss to that poor man's family and community. It is an honour to have members of the Bosnian community with us in the Gallery.

The United Nations recognised the failure of the international community in responding to the crisis in the former Yugoslavia and, particularly, in Bosnia. We think of Sarajevo and Srebrenica especially. However, crimes were also committed in Croatia in that period. While it was pledged at the time that we would never again witness an atrocity such as Srebrenica - that was to be the lasting testament to the largest massacre of Europeans on European soil since the Second World War - unfortunately we have seen the lack of response from the international community to what has happened in Aleppo, the massacre of Yazidis at Mount Sinjar and the hundreds of thousands if not millions of Christians persecuted in the Middle East. I was shocked to read that the Christian population in Iraq has fallen from 1.4 million to 275,000 in less than ten years. All of us must condemn genocide and persecution of all minorities.

I remember watching events unfold in Srebrenica 22 years ago almost live on television. We keep wondering how the world can continue to let such things happen. If we keep hoping that someone else will do the right thing and if we continue to let history repeat itself, we will continue to fail the thousands who died in Srebrenica and in other genocides. The victims of the Srebrenica genocide and all other genocides deserve better. Therefore, all members of the United Nations and the European Union must not pay lip-service to the principles upon which these organisations were founded but must demonstrate their commitment to them by their actions and convictions.

In order to move on and have real peace and reconciliation, all sides need to acknowledge the extent of the crimes committed in Bosnia, specifically in Srebrenica. It is with regret that many in Republika Srpska and even the first Serb mayor of Srebrenica since this massacre have not been able to agree that this was actually a genocide. There has to be recognition that this was a genocide, that this was murder perpetrated on the community of Bosniaks simply because they were Muslim. That acknowledgement needs to happen before there will be full reconciliation in the region. Twenty-two years later, we must look in an honest way to see how the European Union, the United Nations and the international community respond to current crises today and, as they occur, respond to genocide and those who perpetrate them and to protect innocent civilians. That will be the testament to those who were brutally murdered in Srebrenica.

Deputy Seán Crowe: This July marks the 22nd anniversary of the Srebrenica genocide. As 11 July is designated as the memorial day, I welcome that we are marking this day with statements in this House. I hope it will happen every year. I also call on the Government to create a national Srebrenica memorial day. That is something that happens in other countries and it would be beneficial if it happened here.

The appalling massacres have been recognised as genocide by the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia, ICTY. It is very welcome that the Dáil is today formally remembering the more than 8,000 Muslim Bosnians, or Bosniaks, who were brutally executed by paramilitaries and units of the Bosnian Serb army, under the command of General Ratko Mladic.

I understand that the theme of the Srebrenica commemorations in 2017 is gender and genocide. In addition to those men and boys killed, thousands of women, children and elderly people were forcibly deported and a large number of women were raped and impregnated. Today, we must acknowledge the courage and strength of Bosnian women who have been at the

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forefront of efforts to ensure the world remembers Srebrenica, including Bosnian women now living in Ireland.

At the ICTY, 38 former members of the Bosnian Serb police force and army have been sentenced to a total of more than 400 years in prison for genocide and crimes against humanity in Srebrenica. The acts of genocide in Srebrenica and other crimes have also been laid out in Mladic's trial in the tribunal and a verdict is expected in November. Sadly, many more perpetrators of mass killings of Bosniaks in the area have not been prosecuted. The mass killings include people desperately fleeing from Srebrenica to safety in Tuzla, a town which was under the control of the Bosnian army in July 1995. I met one such survivor here today.

The UN has called the Srebrenica genocide "the greatest atrocity on European soil since the Second World War". After the Holocaust and genocide carried out by the Nazis, Europe said never again, yet just 22 years ago that act of genocide occurred on European soil. Europe and the world failed the people of Srebrenica. When we say never again now, we must mean it. While we remember that appalling act of genocide we must also commit to continue to challenge and oppose any attempts to minimise or deny the genocide that took place at Srebrenica and oppose the glorification of war criminals. I do not think anyone has mentioned the fact that to this day, many look up to the war criminals. We must also reconcile the fact that this genocide took place in a UN-designated safe area and that Dutch soldiers acting as UN peacekeepers failed to stop the capture of the town and the resulting genocide.

I commend Bronagh and Mirza Ćatibušić who have continually raised Srebrenica and other issues with my office. They worked tirelessly, along with other members of the Bosnian community in Ireland, to ensure that Srebrenica was remembered and marked in Ireland over the years. Bronagh, Mirza, and other members of the Bosnian community in Ireland are in the Visitors Gallery tonight. I am sure it is an emotional day for all of them and for Bosnians living throughout the world.

The Minister said Ireland accepted more than 500 refugees from Bosnia. I thought 1,000 Bosnian refugees were accepted through a resettlement programme established in response to the war in Bosnia in the 1990s. Many of those who came to Ireland had been ethnically cleansed from parts of eastern Bosnia, including Srebrenica. Some of them had survived the horrors of the Srebrenica genocide. Today, we remember all the loved ones of members of the Bosnian community in Ireland who were killed in the war. Their experience of surviving conflict and overcoming trauma and their successful integration is an inspiration today as Ireland again accepts refugees from war-torn countries such as Syria.

It is estimated that 1,000 people dumped in mass graves are still missing. International funding to identify the victims is not secure and Ireland needs to raise its voice in support of that important work. Perhaps the Minister of State, Deputy Cannon, would follow through on that work and securing the funding needed to support it.

Today, we remember all the victims and survivors of the Srebrenica genocide. In concluding, I refer to Article II of the Convention on the Prevention and Punishment of the Crime of Genocide. It defines genocide as:

...any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting

on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group, (e) Forcibly transferring children of the group to another group.

That is genocide.

Deputy Brendan Howlin: I welcome the opportunity to speak in this debate on behalf of the Labour Party. These statements are in keeping with the European Parliament resolution of 2009. That resolution called on the Council and the Commission to commemorate the anniversary of the genocide, and to support the recognition of 11 July across the European Union as a day of commemoration of the Srebrenica massacre. Two years ago, the Labour Party spokesperson on foreign affairs, Senator Bacik, organised a commemoration in Leinster House with representatives of the Bosnian Irish community. I am pleased that the Ceann Comhairle has built on that tradition, and has committed to ensuring we do not forget the horror that was visited on the people of Srebrenica not so long ago.

It is at the heart of our shared humanity that we do not forget such atrocities and that in honour of those who did not survive, we remember what was done to them. More than 8,000 Bosnian men and boys were brutally killed when the UN so-called safe area of Srebrenica fell to Serbian forces, led by Ratko Mladic on 11 July 1995. This massacre has been recognised as genocide by the International Court of Justice and the International Criminal Tribunal for the former Yugoslavia. It is the worst single atrocity to have been perpetrated on European soil since the end of the Second World War. As the horrific events of the Second World War fade out of living memory, it is even more important that we pause to remember that genocide has happened in Europe within our lifetime and our European home. As we in Ireland know all too well, peace is a fragile construct. It must be carefully tended, and never neglected. We see war continuing not far from our European borders even today. In Syria and Ukraine, we see the human cost.

I know the Bosnian community in Ireland has been active for many years in commemorating the awfulness of Srebrenica. Their actions are more than acts of commemoration. They still seek justice for the victims of the genocide and of other atrocities which occurred in Bosnia and Herzegovina in the 1990s. It is fitting that they have received cross-party political support in Ireland in that quest. The theme of the Srebrenica commemorations in 2017 is gender and genocide. It gives us an opportunity to recognise the courage and strength of Bosnian women, who have been at the forefront of efforts to ensure that the world never forgets Srebrenica. In Ireland, Bosnian women have played a key role in raising awareness about Bosnia and Herzegovina, through organising memorial events, informing Irish people about their country, and fostering intercultural understanding. Just over 20 years ago, Ireland established a resettlement programme in response to the war in Bosnia.

7 o'clock

It is my understanding, too, that more than 1,000 Bosnians have arrived on our shores as a result of that programme. They came, scarred after experiencing appalling horrors. Many of those who came to this country had been victims of ethnic cleansing efforts, including at Srebrenica. As we commemorate the genocide that took place in Srebrenica, we remember all the loved ones of members of the Bosnian community in Ireland who were killed. We must remember, yet it is hard for us in this Chamber to begin to imagine the lived experience of those who survived that conflict. Survive many of them did. Somehow, they overcame unimaginable

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trauma and successfully integrated into our community and into Irish society. They serve as an inspiration to us all, particularly as we once again seek to open our shores and doors to those fleeing newer conflicts.

Deputy Richard Boyd Barrett: The horror of the Srebrenica massacre in 1995 is totally unspeakable. Some 8,000 people were murdered. There were mass graves. Some 440 children were among the dead who have been identified, while more than 1,000 of the victims still have not been identified. It is an absolutely horrific moment in European history. It is right that we should commemorate it and learn the lessons in order that such things are not repeated. However, if we are not to repeat those horrors, it is very important that we are honest in our appraisal of what happened and how we failed. Otherwise we risk repeating the mistakes of the past. I would say that this is exactly what we are doing.

There is no question about the culpability of Milosevic, Karadzic and Mladic. There is no question that they were rotten, racist nationalists who stirred people up to the most foul actions. However, we are being one-sided if that is all we say. Let me read the following account from 1995:

Evidence of atrocities; an average of six corpses per day continues to emerge ... [T]he corpses; some fresh, some decomposed, are mainly of old men. Many have been shot in the back of the head or had throats slit, others have been mutilated. Isolated pockets of elderly civilians report people recently gone missing or detained [...] Endless [...] invitations for [people - I will tell Members who they were in a moment] to return, guarantees of citizens' rights and property rights etc., have gushed forth from all levels.

This is an account from a European Union report cited by Robert Fisk describing the ethnic cleansing of Krajina Serbs after Srebrenica. This was effectively condoned by the western powers and the NATO bombing, which intervened on one side of the conflict and essentially allowed the Croats, led by an equally rotten racist who was also, in the case of Franjo Tudjman, a fascist sympathiser. We said very little about his politics at the time because it suited the interests of the West. Indeed the Vance-Owen plan encouraged ethnic cleansing in that it mapped out in advance of all this the ethnic partition of the former Yugoslavia and encouraged the worst, most right-wing nationalist and racist elements on all sides. The consequences were disastrous for ordinary Croats and Muslims and many Serbs as well.

The reason it is important to balance what we are saying tonight and to acknowledge the culpability of the western powers is that a selective approach to horror, war and obscenity continues today. Rightly we condemn the Assad regime for its brutal suppression, with Russian support, of its own people. However, we remain silent when it is western allies that are encouraging similar obscenities and atrocities. We fail to speak up about how, for example, Israel, al-Qaeda and Turkey are manipulating the situation in Syria and are even threatening the safety of our troops in the buffer zone in the Golan Heights. We do not speak loudly about how Britain, the United States and France arm Saudi Arabia which in turn arms ISIS. These forces manipulate the situation, leading to the sort of horrific atrocities that we are seeing for ordinary people across Syria. When those refugees then seek to come to Europe, we allow 14,000 of them to drown in the Mediterranean - men, women and children. We deny them entry into the European Union or we lock them up in direct provision centres and treat them as subhuman.

In remembering Srebrenica, we have to remember those lessons and end the hypocrisy, double standards and cynical manipulations that allowed those horrors to take place in the first

place.

Deputy Thomas P. Broughan: The wars in the former Yugoslavia between 1991 and 1995 and again from 1998 to 2001 were profoundly shocking for Europe and the whole world. This time 22 years ago, in July 1995, we saw the appalling events of the breakdown of the Yugoslav federation. They were epitomised by the mass murder of more than 8,000 young Bosnian men and boys around the town of Srebrenica. I recall, as I am sure does the Leas-Cheann Comhairle, the sadness and anger felt in this House when Deputies first got a chance to raise those appalling events. I remember an especially important intervention by the former Minister and Deputy, Alan Shatter. It is right that this House should once again remember the tragic victims of genocide and resolve that such cruel and devastating crimes should never be allowed to happen.

As Deputy Boyd Barrett has said, accountability is very important. Those responsible for such crimes should always be held to account, as happened with some of the perpetrators of atrocities in the former Yugoslavia. Today, every day of the week we see events in places like Mosul, Aleppo, South Sudan and east Congo which also fill us with horror. There is a clear necessity to reform and restructure the United Nations, given the continued history of failure.

Both the European Union and the UN failed badly in addressing the rise of atavistic nationalism and racism which provoked the breakup of Yugoslavia and the manner in which the constituent regions separated. Germany and Austria, in particular, seemed to encourage the breakaway of Slovenia and later Croatia without any consideration for the fragile interethnic and intercultural tensions within the former Yugoslavia, where once the Croatian-born leader, Josip Broz Tito, made his federation a leading non-aligned state. I recall a number of refugees and families arriving in Dublin Bay North from Bosnia and Herzegovina. Many of the families who came here had connections in all three communities. Particularly sad were their memories of Orthodox Serbs, Muslim Bosnians and Croatian Catholics living very peacefully beside each other and socialising easily together before they were engulfed in this holocaust. The cost of the horrendous mayhem and murder in the former Yugoslavia remains a stain on Europe down to today. Conservative estimates put the death toll at 140,000, with at least 100,000 people dying in Bosnia and Herzegovina, 14,000 of whom died during the siege of Sarajevo alone. These figures are truly appalling figures. A further 2 million people were displaced and there were 2.5 million refugees. The treatment of women and children during this conflict is an appalling stain on the recent history of Europe. Up to 50,000 women, most of whom were Bosnian Muslims, were raped.

The Srebrenica massacre of July 1995 stands out as a depraved crime of genocide comparable with some of the worst offences of the Second World War. The Srebrenica enclave was under intense attack from 1992 to 1993. Even though the Security Council declared it a safe area in 1993, the lawless and intense violence of the Bosnian Serb army intensified in early 1995. The failure of the UN Protection Force to protect the residents of Srebrenica and refugees in Potočari between 6 and 11 July 1995 and subsequently remains an indictment of the organisations and of the structure of the UN. Similarly, NATO was badly at fault. The massacre of more than 8,000 Bosnian men and boys was perpetuated by units of the Bosnian Serb army, known as the VRS, under the command of General Ratko Mladic. The former Serbian paramilitary group known as the Scorpions was also involved. The two Bosnian Serb leaders, Radovan Karadzic and Momčilo Krajišnik, pressed on with the genocidal attack on Srebrenica. Deputy Boyd Barrett mentioned the former President of Croatia, Franjo Tudjman, who managed not to be indicted. It seems from the history of the appalling carnage in the former Yugoslavia that he should definitely have been indicted. It is entirely fitting that Radovan

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Karadzic, Ratko Mladic and - after his loss in the 2000 Serbian presidential election - Slobodan Milosevic, were all indicted for this crime of genocide. We need accountability for this appalling event, which nobody would have thought could have happened so recently in Europe. We should also remember the great suffering of the victims and their families. We have to ensure this kind of horrendous event never happens again in Europe or anywhere else on this planet.

Deputy Mattie McGrath: Ar an gcéad dul síos, I congratulate and thank the Ceann Comhairle for asking for a debate on this issue to be arranged. This evening's short debate gives us an opportunity to recognise what happened in Srebrenica 22 years ago. I think that is a noble situation. In 2004, a unanimous ruling of the appeals chamber of the International Criminal Tribunal for the former Yugoslavia, located in The Hague, ruled that the massacre of the enclave's male inhabitants constituted genocide, which is a crime under international law. This ruling was upheld by the International Court of Justice in 2007. The forcible transfer and abuse of between 25,000 and 30,000 Bosniak women, children and elderly people which accompanied the massacre was found to constitute genocide when accompanied with the killings and separation of the men.

In 2005, the then Secretary General of the United Nations, Kofi Annan, described the mass murder at Srebrenica as the worst crime on European soil since the Second World War. We all know those remarks from that gentleman. We all saw on our televisions the horrors that went on. We thought we did not want to see them ever again but we are seeing them at present. I spent almost three years trying to get a debate in this House on the persecution of Christians in the Middle East. When the Minister, Deputy Flanagan, served as Minister for Foreign Affairs and Trade, he met Deputy Grealish and me briefly to discuss the matter and I thank him for that. It was very appropriate that on the evening of Holy Thursday this year, just before Easter, this issue happened to be selected for limited debate as a Topical Issue. I sincerely thank the Ceann Comhairle for allowing Deputies Grealish, O'Keeffe and me to raise this subject over two time slots.

These massacres are going on. Thankfully, I was able to go to Lebanon three and a half years ago. I met many refugees, including old women and young children. There was no sign of the men. We have seen what has been going on since then. There has been no debate in this Parliament or in many other parliaments about the atrocities that are going on at this time. We have all the talk and we all attack President Trump, but his predecessor allowed all the bombings and the removal of all the dictators. There was a lot of hoo-ha about it, but these places are less stable now. Since those invasions, it has been a free-for-all. Minority Muslims, Yazidis and other tribes are being persecuted and obliterated. There are genocides and all kinds of issues. We are seeing the last days of Mosul - God help us - and what is going on there. I heard an excellent report on it on the radio on Saturday morning. This is going on under our watch as well. We are standing idly by. Now we have the results of it. Thousands of people are fleeing from Libya, Syria and elsewhere. We are having a short debate tomorrow about the gallant efforts of our Naval Service and the possibility of extending its powers in the rescue of so many people who are fleeing from horrors to safety. What must the horror be like to take the risk of losing their lives at sea by getting on these boats?

While we are consumed here talking about Brexit and other issues, we are not addressing the causes of the issues I am talking about, which will have long-term implications. It is quite frightening. We thought the Srebrenica massacre was horrific in 2004. Unfortunately, this is happening again, especially in the Middle East. We have certain environments and certain engagements. It is wonderful to have our peacekeepers and our Naval Service personnel doing

what they are doing. We need to look at the real causes of these problems. We need to have a proper and meaningful debate about them in this Chamber. We should not wait until whoever is the Ceann Comhairle in 22 years' time decides to mark the anniversary of what is happening in real life now.

We need to engage in a more focused way with the Minister for Foreign Affairs and Trade. I note the presence in the Chamber of his predecessor, Deputy Flanagan, who met us and engaged with us. We need the current Minister to engage and talk. A proper debate is needed in this Parliament. It should not be hush-hush. When we are praising the Naval Service, we should not be hiding or suggesting that we have done our bit because we have not. We need to focus on problems like the migration of these people and what is left after them. The fear, terror, destruction, genocide and rape - God knows what else is being perpetrated on those unfortunate people - is happening under our watch now, in our lifetimes. We must not be afraid to debate these issues. We must have debates on them.

Deputy Catherine Murphy: I support the marking of the anniversary of the genocide that took place in Srebrenica 22 years ago. It was one of the gravest atrocities of our times. As Deputies have noted, more than 8,000 people - mainly men and boys - were systematically massacred while thousands of others - mainly women, children and older people - were forced to flee the country. The horror stories of genocide, rape and terror still seem unimaginable today. The revulsion they engender has not dissipated with the passage of time. The genocide in Srebrenica was part of the loss of 100,000 lives in the Bosnian War. Some 7,000 people are still missing.

When we start talking about casualty numbers, we can often lose a real sense that each one of the people we are talking about was an individual person - part of an individual family with an individual story. For that reason, I would like to read from a very good article that was published in *The Irish Times* on the 20th anniversary of the Srebrenica atrocity. I cannot seem to find the name of the journalist who wrote it. I apologise for my pronunciation as I read from the piece in question. It tells the story of a woman, Hajra Catic, and her only son, Nino. She "watched in disbelief as the Bosnian Serbs took equipment and even uniforms from the Dutch, who proceeded to force the Bosniaks to leave the Potočari camp in the custody of Mladic's men".

The article continues:

"I thought the Serbs would put us in prison camps or make us work in mines. Then they began separating the men and boys from the women and smallest children, and saying they would be taken away for interrogation," Catic says. "But it was suspicious, because they took away boys as young as 10 and men who were 80 years old. Later we looked for them in the prisons and the mines. But there was no sign of them."

In the days that followed, in the fields and creeks of the verdant Srebrenica valley, in warehouses and barns and on the side of country lanes, more than 8,000 Bosniak men and boys were murdered.

As the Dutch battalion quietly withdrew - taking with it the world's hollow promise to prevent a massacre - Mladic's soldiers used guns, knives and grenades to conduct the worst massacre in Europe since the second World War.

I remember it playing out on the television and following it in the papers at the time. One

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can put oneself in the place of someone searching for someone's husband, son, brother or other relative. I have stood at various memorials with family members who suffered loss as a result of genocide and memorial days such as this are hugely important to remind us what happens when international eyes close to horrors beyond our own shores. The scale of the genocide and the swiftness of the horror should continue to act as a reminder to the international community that collective responsibility is vitally important. Post Second World War, there was a collective gnashing of teeth regarding what had been allowed to transpire in Nazi Germany, but what lessons have been learned? The same dearth of responsibility existed when Srebrenica occurred and when the Rwandan atrocities were perpetrated, and it continues to exist while Darfur rages and people flee Eritrea, while the images from Serbia continue to haunt our television screens on most nights. What happened in Srebrenica should never be repeated but saying it is not enough. The international community should take steps to ensure it cannot and does not happen again.

An Leas-Cheann Comhairle: That concludes the statements on Srebrenica. We were saddened at the time by the deaths of the thousands of men and boys who were murdered. May they rest in peace. We think also of those left behind. Go ndéana Dia grásta orthu.

Mediation Bill 2017: Order for Report Stage

Minister for Justice and Equality (Deputy Charles Flanagan): I move: "That Report Stage be taken now."

Question put and agreed to.

Mediation Bill 2017: Report Stage

An Leas-Cheann Comhairle: Amendments Nos. 1 and 2 are related and may be discussed together.

Minister for Justice and Equality (Deputy Charles Flanagan): I move amendment No. 1:

In page 5, line 5, to delete "civil".

Amendment No. 1 proposes deletion of the word "civil" from the first line of the Long Title. The term "dispute" rather than "civil dispute" is in use throughout the Bill, so "civil" is superfluous in line 1. Deputies will recall that on Committee Stage I introduced the new Part 6, which includes amendments to family law legislation. The purpose of these amendments is to ensure consistency and coherence between the requirements placed on solicitors under this legislation and the requirements on solicitors under other legislation, namely, the Guardianship of Infants Act 1964, the Judicial Separation and Family Law Reform Act 1989 and the Family Law (Divorce) Act 1996. Amendment No. 2 inserts references to these family law Acts into the Bill's Long Title.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 2:

In page 5, line 14, after “sessions;” to insert the following:

“to amend the Guardianship of Infants Act 1964, the Judicial Separation and Family Law Reform Act 1989 and the Family Law (Divorce) Act 1996;”

Amendment agreed to.

Amendment No. 3 not moved.

Deputy Charles Flanagan: I move amendment No. 4:

In page 6, line 21, to delete “confidential facilitative voluntary” and substitute “confidential, facilitative and voluntary”.

This is purely a drafting amendment in respect of the definition of mediation in section 2 and it improves the readability and clarity of the section.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 5 and 7 are related and may be discussed together.

Deputy Aengus Ó Snodaigh: I move amendment No. 5:

In page 7, between lines 33 and 34, to insert the following:

“(i) proceedings where there are allegations of domestic violence or assault between the relevant parties;

(j) proceedings where the safety of one of the parties (and/or their children) is at risk;”.

These amendments seek to amend section 3 which deals with the scope of the Act, and to prevent it from applying to proceedings where there are allegations of domestic violence or assault between parties or where the safety of one of the parties is at risk. The amendment was tabled as a result of information provided to us by Women’s Aid and we recognise that in the Bill. Mediation remains a voluntary process and mediation is promoted as an alternative to litigation, including in family law cases. We recognise that this is appropriate but we do not believe it applies to cases of domestic violence. We are conscious that new legislation is passing through the Houses of the Oireachtas to amend the law on domestic violence and, mindful that the phrasing may need to be tidied up at a later stage, we believe it can be done through that legislation.

For clarity, rather than listing specific legislation as per section 6, which excludes proceedings under the Domestic Violence Acts 1996-2011 from the scope of the Bill, this will apply to situations where domestic violence is an issue but may not have been prosecuted. It is simply not appropriate for a solicitor to advise his or her clients to attend mediation in cases of custody or access where there has been domestic violence. Abusers may attempt to bring forward mediation proceedings to prolong matters, and that is one of the key concerns of those who

have passed on information to us in regard to this legislation. In a 2010 report on alternative dispute resolutions, the Law Reform Commission stated that they were not suitable where they involved proceedings under the domestic violence Acts, and it suggested a broad wording to include situations where there are safety issues. That is what we are attempting to reflect in amendment No. 6.

Amendment No. 7 would provide that a mediator, prior to commencing mediation, would make inquiries whether there has been domestic abuse in the relationship. This was also advocated by those in the sector dealing with the effects of domestic violence and those who have helped people who have suffered abuse by a spouse or other relative. There is a possibility that victims of abuse could be pushed into mediation settings, which would be wholly inappropriate. These amendments reflect concerns of people who have worked with victims, and the Law Reform Commission has also made suggestions along these lines. I hope the Minister will accept them on that basis.

Deputy Charles Flanagan: I appreciate the comments of Deputy Ó Snodaigh and the intention behind them. We had an opportunity to debate these issues in the earlier Stages of the legislation and I am unable to accept the amendments. I will make two important points. First, I wish to make the point quite clearly that in section 3(1)(h), on the matter of the scope and extent of the legislation, there is a deliberate exclusion of “proceedings under the Domestic Violence Acts 1996 to 2011”. This is an important and deliberate exclusion.

Second, it is important we underscore the fact that mediation is, and will remain, a voluntary process, and this is made clear in the definition of “mediation” in section 2. While the role of the mediator is to assist the parties to resolve the dispute at hand, it is really a matter for the parties to make the decision as to whether they will engage in the mediation process. Members will recall that the Bill was amended on Committee Stage to ensure a coherence and consistency between its provisions and the existing mediation related provisions in the Family Law Acts, including those under the Judicial Separation and Family Law Reform Act 1989 and the subsequent Family Law (Divorce) Act 1996. Sections 5 and 6 of the 1989 Act require solicitors acting for both the applicants and the respondents in judicial separation cases to discuss the matter of mediation and the options with their respective clients and provide them with names and addresses of organisations and persons deemed suitably qualified to provide the services. Sections 6 and 7 of the Family Law (Divorce) Act 1996 imposed the same obligations on solicitors acting for the parties in divorce cases. Neither of these Acts excludes the mediation obligation on solicitors in cases in which domestic abuse is alleged or safety issues are put forward by a party. There are no such exclusions in the 1989 Act nor in the 1995 Act because mediation is by its very nature a voluntary process. This will remain the case under the legislation before the House, and that is important. A party who has experienced domestic abuse is unlikely to enter mediation unless he or she does so, for example, to protect children from the ordeal of court proceedings. The amendments in the name of Deputy Ó Snodaigh’s colleague, Deputy Jonathan O’Brien, would not alter existing obligations on solicitors to discuss the options of mediation with parties to cases in which domestic abuse is alleged. This would require amendments to the 1989 and 1996 Acts, not this Bill.

I caution against any action that might be regarded as hasty or not properly thought through as far as these issues are concerned because. Mediation, as we all know, and this goes to the heart of the legislation, offers a less adversarial, less stressful, speedier and more efficient alternative to court proceedings in family law cases, especially cases in which children are involved, in order that the legacy of the adversarial nature, hostility, bad blood and bitterness that often

results from drawn-out, lengthy, delicate, sensitive and, indeed, hurtful court proceedings can also be avoided.

An Leas-Cheann Comhairle: Did Deputy Madigan indicate her interest to make a contribution?

Deputy Josepha Madigan: Yes. I apologise for not having been here for amendment No. 3.

An Leas-Cheann Comhairle: We will deal with that presently.

Deputy Josepha Madigan: Regarding amendment No. 5, I wish to bring to the attention of the House, in case anyone is not aware of it, that I have written a book on mediation. I am sorry to refer to my own book but mediation is a very important topic in the context of abuse. As a mediator over many years, I know that screening in mediation is very important, particularly when it comes to domestic abuse. As we all know, there are different types of abuse: physical, sexual, emotional, social, economic and psychological, as well as harassment and other forms of abuse. I will not go into great detail on this. Suffice it to say that in my experience as a mediator, I believe one must err on the side of extreme caution in mediating any type of case in which domestic violence is alleged. I have not, and would not, nor would many of the mediators who are trained well in Ireland today, especially under the auspices of the Mediators Institute of Ireland, of which I was previously a member, in any circumstances mediate a case in which there are domestic violence issues, as I have outlined in my book, *Appropriate Dispute Resolution in Ireland*, published by Jordan Publishing in 2012. It is there for anyone to read. I am conscious of what the Minister has said about this. We must have faith in our mediators and the screening they carry out. I would certainly not advocate mediation in a case of this nature.

Deputy Aengus Ó Snodaigh: I have listened to what the Minister has said. I am here because Deputy O'Brien is attending a committee meeting dealing with the Citizens' Assembly report. He cannot be in two places at once, which is a pity. I am mindful that it is not just Deputy O'Brien who suggests this. Others, as I mentioned earlier, who deal day in, day out with the victims of domestic violence have suggested the insertion of such a provision to prevent mediation in cases in which allegations of domestic abuse have arisen. What the Minister read out in respect of section 3(c), I think-----

Deputy Charles Flanagan: Section 3(1)(h).

Deputy Aengus Ó Snodaigh: What he outlined is relevant to a case in respect of which proceedings have begun. Sometimes an allegation is made but that does not mean proceedings have begun or are ever likely to begin. Often what we find in domestic violence cases is that the allegation is made, but because of the fear and the dominance of one of the parties, one party will not initiate proceedings. However, sometimes the visible effects can be seen.

The letter from Women's Aid, which as far as I know was sent to most Members of the House, gave the example of "Abigail (not her real name) [who] spoke about her experience of going through mediation with her abusive ex-husband":

After the separation, they were both in court to deal with custody of and access to their children. Her ex-husband began arguing, while she sobbed and when the judge intervened, her ex-husband said he wanted to attend mediation. The judge agreed. Abigail didn't feel she could object, so she went along. Her ex-husband turned up an hour and a half late.

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When mediation started, he began “shouting and roaring”, cursing and saying the children did not want her. Every time Abigail tried to speak he would stand up and shout over her. The mediator eventually ended the session and said they could reschedule when he had calmed down. The mediator went out and spoke to the receptionist, while Abigail’s ex-husband waited by the lift for 10 or 15 minutes. The mediator took her out another door and brought her to a Women’s Aid office nearby for support.

We should insert the provisions in this amendment just to give additional protections. The Minister says those protections may already be there but this amendment would make it very clear what is intended.

Deputy Jim O’Callaghan: I understand Deputy O’Brien’s intention and objective in tabling this amendment. Obviously, no one here would want someone in an abusive relationship to be forced into a mediation process where that abusive relationship could be re-enacted. Obviously, for someone who is the victim of domestic violence or any other form of violence, the appropriate place for that to be resolved is not in a civil court of law but a criminal court of law. However, I take on board what the Minister has said, that is, that the whole objective of mediation is that it is voluntary. The solicitor of a wife who is the victim of domestic abuse will offer her the option of going to mediation. She does not have to take it. There is nothing mandatory about it. She can say she has no interest in going into a room with the person who has abused her before. However, it is the case that the two parties will be in court together during court proceedings, so there is an option in mediation whereby the wife can say she does not want to be party to this and can decide not to go along with it. The reality is that if it goes to court both persons are going to be in the room at the same time. It is incumbent on judges to ensure that there is no abuse within the courtroom. I appreciate the intention of Deputy Jonathan O’Brien, but because it is a voluntary arrangement I do not believe that it is necessary. There is also the reference to proceedings involving assault. There can be many proceedings where people claim such circumstances. A person might go to a nightclub and be attacked by bouncers. That can end up in our civil courts. There is no reason why that dispute should not be mediated. The great thing is that it can be decided upon by the person who has taken the claim. They can either go to mediation or decide not to.

The legitimate concerns that Deputy O’Brien had probably do not require this amendment because it is a voluntary arrangement.

Deputy Charles Flanagan: Another issue about amendment No. 6 which would be particularly unfortunate and could have the opposite effect to what we are trying to do with this Bill is that any weakening of support for mediation in family law cases on the grounds of alleged domestic abuse could in some circumstances encourage the making of such allegations with a view towards getting around the obligations on solicitors to provide information on options to mediation and mediation services. That would be most regressive.

I take the points raised by Deputy Madigan and acknowledge her contribution to this debate and to this legislation.

Amendment No. 7 to section 8, in the name of Deputy O’Brien, would have the effect of requiring the mediator to inquire separately and distinctly of the parties whether there had been domestic abuse in a relationship and then take a view on whether mediation would be suitable in the case. Such a choice, intervention or obligation would really be most intrusive and I do not see that as being encompassed in the role and function or task of the mediator. Mediation

is by its nature a voluntary process. It is a matter for the parties themselves to decide whether to seek a resolution to a dispute that they may have through mediation. If there are children involved in a dispute that results in the safety of the children being at issue, there is a logical and direct remedy available, which is to proceed through the criminal courts, the HSE and the Garda Síochána, rather than a process where a mediator might be required to make a choice. I cannot accept the amendments.

Deputy Aengus Ó Snodaigh: There are quite a number of other points that I could make about these amendments. A key point is that it is not a voluntary process if a person has been the victim of domestic violence, because often emotional blackmail is involved or the former relationship has left one of the parties feeling inadequate or unequal to the dominant person.

The Minister mentioned a remedy through the criminal courts. We have seen over the years that the number of case of domestic violence which end up in court is minuscule in comparison to what should be dealt with there. Recent court judgments would not encourage many of those victims to go down that route.

I refer to the Women's Aid document. It refers to another report from one family who quoted another woman concerning how vulnerable she felt in the sessions themselves by virtue of the fact that the mediator was male.

It is not always the case that a voluntary scenario means that someone can opt in or opt out. The potential for emotional blackmail exists, especially when children are involved and where the dominant person is alleged to have been involved in domestic violence, even in the absence of proceedings. I take the Minister's point that if proceedings have been initiated then the matter is excluded anyway, but in the vast majority of cases of domestic violence proceedings are never initiated or are never brought forward beyond the initial allegation. That is sad, and is a slight on our system as a whole. Why can we not provide proper protections which would encourage those who are victims to take those cases? In the interim, this is an additional protection that should be considered for this legislation.

Amendment put:

<i>The Dáil divided: Tá, 29; Níl, 75; Staon, 1.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Stاون</i>
<i>Barry, Mick.</i>	<i>Aylward, Bobby.</i>	<i>Connolly, Catherine.</i>
<i>Brady, John.</i>	<i>Barrett, Seán.</i>	
<i>Broughan, Thomas P.</i>	<i>Brassil, John.</i>	
<i>Buckley, Pat.</i>	<i>Breathnach, Declan.</i>	
<i>Coppinger, Ruth.</i>	<i>Breen, Pat.</i>	
<i>Crowe, Seán.</i>	<i>Brophy, Colm.</i>	
<i>Cullinane, David.</i>	<i>Browne, James.</i>	
<i>Ferris, Martin.</i>	<i>Bruton, Richard.</i>	
<i>Funchion, Kathleen.</i>	<i>Burke, Peter.</i>	
<i>Healy, Seamus.</i>	<i>Butler, Mary.</i>	
<i>Howlin, Brendan.</i>	<i>Byrne, Catherine.</i>	
<i>Kelly, Alan.</i>	<i>Byrne, Thomas.</i>	
<i>Kenny, Martin.</i>	<i>Cahill, Jackie.</i>	

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<i>McDonald, Mary Lou.</i>	<i>Calleary, Dara.</i>	
<i>Martin, Catherine.</i>	<i>Cannon, Ciarán.</i>	
<i>Mitchell, Denise.</i>	<i>Carey, Joe.</i>	
<i>Murphy, Catherine.</i>	<i>Casey, Pat.</i>	
<i>Nolan, Carol.</i>	<i>Cassells, Shane.</i>	
<i>Ó Broin, Eoin.</i>	<i>Chambers, Lisa.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Corcoran Kennedy, Marcella.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Creed, Michael.</i>	
<i>Ó Snodaigh, Aengus.</i>	<i>Curran, John.</i>	
<i>O'Brien, Jonathan.</i>	<i>D'Arcy, Michael.</i>	
<i>O'Reilly, Louise.</i>	<i>Daly, Clare.</i>	
<i>O'Sullivan, Jan.</i>	<i>Deering, Pat.</i>	
<i>Quinlivan, Maurice.</i>	<i>Doherty, Regina.</i>	
<i>Ryan, Brendan.</i>	<i>Donnelly, Stephen S.</i>	
<i>Sherlock, Sean.</i>	<i>Dooley, Timmy.</i>	
<i>Stanley, Brian.</i>	<i>Doyle, Andrew.</i>	
	<i>Durkan, Bernard J.</i>	
	<i>English, Damien.</i>	
	<i>Farrell, Alan.</i>	
	<i>Fitzpatrick, Peter.</i>	
	<i>Flanagan, Charles.</i>	
	<i>Harris, Simon.</i>	
	<i>Harty, Michael.</i>	
	<i>Haughey, Seán.</i>	
	<i>Healy-Rae, Danny.</i>	
	<i>Healy-Rae, Michael.</i>	
	<i>Heydon, Martin.</i>	
	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lawless, James.</i>	
	<i>McConalogue, Charlie.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGrath, Mattie.</i>	
	<i>McGrath, Michael.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Murphy, Eoghan.</i>	

Dáil Éireann

	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>Ó Cuív, Éamon.</i>	
	<i>O'Callaghan, Jim.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Keeffe, Kevin.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Phelan, John Paul.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Troy, Robert.</i>	
	<i>Wallace, Mick.</i>	

Tellers: Tá, Deputies Aengus Ó Snodaigh and Pat Buckley; Níl, Deputies Joe McHugh and Tony McLoughlin.

Amendment declared lost.

8 o'clock

An Leas-Cheann Comhairle: Amendment No. 6 has been ruled out of order.

Amendment No. 6 not moved.

Deputy Aengus Ó Snodaigh: I move amendment No. 7:

In page 10, between lines 2 and 3, to insert the following:

“(iii) make enquires separately with the parties as to whether there has been domestic abuse in the relationship to assess if the case is suitable for mediation.”.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 8 and 9 are related and may be discussed together.

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Deputy Mick Wallace: I move amendment No. 8:

In page 10, line 9, to delete “any code of practice” and substitute “the code or codes of practice published under *section 9*”.

Deputy Clare Daly sends her apologies. She is attending the abortion committee meeting and I am moving amendment No. 8 on her behalf. Amendment No. 9 is in my name and that of the Minister. Deputy Daly’s amendment is pretty similar except that she wants to insert “code or codes of practice” instead of “any code of practice” in section 8(1)(c). A reference to “any code of practice” to which a mediator subscribes is really the same as “the code or codes of practice of practice” to which he or she subscribes as “any” covers the possibility that the mediator might subscribe to more than one code of practice. The provision for more than one code to be published under section 9 is simply because mediation can, is and will be used in very different situations from family law to commercial law. The requirements of those distinct situations will be very different. Procedures to be followed and issues to be watched out for will be quite different in a mediation involving two parents separating versus a commercial law dispute between two international corporations. It makes sense, therefore, to have different codes of practice tailored to these different categories of dispute.

I turn to the requirement for mediators to furnish to parties to mediation the code or codes of practice published or approved under section 9 to which they subscribe. Our amendments are in some way of a piece with Deputy Madigan’s amendment No. 11, which requires mediators to abide by the code of practice published or approved under section 9. All of the amendments have the goal of getting mediators to abide by a code of practice created under section 9. We are supportive of the additional requirement proposed by Deputy Madigan in amendment No. 11 for mediators to abide by the code of practice published under section 9 albeit we note that if our amendment and that of the Government with regard to there being more than one code publishable under section 9 are accepted, Deputy Madigan’s amendment would need to be amended in turn to reflect the fact.

Deputy Charles Flanagan: Amendment No. 9 is one we are happy with and we can accept it without further debate. Amendment No. 8 involves an issue we discussed recently on Committee Stage. Deputy Daly proposes to replace the reference to “any code of practice” with “the code or codes of practice published under section 9”. I have a difficulty with this wording because it refers only to a code published under section 9(1)(a) and therefore excludes any reference to a code of practice approved under section 9(1)(b). The intention is and the hope would be that the mediation sector will come together in support of a code to be drawn up by the sector itself under section 9(1)(b) and I am unable to accept amendment No. 8. I do not think there was any intention on her part to create one, but reading the amendment with sections 9(1)(a) and 9(1)(b), there is a difficulty. I ask Deputy Daly to accept that I cannot agree to the amendment for that reason.

Deputy Mick Wallace: I had better not start to presume to be allowed to speak on behalf of Deputy Daly.

Deputy Jim O’Callaghan: That never stopped Deputy Wallace.

Deputy Mick Wallace: I will not go there.

Deputy Jim O’Callaghan: The objective of amendment No. 9 is to insert after the word “practice” the words “published or approved under *section 9*”. The section will now provide

for an obligation on a mediator to furnish to the parties prior to the commencement of the mediation a copy of any code of practice published or approved under section 9. However, the objective in the current draft is to get the mediator to provide parties with a copy of the code of practice to which that mediator subscribes. I am just concerned and would be interested to hear the Minister's views as to whether because of the full stop after "section 9" in amendment No. 9 one could be a mediator who does not subscribe to this particular code of conduct, but under the terms as it will now be drafted, one could just furnish the parties with a copy of a code of conduct published under section 9.

Deputy Josepha Madigan: I appreciate Deputy O'Callaghan's point. One issue we have had as mediators is quality control. It is a self-regulating profession and as such it is important that all mediators would subscribe to a code of practice. The Mediators Institute of Ireland has a stringent code of practice which ensures that standards are maintained on training and everything else. Its code of ethics is important because there is no statutory basis in that regard at the moment. Therefore, I want to ensure the Minister includes this. Whether it would be too prescriptive that every mediator would subscribe to a particular code is something the Minister can consider. However, we want to ensure we have quality standards in this area.

Deputy Charles Flanagan: We discussed this matter recently on Committee Stage. What is contained in the amendment tabled by Deputy Wallace and me meets an issue that was raised at that Stage by way of clarification, which is that the mediator must furnish the parties with a copy of any code of practice under section 9 to which he or she subscribes. If we recall it, on Committee Stage a fear was expressed that a mediator might seek to subscribe to an informal code or a self-made code rather than a section 9 code. What both Deputy Wallace and I are doing is clarifying that issue. I believe it meets the concern that was expressed on Committee Stage.

Deputy Jim O'Callaghan: It is the position of the comma I think that is confusing, or the full stop rather.

An Leas-Cheann Comhairle: Is the amendment being pressed?

Deputy Mick Wallace: I will withdraw it.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendment No. 9 was already discussed with amendment No. 8.

Deputy Mick Wallace: I move amendment No. 9:

In page 10, line 9, after "practice" to insert "published or approved under *section 9*".

Amendment agreed to.

An Leas-Cheann Comhairle: Amendment No. 10, in the name of Deputy Madigan, is out of order.

Amendment No. 10 not moved.

Deputy Josepha Madigan: I move amendment No. 11:

In page 10, between lines 26 and 27, to insert the following:

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“(5) The mediator should abide by the code of practice established under the provisions specified in *section 9*.”.

This also relates to the code of practice. Any fundamental principles of a code should have a useful set of definitions and explanations. It would need to be fundamental principles such as confidentiality, impartiality, neutrality, respect, self-determination and voluntary participation. One of the main issues consumers or those who have participated in mediations have faced is accountability. One way of helping consumers have accountability is to have a code of practice.

Deputy Charles Flanagan: I acknowledge the point raised by Deputy Madigan in respect of the amendment to section 8. However, section 8(1)(c) provides that the mediator shall “furnish to the parties a copy of any code of practice to which he or she subscribes in so far as mediation is concerned”. It goes without saying that the mediator should abide by such terms. Otherwise the parties would have a good ground for grievance or a complaint as soon as matters had commenced. Section 9(2)(f) already provides for a code of conduct to include “procedures to be followed by a party for redress in the event of dissatisfaction with the conduct of a mediation”. This would seem to me to mean that any departure from the terms of a code of practice by the mediator would form the basis of a grievance or complaint. Therefore, I am not inclined to accept amendment No. 11 for these reasons, although I acknowledge the point raised by Deputy Madigan.

An Leas-Cheann Comhairle: Is the amendment being pressed?

Deputy Josepha Madigan: No.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendment No. 12 is in the names of the Minister and Deputy Clare Daly. Amendments Nos. 12 to 18, inclusive, are related. Amendment No. 13 is a physical alternative to amendment No. 12, amendment No. 15 is a physical alternative to amendment No. 14, and amendment No. 17 is a physical alternative to amendment No. 16. Therefore, amendments Nos. 12 to 18, inclusive, may be discussed together.

Deputy Charles Flanagan: I move amendment No. 12:

In page 10, line 28, to delete “may,” and substitute “shall, as soon as practicable after the coming into operation of this section and”.

I refer to the contributions on Committee Stage of Deputies Clare Daly and Mick Wallace who withdrew a number of amendments concerning codes of practice in order to allow for further reflection on my part. I wish to record my appreciation to them for doing so. In return, I have come back with amendments Nos. 12, 14 and 16, which I believe address concerns raised in relation to section 9(1). This subsection provides:

The Minister may, having had regard to the matters specified in *subsection (2)*—

(a) prepare and publish a code of practice to set standards for the conduct of mediations, or

(b) approve a code of practice prepared by a person other than the Minister which purports to set standards for the conduct of mediations.

With amendment No. 12, which has been tabled by Deputy Daly, the subsection would now provide that the Minister shall, as soon as practicable after the commencement of the section, publish or approve a code or, indeed, codes of practice. On Committee Stage, we also had a discussion on whether there should be only one code of practice or if it was possible to have a number of codes of practice. Making provision for more than one code would facilitate dedicated codes for specialised areas such as consulting with children or the growing area of more senior or elder mediation. I note that a number of specialised codes have been developed on the international stage. It is important to point out that, unlike general codes of practice for mediators, these codes tend to contain more detailed provisions concerning the specialised areas at hand.

I have tabled amendments Nos. 14 and 16, which were also proposed by Deputy Clare Daly. These provide for the possibility of there being more than one code of practice for mediators. Amendment No. 17, in the name of Deputy Wallace, seeks to achieve the same end. I hope Deputy Wallace will be in a position to withdraw his amendments, bearing in mind the amendments tabled by Deputy Daly and me which seem to fit the Bill in any event.

Amendment No. 18 was intended as a drafting amendment but, having regard to the others, it now appears unnecessary. I will not be pressing amendment No. 18.

Deputy Mick Wallace: I appreciate that the Minister has taken many of the arguments made on Committee Stage on board. Amendment No. 9 is dependent on amendment No. 13, and *vice versa*. The substitution of “shall” for “may” here makes it imperative that the Minister publish or approve a code of practice. The Minister and Deputy Clare Daly both have the following amendment No. 12 to delete “may” and substitute “shall, as soon as practicable after the coming into operation of this section”. Both the Minister and Deputy Daly agree with substituting “shall” for “may”. The Minister and Deputy Daly are essentially accepting that it may take time to publish or approve codes of practice, which is understandable. It is arguable that “as soon as practicable” is a little vague and I would be a little concerned about a possible delay in the publication or approval by the Minister of the code or codes of practice. However, it is not something that I believe is a huge problem. The main point is that the three of us are seeking to substitute “shall” for “may”.

If we accept that there should be no single definitive code of practice, which is implicit in amendment No. 9, my amendments Nos. 15 and 17 would operate in the same way or have the same function as amendments Nos. 14 and 16 in the names of Deputy Daly and the Minister. In fact, it is possible that inserting “a code or codes of practice” instead of “codes” as proposed in my amendments leaves open the possibility of a single code of practice. Therefore, I am happy to accept the Minister’s amendments Nos. 14 and 16. My amendments to insert “codes” could possibly oblige the Minister to publish or approve multiple codes, even if turns out that only one code is required.

Amendment agreed to.

Amendment No. 13 not moved.

Deputy Charles Flanagan: I move amendment No. 14:

In page 10, line 29, to delete “a code of practice” and substitute “a code or codes of practice”.

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Amendment agreed to.

Amendment No. 15 not moved.

Deputy Charles Flanagan: I move amendment No. 16:

In page 10, line 31, to delete “a code of practice” and substitute “a code or codes of practice”.

Amendment agreed to.

Amendment No. 17 not moved.

Deputy Charles Flanagan: I move amendment No. 18:

In page 10, line 31, to delete “a person” and substitute “any person”.

I will withdraw the amendment.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 19 to 21, inclusive, 23 and 24 are related and may be discussed together.

Deputy Mick Wallace: I move amendment No. 19:

In page 10, line 33, to delete “may” and substitute “shall”.

The Bill contains no minimum training standard or protection for the designation of mediator. I proposed amendments relating to minimum training standards on Committee Stage and I note that Deputy Madigan is proposing the insertion of a reference to minimum training for mediators in amendment No. 22. After discussions with Department of Justice and Equality officials since Committee Stage, I understand there is a worry certain difficulties might arise in terms of possible judicial reviews based on such amendments, particularly with regard to those who are already practising as mediators but who might not meet the minimum training standards in the code or codes of practice published or approved by the Minister. Although I have not brought forward my amendments on Committee Stage relating to minimum training standards to Report Stage, I still believe the lack of provision for this in the Bill is unfortunate. However, without a reference to such minimum training standards at least a provision for continuing professional development training requirements for mediators in section 9(2)(a) should be an essential part of any code of practice, hence my proposal to change “may” to “shall” in line 33.

The Bill as it stands will allow those who undertake significant ongoing continuing education to be equated with those who do not refresh and update their mediation skills and education. Indeed, there are many good provisions listed already in the Bill and they should all be essential requirements for a code of practice. The insertion of “but is not limited to” is intended to allow for the inclusion of other or extra provisions in any code of practice beyond the essential provisions listed in section 9(2)(a) to section 9(2)(g). This is necessary if we amend “may” to “shall”, as proposed in amendment No. 19. The proposed deletion of “any of” is intended to make all of these provisions mandatory or essential requirements of the code of practice. The points listed for inclusion in the code of practice are good, but there is too much scope to avoid what should be fundamental requirements for a code of practice. The provisions in the code are

non-binding as the Bill stands. The change from “may” to “shall” and the deletion of “any of”, therefore, would be a change from optional to mandatory provisions for the code of practice. These provisions should be mandatory.

Amendment No. 23 is necessary if we accept amendments Nos. 19 to 21, inclusive. The provision for inclusion in the code of practice, as it is, states “(c) procedures to be followed by mediators in the conduct of a mediation requiring consultation, by a mediator, with a child;”. Clearly, this provision will not always be relevant, hence the need to insert “where relevant” if we make the provision in section 9 mandatory, as I believe we should.

Deputy Charles Flanagan: This group of amendments relates to codes of practice under section 9(2) of the Bill. I regret I am unable to accept amendments Nos. 19 to 21, inclusive, and 23. On Committee Stage, concern was expressed that the list of matters that could be covered in a code of practice was too prescriptive and that section 9(2) be amended to provide that other matters relevant to the conduct of mediation be included. To address that concern and following further discussions, as has been outlined by Deputy Wallace, I have tabled amendments Nos. 24 and 25. These amendments provide for the insertion of an additional paragraph (h) in section 9(2) which allows a code of practice to include such other matters as may be relevant to the conduct of mediation. That addresses the issues of concern. I believe amendments Nos. 24 and 25 are probably preferable to Deputy Wallace’s proposal in amendment No. 20 that the words “but is not limited to” be inserted in the introduction of section 9(2). The legal concern is that the use of those words could potentially extend the scope of the subsection beyond matters relevant to the conduct of mediation. There is no great difference in terms of substance between amendment No. 25 and amendment No. 20. On balance, I hope Deputy Wallace can accept my proposal.

With regard to amendments Nos. 19 to 21, inclusive, acceptance of the amendments would mean that each and every code under section 9 would have to cover all matters listed in section 9(2). As I mentioned earlier, our intention is to have a code of conduct applicable to all mediators, with a possibility of more specialised codes for mediators who may be involved in specific areas of specialty. Deputy Daly appears to recognise the problem that this would give rise to because she proposes in amendment No. 23 to insert the words “where relevant” in paragraph (c), where reference is made to procedures to be followed by mediators in the conduct of a mediation involving children. The use of the words “where relevant” here could weaken this provision by permitting mediators to decide when such procedures were relevant. My view, and it was a view expressed on Committee Stage and I hope it still is the view, is that the code should apply in all respects in cases involving children.

I realise the points I am making are probably technical in nature, but we could well have amendments that we probably did not intend to have. I do not say that with any disrespect to Deputy Wallace because what we are trying to do is achieve the best possible practice. In that regard, I prefer amendments Nos. 24 and 25 to amendments Nos. 19 to 21, inclusive, and 23.

Deputy Mick Wallace: We are trying to ensure that the code or codes of practice published under section 9 incorporate certain basic elements that clearly apply to all mediation, such as continuing professional development requirements for mediators, ethical standards to be observed by mediators, procedures for redress and so forth. I also have proposed amendment No. 23. I note that the Law Society of Ireland has stated it is very disappointed that proportionate and appropriate regulation of mediators has not been given a statutory basis in the Bill. While amendments to that effect are outside the scope of the Bill, it was put to us that we should urge

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the Minister to take urgent steps to bring this about as soon as possible. As I noted recently with regard to the unregulated profession of psychotherapy, allowing anybody to assume a so-called professional title that is nothing of the sort can be risky. The Minister referred to legal technicality and said amendment No. 19 would cause problems from a legal point of view. I ask the barrister in our company to give his opinion as I am interested in hearing what he has to say on the matter.

Deputy Jim O’Callaghan: It is unusual to be called upon by another Deputy.

An Leas-Cheann Comhairle: It is unprecedented.

Deputy Aengus Ó Snodaigh: Deputy O’Callaghan has to earn his keep.

Deputy Jim O’Callaghan: I must turn on my meter. I see the point the Deputy is making. If the word “shall” is included, the code of practice will have to include each of the matters in question. I take the Minister’s point that one does not want to be prescriptive as to what will be in a code of practice. For this reason, we would be better off giving a discretion to the Minister when it comes to drafting what will be in the code of practice. If the Bill states the code “shall” include certain things, it becomes difficult to include other factors. My quick preliminary view is that it would be too prescriptive to use the word “shall”. I hope Deputy Wallace is satisfied with my answer.

An Leas-Cheann Comhairle: This is an unusual situation.

Deputy Aengus Ó Snodaigh: Deputy Wallace has been given some free legal advice today.

An Leas-Cheann Comhairle: Where stands the amendment?

Deputy Mick Wallace: I will take the middle ground and press the amendment without calling a vote.

Deputy Charles Flanagan: This is what happens when the Deputy seeks advice - he still insists on pressing his amendment.

Deputy Mick Wallace: I had initially planned to call a vote on the amendment but I am taking a middle course instead.

An Leas-Cheann Comhairle: We will move on in case Deputy Wallace changes his mind.

Amendment put and declared lost.

Deputy Mick Wallace: I move amendment No. 20:

In page 10, line 33, after “include” to insert “, but is not limited to,”.

Amendment put and declared lost.

Deputy Mick Wallace: I move amendment No. 21:

In page 10, line 34, to delete “any of”.

Amendment put and declared lost.

Deputy Josepha Madigan: I move amendment No. 22:

In page 10, between lines 34 and 35, to insert the following:

“(a) minimum training required to be appointed mediator;”.

The amendment relates specifically to the need for mediators to have minimum training, which is an issue Deputy Wallace also raised. I am pleased the legislation is before the House in the first instance and I do not intend to press the amendment. I appreciate the Bill provides that mediators who have been trained will be required to engage in continuing professional development. It would be preferable, however, to introduce a minimum training standard for all mediators who qualify. Such a requirement would be desirable to maintain standards for people who will participate in mediation in future. I will leave the matter to the discretion of the Minister.

Deputy Charles Flanagan: I acknowledge the reasonable point made by Deputy Madigan and her indication that she does not intend to press the amendment. However, a code of practice for mediators is not the most appropriate place to deal with training standards on the basis that a code of practice is for mediators rather than those who are seeking to become mediators. I draw the Deputy’s attention to 1(b) of the Schedule, which provides that the functions of the Mediation Council will include the maintenance and further development of standards. The issue raised by the Deputy would be more appropriately addressed in this part of the Bill. While the Deputy makes an important point, the proposed amendment is not one for this part of the Bill.

Amendment, by leave, withdrawn.

Deputy Mick Wallace: I move amendment No. 23:

In page 10, line 37, before “procedures” to insert “where relevant,”.

Amendment put and declared lost.

Deputy Charles Flanagan: I move amendment No. 24:

In page 11, line 5, to delete “mediation.” and substitute “mediation;”.

Amendment agreed to.

Deputy Charles Flanagan: I move amendment No. 25:

In page 11, between lines 5 and 6, to insert the following:

“(h) any other matters relevant to the conduct of mediation.”.

Amendment agreed to.

Deputy Josepha Madigan: I move amendment No. 26:

In page 14, between lines 9 and 10, to insert the following:

“(9) In order to ensure quality control and ongoing professional development, mediators should be registered with the Council.”.

To ensure quality control and ongoing professional development, mediators should be registered with the Mediation Council of Ireland. The Minister referred to minimum training. The inclusion of a clause providing for the registration of mediators with the Mediation Council of Ireland, as established by the Bill, would greatly facilitate the council in its role as regulator of

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mediation. This brings us back to the argument about maintaining standards. For this reason, it is important to include this measure. I am interested in hearing the Minister's views on the proposal.

Deputy Charles Flanagan: I very much agree with Deputy Madigan that mediators should register with the Mediation Council and I am confident that those who are actively engaged as mediators will do so on a voluntary basis by subscribing to the section 9 codes of practice we have been debating. However, I am not convinced that imposing an obligation on mediators to register with the Mediation Council at the outset would be useful in the circumstances. On the contrary, it could be said that to impose such a statutory obligation at this stage could result in legal challenges to the mandate or authority of the council. On balance, while there is certainly merit in the point raised, I am not disposed to accepting the amendment. However, these issues will be important when reviewing the legislation and the role and function of the Mediation Council. We could revert to them at some future date, but not at this stage.

Amendment, by leave, withdrawn.

Deputy Josepha Madigan: I move amendment No. 27:

In page 14, line 28, to delete “advise the client to consider mediation” and substitute “discuss the possibility of engaging in mediation”.

Discussions with clients about mediation arose when we discussed judicial separation and divorce in the context of family law in sections 5 to 7, inclusive. The use of the term “advise” in this context goes against the voluntary ethos of mediation. Clients should be given the option of engaging in mediation. I provide this option while acting as a solicitor, rather than a mediator. Advising clients to consider mediation is not consistent with the principle of voluntary engagement. For this reason, I ask the Minister to amend the wording.

Deputy Ó Snodaigh referred to the voluntary ethos that applies to mediation. It is important that mediation is freely chosen. We do not want solicitors to compel clients to engage in mediation. Amendments could be introduced at another time to mandate information meetings but we certainly cannot mandate mediation. The current wording should be amended.

Deputy Charles Flanagan: I am concerned that the proposed amendment would weaken the section and, therefore, the legislation. Part 3 deals with the obligations on practising solicitors and barristers as regards mediation and how the process will be addressed. Section 14 was drafted in the context of the overall objective of the legislation, which is to promote the use of mediation as an alternative to court proceedings. The section places an obligation on the lawyer to advise clients to consider mediation as a means of resolving a dispute and to provide information to clients on mediation services and their benefits. This is consistent with the recommendation of the Law Reform Commission, LRC, in the draft Bill attached to its report. I fear that, however unintended it might be, Deputy Madigan's proposal in this amendment would weaken or dilute the obligation by merely requiring a solicitor to discuss the possibility of engaging in mediation. The legislation would not have an effect and, therefore, I cannot accept the amendment.

Deputy Josepha Madigan: I will not press the amendment but, with respect, I do not agree with the Minister.

Deputy Jim O'Callaghan: Split.

Deputy Brendan Howlin: Vótáil.

Deputy Jim O’Callaghan: Vote Fianna Fáil.

Deputy Josepha Madigan: We will have to differ, but I will not press the amendment.

An Ceann Comhairle: It is constructive disagreement.

Deputy Jim O’Callaghan: Election.

Deputy Josepha Madigan: Constructive disagreement. I do not agree with the Minister at all.

An Ceann Comhairle: Should I therefore take it that the amendment is withdrawn?

Deputy Josepha Madigan: Reluctantly.

An Ceann Comhairle: Reluctantly.

Deputy Charles Flanagan: In the interests of constructive disagreement.

Deputy Jim O’Callaghan: In the interests of keeping the Government alive.

Amendment, by leave, withdrawn.

Debate adjourned.

Waste Reduction Bill 2017: Second Stage [Private Members]

An Ceann Comhairle: This is a Green Party Bill, but it is being co-sponsored by the Labour Party during its Private Members’ business time.

Deputy Brendan Howlin: I move: “That the Bill be now read a Second Time.”

With the permission of the House, I propose to share my time with Deputy Eamon Ryan. I will begin my contribution by recognising the role played by the Deputy and his colleagues in the Green Party in bringing the Bill to this point. It was the Labour Party that provided time for this debate, but it was the Green Party that drafted the Bill.

As well as thanking the Green Party for its work on the Bill, I thank the members of the Social Democrats, Sinn Féin, Independents 4 Change and Fianna Fáil, who have indicated their support. I hope that I am not being pre-emptive, but I am glad that the Minister will avoid the usual knee-jerk reaction of many Ministers and not kick the legislative can down the road. Instead, it is my understanding that the Minister will facilitate the Bill’s passage, which is most welcome.

Deputy Denis Naughten: We did enough kicking in Pearse Stadium on Sunday.

Deputy Brendan Howlin: The Minister is all kicked out. I am glad to hear it.

In co-sponsoring this legislation, we have a couple of aims in mind. The first is straightfor-

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ward, namely, to have what I regard as an important Bill transposed into law. I am not simply referring to its Second Stage passage. From our discussions at other fora, I am well aware of how many Bills have got to that point. I hope we will follow the path of the Labour Party measure, the Competition (Amendment) Act 2017, and that this important Bill can be enacted.

The Bill contains two straightforward measures. The first is to introduce a deposit scheme for drink containers. This idea is hardly revolutionary. Many of us will recall such schemes being available many years ago. As the Minister knows, such deposit schemes still exist in Germany, the Netherlands, Scandinavia and Estonia. Their introduction has not destroyed those countries' retail sectors or drinks industries. What they have done has worked, in that they have reduced the volume of waste being produced. In those countries, recycling rates average at more than 90%. Our recycling rates are not terrible, but we only recycle 40% of plastic bottles. That is a low rate and the Minister will agree it is not good enough. As such, we believe that a deposit scheme can have a positive and welcome impact.

Will there be a detailed debate on Committee Stage over how such a scheme should be designed and its specifics? Yes. Will there be discussion and probably some disagreement as we work towards how it should be operated? Yes. That is as it should be. This is not a theoretical exercise. It is legislation, and legislation should have meaningful impact and be fit for purpose. A deposit scheme is designed to increase recycling rates substantially.

The other measure in the Bill is designed to reduce the waste we create. I suspect that I am somewhat typical in not realising the damage done by the so-called recyclable coffee cups that we use day in, day out. Many of them come with that little recyclable symbol on them to give us comfort. Theoretically, they are recyclable. The only problem is that there is no recycling plant in Ireland capable of recycling them. Even in the UK, there are just two such plants, only one of which has ever actually recycled a disposable cup. We produce millions of these every day. Most people are oblivious to the fact that they are throwing away multiple non-recyclable cups each day. Many of us have been working on the false assumption that they were both recyclable and recycled.

This proposal should not be difficult. Some businesses have already moved in the direction that we are signalling with this legislation. Container Coffee in Dublin and Mouse Internet Café in Cork are just two of those that have already made the move. If they can do it, others can certainly follow by 2020, which is the timeline that we have set out in the Bill. I hope that no Deputy will argue against the importance and validity of that proposal.

There are two purposes that the Bill will serve. The first is to get the Bill enacted and its two measures implemented. The second point of co-sponsoring this legislation might be a little less tangible, but I honestly believe it is no less important. We who are privileged to serve in this House have a duty to represent our constituents. That is a clear fact and most of us try to do that day in, day out. However, we also have a duty to act in the best interests of all our people. To uphold that duty, we are going to have to start doing things differently. The Punch and Judy show that is often put on by all of us in this House might amuse some of us, although at this stage I am no longer even sure if that is true. Outside the House, such tactics cut very little ice at all.

For 14 months, we have enacted less legislation than any previous Dáil. That is a simple fact. As Mr. Harry McGee pointed out in today's *The Irish Times*, only 14 Bills have been enacted so far this year. After last year, it seemed scarcely possible that less progress could be

made on the legislative agenda, and yet this year we seem to be managing that. No number of Bills can be frantically thrown onto this week's Order Paper to pretend that these are not the facts.

It is no secret that I have been no fan of what has been classified over the past year as "new politics". It is probably time that particular phrase was itself recycled. In many instances, our current arrangements have ground progress to a halt. When a Government is not doing all of the people's business, real harm starts being done. Our people are entitled to expect better of all of us. They are entitled to demand that we actually grasp difficult issues to the best of our ability in a chamber of differences. They are entitled to demand that we take on injustices and inequalities and, as far as we can, that we make them better. On such fronts, we are letting them down. In co-sponsoring this legislation, we are trying to do something different - not a Punch and Judy show and not a race to see whose idea can be tabled first. We are not trying to see whether we can get party advantage over one another or whose iteration of the same idea can cause a Government defeat, because there are two or three versions of some Bills on the Order Paper coming from different parties, as the Ceann Comhairle will be aware. Rather, this is a genuine effort in co-operation, an acceptance of the merits of a proposal drafted by somebody else and a willingness to reach across party lines to build a coalition of support for that proposal.

This cannot be done on every issue. Obviously, we in this House have differences. We have different approaches to taxation and many other issues. So be it, but there are many issues on which we do not disagree. There is enough territory for each of us to be able to work in co-operation and to find common cause. I hope tonight will show that the environment is one area in which we might work together to make a real difference. Since the election of the Government in May of last year, we have seen small progress in a range of areas. When it comes to looking after the environment, there has genuinely been real disappointment. The climate change legislation enacted in 2015 requires the publication of a national mitigation plan which will outline how we will make a just transition to a low-carbon environment. We are still waiting for the final iteration of that plan.

We have worked together with the Green Party in the past and I hope we will do so in the future. For example, we worked together on a Bill produced by the Green Party and Deputy Seán Sherlock in respect of microbeads. It is a shame that we do not do more. It is a shame that we all cannot work in closer co-operation to ensure that important legislation which will really make a difference and which has popular support can be enacted. Perhaps sharing the platform of all parties tonight might be the pathfinder to a different way of doing our business.

Deputy Eamon Ryan: I echo Deputy Howlin's comments. I thank him and his colleagues in the Labour Party because what they did tonight in giving their time in this way is important. I know there has been much discussion on how we work here. I stand up for this Parliament. I stood up for it in the past and I stand up for it today. We are not a bad democratic assembly. We have a proud constitutional and democratic republic, but we all know that we need to improve the way we work. What the Labour Party did today is a step in the right direction. I am not exclusive in that. When I asked last week whether other parties would be willing to support this type of initiative, in fairness to Deputy Micheál Martin, he said "Yes" straight away. In fairness to Deputies Wallace and Daly and their colleagues in Independents 4 Change, they were the first people to contact me back by email to say that they would support the broad purpose of the Bill, as did our colleagues in Sinn Féin, the Social Democrats and other Independents. I echo what Deputy Howlin said, and I also welcome the fact that the Minister seems to be interested in seeing if this could be made to work. He has done so in the past. We did so in respect of the

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Bill on fracking. I would like to see us do it again here. There are examples of common cause being found in this House and when we do it gives us real strength.

It will not be easy. There are complexities, technicalities and difficulties, but I want to set out some of the reasons we should and could find common cause. First, it is a basic concept and we are only just beginning to think about and understand it. When the different parties were out on the plinth together today, which was good fun, I mentioned the line about eating chocolate - a moment on the lips and a generation or a lifetime on the hips. With plastic it is a moment on the lips, as one drinks from the coffee cup or the bottle, but it is probably about six generations in the environment. It takes that long to biodegrade. It can be as long as 300 or 400 years. There is a general understanding that has to stop and that we have to switch away from the use of plastics in this disposable, throwaway culture. I was reading different papers today and one was very interesting. It was a European Commission paper on plastic waste strategy and the environment. It states:

Plastic is perceived as a material with no value of its own. This perception favours littering. However, all plastics are high tech and complex materials that consumers should value in order to incentivise re-use and recycling.

That is what we are doing here.

As Deputy Howlin said, there is a climate imperative involved in this issue. Our use of plastics accounts for 6% of global oil use, half in the feedstock for the material and half for the energy needed to make the bottle or container. For every kilogram of plastic, 6 kg of carbon dioxide are put into the atmosphere. If we could address it, it would be the equivalent of removing all aviation emissions. Aviation is difficult. Climate change does not have easy solutions in areas such as aviation, but there are solutions here. As difficult as they will be and as complex as they are, it behoves us to try in those areas which present the most immediate, tangible ways of improving our environment and reducing pollution.

I know this is somewhat of a step further in that line of thinking but, as a country, 80% of the energy we consume is imported. If one looks at this structure which we have set up and these highly-complex supply chains which include all these oil-based systems, there is a risk to us in that structure. We need to remove this risk to the country which results from being so reliant on oil.

Ultimately there is the big environmental concern involving the fact that the plastic is there for several hundred years breaking down into ever smaller parts which do not biodegrade. There has been an analysis which suggests that with the way we are going - a 5% per annum increase in the use of plastics - we will face a situation as early as 2025 in which for every three parts of fish in the ocean there will be one part of plastic. This will rise to one part plastic for every one part fish if we keep going the way we are going. That will be going into the food system which we will then ingest. This is something we must stop.

There are many other things we need to do in this highly complex area of managing our waste system but we have identified two which we believe we should adopt first. We chose them because, first, people can understand and connect with it. They see a real litter problem in their everyday lives. Coastwatch did a very simple survey, which it does every year, in which it measures what is along the coast. In 2016, it found 8,649 plastic bottles. That is one for every couple of hundred metres of shoreline. We can cut it out. In years past it measured plastic

bags and used to find 18 plastic bags for every 500 m of shoreline. Now it is down to finding two, because we took an innovative decision in the Dáil to make it easy for us to clean up our environment and do the right thing.

We have examples. Scotland is looking in real depth at introducing a similar deposit refund system. For those in IBEC and other groups, possibly including the Department, who think that this is terrible and would cost us a fortune, the analysis the Scots carried out says that it does not have to. A circular income stream is created to fund the deposit given back to the householder, but that is not a cost. It is a circular transaction which makes it easier to do the right thing. In Scotland, which is not too different from Ireland, the best international consultants say that when real costs are examined, the money obtained from the feedstock because of higher recycling rates is considered, and the fund built up because of not everyone claiming their deposits is taken into account the system is pretty much revenue neutral. That is what they are saying. They could be wrong and we would also have to look at it ourselves but Scotland is not that different. Holland and other countries are not that different and they introduced this scheme back in 2005. Australian states have recently introduced this. It is not as if we are taking a huge risk and a step into the unknown. There are a number of schemes.

The Department should pay heed to the European Union because its directions on this are absolutely clear. When one reads its mandate on the circular economy and the need to develop this hyper-efficient economy, which is what we want to do, it says that we should be doing this. It is saying that we should not be burning everything. It is clear as day in the directives now coming from the Commission. When the Department comes back and says that it cannot be done and it is not the right strategy or policy, we can cite international precedent and European Union directions. It is increasingly clear that this is the right way to go.

It works. In those states in the United States where a deposit refund scheme is in place, the level of recycling is twice that in other states.

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Germany has 95% recycling on plastic bottles, which indicates that it works. In saying we will get rid of the non-compostable coffee cups, France is going in that direction. No one said this would be easy, but the French are moving to eliminate the non-compostable, non-recyclable coffee cups. They will do it in the same timeframe as set out in the Bill, by 2020, so we can piggyback on that. We want to be up there among the posse of those countries that are taking climate change seriously and developing a circular economy. That is where the smart countries are going and that is where our people want to go. I believe we have cross-party agreement on this because all of us know in our everyday lives that we are being drowned in a sea of plastic that was not there previously.

I was slightly caught out when a younger member of our staff said to me: "Isn't it great? We have to get this introduced quickly before that older generation, who remember what it was like to get a deposit back on a bottle, are gone." I am afraid I am in that category. I propose that we pass Second Stage of the Bill today and engage really actively with the Department, bringing in international consultants as needs be in order to complete a major study in advance of the Committee Stage so that we can have a really complex analysis. We should bring in the industry and critically environmental NGOs, such as VOICE, Trócaire and others which have played a stellar role in highlighting the issue and setting out the way. Let us bring them into a working group to bring a really detailed plan to the Oireachtas committee so that on Committee

Stage we will have a detailed proposal.

A Cheann Comhairle, in the context of our conversation earlier today, that is the sort of process that can get this Dáil working really well. We will go through the Stages, and change the Bill. We will listen to Sinn Féin, which will probably propose very detailed amendments. I know Deputy Stanley has a very detailed Bill. It would be brilliant to bring that thinking in, bolt it together with other parties' views so that we go to Committee Stage with a really advanced proposal. It is not impossible to have that by Christmas and have the legislation enacted by this time next year, giving it the time and the intelligent analysis, but let us do it. I think everyone is on the same side.

An Ceann Comhairle: It is great to witness such an outbreak of collegiality. I call the Minister.

Deputy Brendan Howlin: Do not burst the bubble, Minister.

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I thank Deputies Eamon Ryan and Howlin for introducing this important Private Members' Bill. Deputy Ryan has acknowledged that we passed a Private Members' Bill on fracking that I accepted. Of the 14 Bills enacted so far this year, three were sponsored or supported by my Department. We will have another one next week, the Minerals Development Bill, which has 250 sections. It has been through the Seanad and Dáil, and is about to go back to the Seanad for its Final Stage.

The principal aim behind the Bill before us tonight is one that all in the House agree with, namely, to reduce the amount of plastic waste in our environment, in particular in our rivers, lakes and oceans. One million plastic bottles are bought around the world every minute and this number is set to increase. No one here, including me, does not accept the facts about the detrimental effect of plastic waste on our environment. The reckless discarding of plastic waste is nothing less than environmental sabotage.

To be sustainable, waste must be avoided, but when unavoidable it should be seen as a resource to be reused. Responsibility for waste is no longer in the environment division of our Department and instead sits in the natural resources division where it should be. It is about the sustainability of our economy and the survival of our planet. The reduction of waste has been a key issue for me since I became Minister. We must move on from dumping, to enable people take action to avoid, reduce and reuse. Waste efficiency, is effective climate action and it is economically smarter.

As a society, we discard an incredible 80% of what we produce after a single use. It gravely concerns me that 2 million disposable coffee cups a day are going to our landfills. Given these concerns, I have personally had discussions with both Insomnia and Supermacs on this issue. Last October for Re-Use month, colleagues may remember that I supplied each Member of the Oireachtas with a "keep cup". An average family throws away €700 worth of food waste every year. For this reason, last March I established the first ever action group on wasted food in the retail sector, chaired by retail expert, Eamon Quinn. This group includes the leading supermarket chains and as well as looking at ways to combat food waste in the retail sector, it is also looking at ways to tackle the overuse of packaging in supermarkets. The Green Party first raised the issue of microbeads in the House last November. Two months prior to that, I led a discussion at an OECD meeting on the need for Ireland, the EU and other OECD members to

ban the use of microplastics in cosmetics and cleaning agents.

I have examined with interest the proposals brought forward in the House this evening which can be summarised into two issues. The Deputies are proposing the introduction of a deposit-and-return scheme for drinks containers and a ban on non-compostable tableware and cups. There are elements of the Bill that are problematic for the Government. The lack of clarity on the costs associated with the introduction of a deposit-and-return scheme concerns me. I heard Deputy Howlin earlier speaking on another policy issue calling for an evidence-based approach. I fully agree with him on the need to do that. On this Bill, he quoted a statistic where deposit-and-return systems have been introduced internationally. He said the recycling rate can be up at 90%. However, he did not mention that is only correct where there is no existing infrastructure. The five EU countries that have deposit-and-return systems have had them for some time and did not have an alternative existing infrastructure. This is not the situation here in Ireland.

Deputy Ryan, when introducing the Bill, suggested the scheme would cost €276 million. A study investigating the possible introduction in the UK puts a figure of €790 million per year on it. These are enormous amounts. Before we spend even a fraction of this on its introduction, we need to ascertain what the benefits would be. I am watching with interest a proposal in Scotland to introduce a scheme there. It is of particular interest, given that Scotland currently operates a producer-responsibility initiative as we do here in Ireland.

A feasibility study, based on practice overseas, previous relevant studies and stakeholder consultations, identified how a deposit-and-return scheme could work in Scotland. The projected costs are worth listing for the House. The one-off set-up costs are estimated at £15 million; the machine take-back will cost £29 million per annum; the manual take-back will cost £8 million per annum; the logistics will cost £20 million per annum; the counting centres will cost £3 million per annum; and the administration is projected to cost £3 million. That comes to £78 million pounds, over €88 million euro at a minimum.

Without a complete understanding of the cost implications on the taxpayer, employers, retailers and customers, it would be financially reckless for me to proceed with its introduction here without proper scrutiny. I will not create another PPARS or another e-voting machine fiasco.

Deputy Mary Butler: What about Irish Water?

Deputy Denis Naughten: Our national approach to date for dealing with waste packaging has been based on the extended producer responsibility principle, EPR. This principle seeks to ensure that the producer of a product bears a significant portion of the cost of dealing with the waste disposal of the product it supplies. In Ireland, this has been done very effectively through a producer-funded compliance scheme, operated by Repak. Similar schemes operate in other waste streams such as batteries, waste electronic and electrical goods, farm plastics and the latest, which I launched earlier this year, to deal with end-of-life vehicles.

In a review of all these schemes in 2014, it was concluded that Ireland has achieved great success in recent years in recovering and recycling packaging waste. Recycling of drinks containers in Ireland is already one of the highest in Europe. Glass is at 86% which means only 14% of glass is not recycled. More than 84% of plastic, or 237,000 tonnes, was recycled and recovered in 2015. Based on Deputy Eamon Ryan's costs and Deputy Brendan Howlin's recy-

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cling rates, we would spend €276 million to collect an additional four out of 100 glass bottles and six out of every 100 plastics. I could find a better use for that money. I am open to examining any proposal which would assist us in our efforts to reduce waste and avoid littering and dumping which I said I regard as environmental treason. Littering is a crime. It is doubly so because the scarce resources committed to combating it are needed elsewhere.

I have made €9 million available this year to local authorities to deal with waste regulations enforcement and an additional €1.3 million to fund my anti-dumping initiative. In a modern society where everything is available all year round at every price point, a new insight is required into how we can live within the capacity of the planet in the materials we consume and the waste we must manage. I am open to any suggestion that is workable and practical. We have a number of initiatives for consideration in this area, including the proposal from Fianna Fáil Senator Catherine Ardagh for dealing with litter, the intention of which I also support. The best way to deal with these proposals is to look at them in an holistic way rather than adopt the current scattergun approach. That is why the proper place in which to examine all of these issues, including the proposals brought forward in the Bill, is the Joint Committee on Communications, Climate Action and Environment.

The international review of waste management policy, published in 2009, was a major review of waste management policy in Ireland. The report was commissioned by the then Minister for the Environment, Heritage and Local Government and Green Party leader, John Gormley. It reported on a deposit refund scheme that “the evidence is not sufficiently strong to support a recommendation of this nature, principally because the information regarding implementation costs is not such that the costs can be said to unequivocally justify the benefits”. As Minister, I am looking for actions that will deliver real efficiency and sustainability. The committee can take the views of stakeholders, scrutinise the Bill and look at the complexities and costings involved, as well as the implications for existing EU law. I want to work with colleagues on all sides of the House to deal with the issue. I agree with the principle of what is being proposed and intend to work with the Labour Party, the Green Party and the Fianna Fáil Party on its legislation and Deputy Brian Stanley on whatever legislation he proposes to bring forward. Let us move forward together to deal with the proposals in a comprehensive manner through the committee system.

Deputy Timmy Dooley: I, too, welcome the opportunity to contribute to the debate. I also welcome the initiative of both the Labour Party and the Green Party. We have been working on a similar Bill for some time. The one lesson I have learned from Deputy Eamon Ryan in this case is not to get bogged down in the detail in advance of publishing a Bill. I had a difficulty in getting the Bill through the Bills Office where issues were raised about whether it was a money Bill or whether it would have various impacts in that regard. I have also had a couple of lawyers working on the Bill and there is definitely a lesson to be learned.

Deputy Eamon Ryan: The Deputy should have done everything.

Deputy Timmy Dooley: Ultimately, what we are trying to achieve in principle is to encourage a reduction in the amount of material that ends up in landfill and to do so in a way that changes the behaviour of citizens. That can be done if we do not provide them with the material to create unnecessary waste which is having a detrimental impact on the environment.

To some extent, I can handle the notion of more material going back, as Repak would put it, into a recoverable environment where it would be used as low-grade fuel or ultimately end up

in landfill, but we must move away from it. However, the biggest curse in the proliferation of paper cups is the casual approach to their disposal. If some of my Kerry colleagues were present, they would know about the survey carried out there in conjunction with the local authority. Paper cups represented 30% of the total waste material taken from a specific area that had undergone an intensive clean-up programme and it included other forms of disposable waste. There is an encumbrance on us to do something significant and the Bill before the House has the potential to start the debate. We have a little work to do before we nail down the final detail of the Bill that will ultimately go to the *Áras an Uachtaráin* for signing but with the willingness of all sides and an input from all sides we can achieve considerable success.

Fianna Fáil supports the efforts to encourage recycling and waste reduction. While in government, it introduced Repak, a not-for-profit company which supports recycling. Between 1997 and 2011, rates of recycling in Ireland increased from 15% to 66%, more than a fourfold increase, one which this and the previous Government failed to match. I accept, however, that as one gets closer to 100%, it is harder to make progress.

Fianna Fáil also made Ireland the first country to impose a levy on plastic bags, a policy which has been emulated around the globe and that has kept millions of plastic bags out of hedgerows, oceans, landfills and green areas. We support the main message of the Bill, that we take further steps to minimise the amount of waste Ireland produces and maximise our recycling rates. However, the Bill is scant on detail of how the policy proposals should be implemented, as well as the role to be played by various stakeholders. Several key stakeholders have raised potential issues with the Bill and we believe further consultation with stakeholders is needed in order to design a system that will be fair, workable and effective.

When I spoke to Deputy Eamon Ryan last week about his desire to get the Bill through the House, he was very much of the view that we should engage and clear that the work should be done by the Oireachtas committee. To that end, we are supporting the Bill on Second Stage and will work constructively with our colleagues to improve and build on the Bill in the interests of creating an island that will appreciate the environment and seek to protect it from the harmful littering that has become such a key part of our way of life.

The Bill, brought forward in a joint effort by Labour Party and the Green Party, has two aims. First, it seeks to make the sale or free distribution of single-use tableware such as cups, plates and glasses, among other items, that cannot be composted in a domestic composting facility illegal by 2020. We will have to look at the date proposed for some products, but that will be a matter for the committee to address. Paper cups are the headline item coming from the debate, but I also draw attention to the behaviour of so many people when they leave fast food outlets, particularly in rural areas. They get into their car and eat their chips or other food item on the way home. The plastic bottle is then thrown out, as are the paper cup and the plastic container for the chips. The polystyrene burger box is also thrown out. Like a number of others in the House, I like to walk when I get a chance and I also jog, badly every now and again, but in doing so, particularly in the winter months when the foliage has died away and the ditches are more visible, it is absolutely appalling to see the amount of waste, even in some beauty spots. I am familiar with towns and villages that have won awards for being tidy and applaud the great work done by the Tidy Towns committees within their curtilage. They have done a wonderful job in maintaining the cleanliness and beauty of their area and invested in flowers and other greenery, but when move goes beyond the border and walks on roads a couple of miles out from the town or village, it is mindboggling to see the way so many citizens treat the natural landscape and our beauty spots.

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It does not take a lot to change that behaviour; to encourage people to keep material in their car until they get home and dispose of it appropriately and in an environmentally friendly way. If a small percentage changed their behaviour, it would make such a huge difference to the countryside. We wholeheartedly support the desire to minimise the overall amount of waste that ends up in landfill. While there are no exact figures for paper cups in Ireland, I extrapolated from comparable population statistics a total of 200 million paper cups. I am interested to hear that the figure is almost four times that number. That gives some sense of the enormity of the challenge we face in changing behaviour. One of the positives is the scale of the usage of these products. It should be possible for the industry to make that change and shift. Given the material involved in making single use tableware, the vast majority of it is non-recyclable. This means that after one use, the cup or plate is either tossed into landfill or burned as a form of low-grade fuel. In short, it is far from ideal from an environmental perspective. I am taken by the numbers produced by Repak, which refer to the amount that is either recycled or recovered. Recovered waste goes on to be used as a low-grade fuel. We need to be moving away from that. Waste should be recycled or not included in the mix in the first instance. We recognise that recycling can also only go so far and that it needs to be complemented by measures to simply cut down on the amount of waste that we produce on a daily basis.

Indeed, this was part of the reason Fianna Fáil introduced a levy on plastic bags in 2002. That policy change has drastically reduced the number of plastic bags consumed in Ireland from about 328 bags *per capita* to just 21. That is an enormous shift in behaviour which can be emulated with the products I have talked about. We need to find and support initiatives that cut down on unnecessary packaging and reduce waste. For example, the Government should be working with suppliers and retailers to minimise the amount of packaging that goods come in. We should also incentivise behaviour change, whereby people are rewarded for using reusable cups. I do appreciate that the Minister provided us with reusable cups previously. I just wonder how many of us still have them. I have mine but I am not sure I always use it when I visit Topaz on my way home late on a Thursday night, to get coffee to try to remain awake.

Fianna Fáil also supports the creation of a waste reduction task force, which would be responsible for identifying ways to incentivise waste reduction in the public and private sectors. This will also benefit the consumer, who will not be responsible for disposing of huge amounts of unneeded packaging. Those of us who have become a little more conscious of the impact of the materials we put back into our recycling system or into our black bin have come to realise that even where one makes a concerted effort to recycle material or dispose of it appropriately, there is too much packaging associated with the products we consume. Much of this is associated with marketing techniques. We have to work to reduce this. I am always struck when I see someone with a new iPhone or similar small piece of kit or technology by the amount of packaging that is presented to give a small item a perceived large value.

Deputy Brendan Howlin: It is bulk.

Deputy Timmy Dooley: The glossier the material, the more colourful, high-grade plastic that is included in the packaging and the displays around it - it is a way of making us feel like we are getting value for money.

Deputy Denis Naughten: It is like election literature.

Deputy Timmy Dooley: Exactly. Maybe we can work on that.

Deputy Brendan Howlin: Plain packaging from now on.

Deputy Timmy Dooley: There is a job of work to be done by us all.

Deputy Mary Butler: Fianna Fáil supports the principles of this Bill. We have consistently been and remain a firm defender of Ireland's natural environment. We support the main message of the Bill, which is to take further steps to minimise the amount of waste that Ireland produces and maximise our recycling rates. We need to find and support initiatives that cut down on unnecessary packaging and reduce waste. This Bill has two goals in respect of matters which are causing huge issues with rubbish tipped all over the countryside. First, it seeks to make the sale or free distribution of non-compostable single use tableware illegal by 2020. The number of disposable coffee cups used every day is staggering. It is part of a new generation whose members are seen with a disposable coffee cup in one hand and a mobile phone in the other. The majority of roadside waste is made up of these cups along with fast food takeaway wrappings, drink cans etc. Unfortunately, the vast majority of these disposable cups cannot be recycled as they are coated with plastic.

Second, the Bill seeks to create a deposit and refund scheme for drinks containers, plastic and glass bottles, whereby customers will pay a small deposit on each drink, which they receive back when the bottle is returned to a bottle bank. As Deputy Ryan said, it brings me back to my childhood, when my mother used to put the glass milk bottles outside the door. The next morning, I used to think it was the milk fairy. The bottles were magically full. I can still see the sign in my local shop clearly: "no bottles, no milk." If we did not have an empty bottle the shopkeeper would not give us the milk, or else we had to pay a charge. We certainly were ahead of ourselves when it came to re-using. Back in the 1960s and 1970s we were certainly re-using the bottles. I suppose it is a principle we all were guilty of losing when convenience took over.

As Deputy Dooley said, in 1997 Fianna Fáil set up Repak, an organisation of Irish businesses that support recycling. Our rates have increased dramatically but we can and should do better. Fianna Fáil supports the principles of the Bill wholeheartedly and indeed we were to the fore when we introduced the plastic bag levy, a policy which is emulated throughout the world and has reduced the dumping of millions of plastic bags on hedgerows and in oceans, landfills and wooded areas. We will support the Bill and will work constructively with our colleagues to improve and build upon the Bill in the interest of creating a different Ireland, that we can pass on with pride to the next generation.

Speaking about the next generation, education is key. Green Schools is Ireland's leading environmental management and education programme for schools. Promoting long-term, whole-school action for the environment, Green Schools is a student-led programme with involvement from the wider community. The work of the students in collaboration with teachers, parents, and local authorities is second to none. Children learn the principles of reducing, reusing and recycling, and caring for the environment. These children can teach us all a thing or two and the habits they learn will stay with them for a lifetime. The Government needs to start working with suppliers and retailers to minimise the amount of packaging that goods come in. We need to incentivise waste reduction in a way which will benefit the consumer, who should not be responsible for disposing of huge amounts of unneeded packaging.

Deputy Declan Breathnach: Having a short time to speak on this Bill, I thought it might be good not just to recycle what everybody else has to say but to take one minute of biological time to reflect on the history of the Earth. The planet is 4,600,000,000 years old. If we condense this

inconceivable time span into an understandable concept, we can liken the Earth to a person of 46 years. Nothing is known about the first seven years of this person's life and only scattered information exists about the middle span. We know that only at the age of 42 did Earth begin to flower. Dinosaurs and great reptiles did not appear until one year ago, when the planet was 45. Mammals arrived only eight months ago. In the middle of last week, man-like apes evolved into ape-like men and at the weekend, the last ice age enveloped the earth. Modern man has been around for four hours and during the last hour, man discovered agriculture. The Industrial Revolution began one minute ago and, during the 60 seconds it has taken me to read this, man has turned the Earth into a rubbish tip.

I was a teacher for 35 years. As Deputy Butler says, the children in our schools know about the three "Rs" but they are not the ones many of us learned about - reading, writing and arithmetic. For them, the three "Rs" are reduce, reuse and recycle. I and my party, like the many community and environmental initiatives, tidy towns, green flag schools and so on all support recycling and reduction of our man-made waste. We need to take greater steps than ever before to minimise that waste and maximise our recycling rates.

The polluter pays principle is always going to be the cornerstone of waste management plans, as I said last week. While I support this principle, there is an even greater need to recognise that business cannot continue to heap that responsibility on the end user. The Bill is short in detail on how other policy proposals can and should be implemented, as well as the role of all stakeholders. I am not going to bore the House with my proposals. Many Members will continue to recycle many of them. I am prepared to work and to encourage all to share the burden of responsibility. We must find new and innovative solutions to ensure that equality is brought to the way in which we manage waste disposal. No party or person has a monopoly on the issue of achieving our goal. Surely collective responsibility can save the day. I came into this House to play new politics. I will play my part in trying to find solutions to this problem.

Deputy Fiona O'Loughlin: I am substituting for Deputy Lahart. I come from County Kildare, which has two landfills that take rubbish from all over the country. To be honest, I sometimes feel I am surrounded by rubbish. We have many wonderful natural amenities in County Kildare, including the Curragh and our waterways and bogs. However, rubbish is being dumped and fly-tipping happens on a regular basis. It leads me to despair.

There is no doubt that littering and fly-tipping are crimes, just as there is no doubt that millions of people in this country care about our countryside and the scourge of rubbish. When the weather becomes nice and sunny, we see rubbish strewn across the seaside and the countryside. We have to accept that this is a symptom of a breakdown in community pride and in wider respect for our country, our natural resources and where we are from. It is bad for our psyche. It leads to substantial direct and indirect costs that run into billions of euro. The amount of money that Kildare County Council has to pay on clean-ups every year is absolutely shocking. I have no doubt that the position is the same in every other local authority area.

Every Member of this House, with one or two notable exceptions, agrees that climate change is one of the most pressing issues we are facing. The manner in which we deal with waste and refuse needs to be fundamentally changed. We need to look at every way of reusing, recycling, reducing and reusing packaging. Every time we take messages home and put them on the kitchen table, it is shocking to see the amount of cardboard, cellophane and non-recyclable plastic, much of which is superfluous. It behoves every one of us to do what we can to make Ireland cleaner and greener.

I commend those who have introduced this Bill, which would certainly help in this regard. It proposes to ban disposable plastic plates, cups, and other forms of tableware. It includes measures with regard to the coffee cup, which is the most notoriously inefficient single-use item. We need to encourage takeaways, coffee shops and supermarkets to offer more compostable packaging and to offer discounts to patrons who bring their own reusable containers, including coffee cups. The conscious cup campaign, which was launched recently, is asking coffee shops to support the transition away from single-use coffee cups by offering discounts to people who bring reusable cups with them. This Bill would also introduce a deposit refund scheme for drink containers. This welcome initiative would motivate people to return glass and plastic bottles and aluminium cans in order to reclaim their deposits, as many of us did when we were children. We need many good incentives of this nature. I commend the Bill.

Deputy Brian Stanley: I welcome the opportunity to speak on this important Bill. Sinn Féin welcomes the intention of this legislation and commends the sentiments behind it. We should make progress with the sensible ideas set out in it.

The pollution issues caused by plastic in our environment have been outlined. Once-off plastic packaging accounts for approximately 25% of all plastic that is produced. It is estimated that 32% of plastic packaging escapes completely from collection systems. By 2050, oceans are expected to contain more plastic than fish by weight. The entire plastic industry will consume 20% of total oil production and 15% of annual carbon budgets. It is clear to everyone other than people like Donald Trump who believe there is no such thing as global warming that this is not the way to go. We need to do something big. We need to move away from the throwaway culture in our society and towards a more environmentally economical system.

We need to face the problems that exist in parts of our countryside which have been destroyed by illegal dumping and litter. It is left to tidy towns committees, local community groups and *ad hoc* groups of people in the countryside to come together to pick up the waste that blights our landscape. Deputy Dooley mentioned what is revealed when he is out jogging, particularly in the winter months when the growth in the ditches has died back. We all see shocking amounts of waste in such locations. Can one imagine what would be there if rural dwellers and Tidy Towns committees did not go out and pick up rubbish from gateways and ditches in rural areas?

Schemes like the one that is being proposed this evening need to be seen as part of other initiatives. We have done very well with household recycling from a very low starting point. I remember talking in schools in the early 1990s about the need for recycling. Children were receptive to it but adults were not. It is estimated that 45% of household waste is now being recycled. This demonstrates that we can accept change and are willing to recognise what we need to do for the sake of the environment.

We received a good level of co-operation with the Climate Action and Low Carbon Development Act 2015 when it was going through this House. However, we are slow in making progress with meeting the intentions of that Act. Strong waste legislation needs to be implemented and enforced so that this country can catch up. We need to take actions that will reduce our greenhouse gas emissions. The Bill before the House, and Bills like it, will be part of that.

When we discussed the cost of waste collection and disposal last week, we were seeking to deal with the problem after it has been created. We were looking at back-end solutions. We need to move to front-end solutions that minimise the size of the waste mountain. This means

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reducing the size of the problem in the first instance. Ideas like the introduction of a deposit and recycling scheme and the banning of certain plastics are not radical. Such policies are in place in many other jurisdictions. In many countries, well-established systems of this kind are decades old. We need to follow suit in this State.

If this slim Bill is to fulfil its objectives, it will need a lot of work. Its intentions are good and we certainly support them. The Bill gives extensive powers to the Minister regarding the establishment of a scheme. It sets out how the scheme will function. We recognise that certain powers will be needed when the scheme is being set up. We have to be wary about how we handle this. We need more detail. It is difficult to picture fully how the scheme will work under this short Bill. Who will bear the cost of establishing the scheme? How extensive or limited will it be?

This Bill refers to powers under the Waste Management Act 1996. I have compared the provisions of this Bill with section 29 of the 1996 Act, which requires “a producer, distributor or retailer to operate a deposit and refund scheme”. This Bill is broad in terms of where the burden will rest. Will it rest with the retailer, the producer or the citizen? The proposal in the Bill to ban plastic tableware refers again to the Minister’s power under the 1996 Act to prohibit, limit or control “in a specified manner and to a specified extent, the importation, distribution, supply or sale in a specified container or other packaging of any product or substance”. It seems to me that this Bill should further define the items in question.

Our aim must be to ensure those who produce excess packaging in the first place - this is done to sell products by making them look more glamorous or to beef them up a bit - bear responsibility for reducing waste and helping to establish schemes like that envisaged in this Bill. However, I do not suggest that such producers have all the responsibility. Everyone must have some responsibility. Every single citizen in the State, including the Members of this House, has some responsibility. We need to start at the source of the problem. While we welcome this initiative, it needs further work to ensure any scheme that is set up works and achieves its aims.

We know the cost of dealing with illegal dumping in County Laois, where I come from. The local authority in the county, which has a population of 86,000, spends €445,000 on illegal dumping and street cleaning each year. Unfortunately, it costs almost €500,000 to employ litter wardens, enforce the regulations in this area, clean up illegal dumping blackspots, clean streets and award tidy towns grants. The county council, which works with Tidy Towns committees, has to spend this money, which could be better spent. In car parks on a Sunday morning, in Portlaoise and other town centres, despite the best efforts of everybody, one often sees four little piles of takeaway waste where four people sitting in a car have been eating and drinking and, when they have finished, they wind down the windows and each leaves a little pile outside the car. That defies logic.

Last week, I attended an event in Abbeyleix to mark its involvement in Tidy Towns and to judge an EU floral competition. Abbeyleix is maintained to a high standard due to the great efforts of the local Tidy Towns committee, Laois County Council and the local community employment schemes, all of whom have to be commended. Tidy Towns committees operate across Laois and the entire country so we must try to complement their efforts. The creation of a deposit return scheme should be one element of creating a much broader outlook as regards waste management and waste reduction in our society.

My party has its own Bill for a deposit return scheme and other measures which it will intro-

duce tomorrow and which is much more extensive but it has, unfortunately, been in the Bills Office for the past five weeks, since 7 June. We were the victim of detail and went into too much of it in an attempt to cover all the angles. Nevertheless, this Bill is welcome. We have tried to take a holistic approach and we must progress on the issue without getting into divisions. The Minister spoke about costs but his figures may need closer attention. There is a cost but there is a cost, financial environmental and to communities and local authorities, if we do not do it. We cannot afford to do nothing and we should reduce waste by making it impossible not to reuse.

We need to make sure we do not place financial burdens on ordinary households. They have to take responsibility to reduce, reuse and recycle but the burden must not be disproportionate as against the major producers. We need a front-end approach to the problems and to deal with them at source. It is time to take our responsibilities seriously and the time for action. It is time to deal with our increasing greenhouse gas emissions because we have not covered ourselves in glory in this regard. Two years have passed and we have to play catch-up. I warned, in this Chamber, that we would face a carbon cliff and we are up against it now. We must step up to the plate and do something about it. I welcome the united front of the Labour Party and the Green Party with this Bill and its measures are good for the environment and for reducing greenhouse gas emissions and good for our communities and the economy. We cannot afford not to do it.

Deputy Mick Barry: The Waste Reduction Bill 2017 is a modest Bill and a progressive Bill. It will promote recycling and it can result in environmental improvements. On that basis we will vote for and support the Bill. The backdrop to the Bill is the latest controversy relating to bin charges. Waste collection services in this country-----

An Ceann Comhairle: Let us not talk about bin charges. We are here to talk about a particular Bill which is before us.

Deputy Mick Barry: Yes, and the two things are very much entwined, as the Ceann Comhairle will see.

An Ceann Comhairle: Lots of things are entwined but it would be preferable if, on Second Stage, the Deputy addressed his attentions to the Bill and not the matter of bin charges.

Deputy Mick Barry: I will address the content of the Bill as it relates to bin charges and bin charges as they relate to the content of the Bill.

An Ceann Comhairle: I commend the Deputy on his ingenuity.

Deputy Mick Barry: The waste industry, following privatisation, is being run on a for-profit basis. A recycling policy cuts against the interest of profiteers. A modest proposal cuts against their interests in a modest fashion but a bolder and broader pro-recycling policy cuts more sharply, for obvious reasons. The more successful the recycling policy, the less waste there is and the less profit there is to be made from waste collection.

There is a contradiction between a pro-recycling policy and the interests of the forces that own and control the bin collection services. Given that they are in a position of power and influence, how are they likely to react? One option is to go for higher prices across the board. Another is to start charging for recycling, which would be an anti-environmental and reactionary policy. In this context there needs to be a debate not just about supporting this recycling initiative and going for bolder recycling initiatives, but about reversing the privatisation of the bin services, placing control of the bin services back in the hands of councils and the scrapping

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of bin charges. It can be argued that there will be a significant cost in doing that but there is already a significant cost in supporting the pro-privatisation policy.

When I was a councillor on Cork City Council, engineers explained to me that since the privatisation of the bins and the introduction of bin charges, there had been a tenfold increase in fly-tipping and illegal dumping. That is paid for from the public purse, not by the companies who benefited from the privatisation of bin services. The policy needs to be linked to the promotion of more widespread and bold recycling measures. One cannot have a debate on a recycling initiative without touching on the question of incineration. We have a huge incinerator at Poolbeg, which was supported by the previous Minister for the Environment, Deputy Alan Kelly, and there are attempts to establish a major toxic waste incinerator at Ringaskiddy in County Cork. An incinerator is like a monster - once it is up and running it has to be fed. It cannot operate at 10% or 20% capacity if it is being run by big business on a for-profit basis. Poolbeg will certainly be fed, with 600,000 tonnes per annum and 120 trucks per day. The bolder a recycling policy is, the more it cuts against the interests of the owners of incinerators because the more waste that is recycled the less will go to incinerators, cutting into their profits. If the incinerator companies have less waste to feed them they will import waste to maximise profit. Part of this debate has to be on the massive ramping up of recycling efforts and moving against the policy of incineration. I will finish on this remark. The interests of big business and the environment cannot be reconciled. Globally, over the course of the past 30 years, more than 50% of emissions have come from 25 companies. The global campaign to save the environment must be linked to a challenge to the profit system.

Deputy Catherine Connolly: Gabhaim mo bhuíochas leis an gComhaontas Glas agus le Páirtí an Lucht Oibre as ucht an Bille seo a chur os ár gcomhair. Tá gá práinneach leis an mBille agus ní bheidh drogall ar bith orm mo thacaíocht a thabhairt dó. I am not sure whether I am sharing so I will keep going. I was to share with one of my colleagues-----

An Ceann Comhairle: Níl siad anseo. Ba chóir duit leanúint ar aghaidh.

Deputy Catherine Connolly: -----but I will happily take the seven minutes-----

Deputy Brendan Howlin: Plough on.

Deputy Catherine Connolly: -----because I am passionate about this issue. I very much welcome the Bill, in particular because it has had support from both sides of the House. I thank the Labour Party and the Green Party for bringing it forward. I disagree with Deputy Howlin that new politics is not working. I think it is working and has worked on every occasion since we were elected. There are many new voices in the Dáil talking about different topics and giving voice to those topics. Given the vast majority the Labour Party had with Fine Gael in the previous Dáil, I ask myself why they did not introduce legislation such as this, but there you are.

I hate to say this when the Minister is not in the Chamber, but I was a little disappointed with his speech. It was very positive to start with, but he only dealt with one section of the Bill which concerned the deposit charge. He did not deal with the plastic aspect whatsoever, other than stating 2 million cups are disposed of daily. Then he took one example, Scotland, to discuss cost and so on. I would have preferred if he had given a shorter speech and placed it in context. Each time I rise in the Dáil, I make the point that this is the last Dáil that can take positive steps on climate change. This is simply one tiny step in making those changes, saying we will ban plastic cups and plates. This has been done in France, and it is significant that the Minister did

not refer to France. Deputy Ryan did. France has brought in legislation such as this, it has been passed and it will come into effect in January 2020, so there is one example.

Then, quite extraordinarily, at the end of the Minister's speech he stated that he is worried that any outright ban on a product might lead to a breach of the free movement provisions of the Treaty on the Functioning of the European Union. Of everything in these few pages, this part is the most frightening and the most ridiculous. France, which is one of the major parties in the EU, has already banned plastic cups and plates, and that is on top of a complete ban on plastic bags, as in other countries. We just put a levy on plastic bags, and that levy was very effective. Prior to its introduction in 2002, some 1.2 billion plastic bags were used. There was a 90% reduction in the use of plastic bags following the introduction of the levy. I ask the House to imagine what would happen if we got rid of plastic, full stop. As Sinn Féin mentioned, by 2050 we will have more plastic in our sea than fish. That is worth repeating. We will have more plastic in our sea than fish and 99% of all seabirds will have ingested plastic.

We have no choice. We are under an obligation to lead and do something. The poorer countries and the most vulnerable who have done the least to contribute to climate change will suffer rather than us. I have mentioned Galway, and I am sure that on occasions the House tires of hearing me talk about Galway, but ours is a very significant example of what is possible. I say this because Deputy Barry raised waste reduction in the context of for-profit and non-profit companies. In Galway, when the refuse service was under the control of the local authority, we reached the highest recycling rates in the country. We did not have a pay-by-weight system. We had no charge to start with and people recycled, then we had a flat rate and people recycled and then, foolishly, we had a pay-by-weight system and people still recycled. Under all three regimes, the people told us they wanted to recycle, they were active citizens who wanted to be involved, they did not need to be punished and they did not need lectures. They led us by the nose and we reached a recycling rate of 70%, an unimaginable figure, in a pilot project and, on a regular basis, 56% diversion from landfill. The reward to the people of Galway was to privatise that service and now we have illegal dumping and a citizenry that feels absolutely disempowered. If there is a lesson to be learned in this, and it would be great if we could learn it, it is that Galway was a great example of how to go forward with a non-punitive system whereby people wanted to actively engage.

On top of this, we had a cash for cans system - not a cash for ash system - whereby we encouraged people to return cans for recycling and if they had 100 aluminium cans in a plastic bag, we gave them a sum of money. What happened? The system was overwhelmed with the response from people. The system could not cope with the number of people who came to deliver cans and pick them up in the parks and on the streets. What happened after that? The system did everything possible to undermine the scheme. They said people were misusing it and that shop owners and pub owners were coming forward and so on. They failed to embrace the fact that no matter where they came from, people wanted to bring back the cans and recycle.

I have absolutely no hesitation in supporting this Bill. Certainly, the details must be worked out. I do not think there are many details to be worked out regarding the prohibition of plastic cups and plates but the details of the deposit scheme must be worked out. This is why we have a committee system.

Finally, perhaps we could start in the Dáil. I checked before I came into the Chamber whether the cups available on the premises are recyclable and I am told they are not. Subject to correction, perhaps we could start there agus, faoi cheannaireacht an Cheann Comhairle, rud

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a dhéanamh go deonach ansin. D'fhéadfaimis fáil réidh leis na cupáin agus leis na plátaí sin, mar shampla agus mar eiseamláir.

An Ceann Comhairle: Déanfaimid rud faoi sin. Rachaimid ar aghaidh anois go dtí na Teachtaí ó Chontae Chiarraí. Glaoim ar an Teachta Michael Healy-Rae.

Deputy Michael Healy-Rae: Deputy Danny Healy-Rae and I are sharing time.

An Ceann Comhairle: Equally, I take it?

Deputy Michael Healy-Rae: Yes. I thank the Green Party for highlighting this problem and bringing it before the House for discussion. However, unlike others, I am very sorry to say I will not warmly welcome it and say I am delighted with it. The first question I would ask the proponents of the Bill is what this will cost. I say this with the utmost respect because I have seen these Deputies operating since I entered the Dáil and have grown to admire the way they conduct their business. However, we are after having the debacle of Irish Water. We had millions and millions of euro worth of water meters installed that are totally defunct and no longer good for any purpose, and now these Deputies want to bring in a scheme that has not been costed. I respectfully say to them that reducing the amount of waste is, of course, very laudable and something we would all love to aspire to, but what will it cost? They are not telling us the cost involved and the kind of enormous burden this will put on the already overburdened taxpayer.

One thing I have heard from this side of the House a share of the time is complaints about the private operators which manage our waste services. They are spoken about in this House in a very disparaging tone and as if they are some sort of criminals and are doing something wrong. These are private business people who have taken over from local authorities that were not able to continue the services. I will give the House an example. By 5.15 a.m. this morning, I had passed four lorries coming against me on the road. Every one of those four lorries was owned by an individual who runs the waste collection service in County Kerry.

10 o'clock

I applaud that individual and the men driving the lorries who were out at 4 a.m. with their helpers. They are spoken about in disparaging tones in this House, but they are respectable people who are conducting a business and working damn hard at it. I hate to hear Deputies speaking about them as if they are criminals. They are earning a living. The business people operating these businesses are great people. They are respectable and doing a good job.

Deputy Danny Healy-Rae: The amount of waste and rubbish, especially bottles, seems to be multiplying all the time. In different times, there was a charge on bottles. In pubs or anywhere else, when someone took a bottle away and then brought it back, one got back whatever they had been charged for it. Publicans were sub-charged for bottles and if they did not return them, they had to pay the bill which was very costly. Bottles were sterilised and reused, but no one can tell me that it is cheaper to break and take bottles away and manufacture them again rather than simply reuse them. I cannot understand it and it did not make sense to stop that system. Bottles by the bin are sent all the time to be recycled at a high cost, which causes trouble. As the customer does not get his or her money back, he or she so has no interest in bringing bottles back.

The use of plastic bottles could be reduced if more companies were to start using glass bottles again. Supermarkets provide a great facility to have a cup of tea or coffee, but all of the

cups seem to be thrown away. If long distance drivers or others on the roads all the time were educated or encouraged to use a flask-type cup and have it refilled in a supermarket - at a cost, of course - it would eliminate the need to use many of the paper cups which are thrown away.

On the greater problem, there is a need for everyone to review the possibility of reusing some of the waste that goes into the bin. It is a shame that food is dumped. Long ago people would have fed pigs and had meat of their own. There are many starving children in Third World countries who would be very grateful to receive food that is only days out of date.

Deputy Michael Harty: I apologise to my colleagues for arriving so late.

An Ceann Comhairle: The two Deputy Healy-Raes are even sorrier.

Deputy Michael Harty: Since they are the leaders in climate change, I would not have liked to interrupt them too much.

The motion is not contentious, but I would like to make one point. Plastic is far too easy to produce and far too difficult to destroy and recycle. The reduction of the production of waste products is the key. A system under which we would not produce the amount of waste we are producing is the key, rather than trying to recycle and address the problem from that point of view.

There was a Greek philosopher called Diogenes who lived in a barrel and collected useless objects. Perhaps there are Members of this House who recognise Diogenes syndrome in themselves. We accumulate large amounts of items, for example, papers, bottle tops and bric-a-brac. We are a society that is the opposite of Diogenes in that we accumulate little or nothing and throw away everything. We are living in a throwaway society.

To return to Deputy Eamon Ryan's point, I come from a generation as part of which I collected bottles which financed my visits to the pictures and second-hand bookshops where I could buy back editions of *National Geographic*. The way forward is to reduce production, but it must be clear that education is extremely important in schools and universities. We should become an innovative society. Our young scientists in schools and universities should be given the task of developing biodegradable, compostable packaging which would really address the problem. The kernel of the solution is that must develop systems under which we will not accumulate non-recyclable and non-compostable packaging.

Deputy Catherine Murphy: The Bill is very welcome. It is both timely and necessary. In the past few weeks people have rightly been concerned about waste charges and their impact on household budgets. As part of that conversation, issues started to arise about how goods were packaged and the superfluous waste with which many households found themselves dealing. We are so used to hearing the words "reduce, reuse and recycle", but we rarely focus in any real sense on the reduce element. One only has to take a quick walk around Leinster House or the block to see that every second person has a disposable coffee cup. Some simple changes could help to address the problem. Increasingly, businesses are taking into account customers' desire to avail of more environmentally sustainable options. It has become something of a badge of honour for many businesses and customers who are environmentally conscious will try to gravitate towards such establishments.

The dearth of information on and the confusion about what can and cannot be recycled are striking. In many cases, it differs, depending on the waste operator in one's area. I recently

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asked a parliamentary question, the reply to which revealed that ships full of waste containers had been forced to turn back because they had contaminated material on board. I asked what the price was in turning back a shipment and the answer was €13,000. I understand 92 containers were returned last year. It is purely down to people not recycling correctly. I do not believe most of it is done deliberately, but there is a real need for an information campaign as we need consistency across the country. In the context of the measures contained in the Bill, there are some things we could do with technology that would make some of the measures more feasible into the future. We have an opportunity to try to future-proof the legislation. There is a proposal to design digital bottle banks that could be used, incorporating simple printouts and mobile phone technology. We need to think about what is possible. I recall that after a flood event in County Kildare, material was washed onto a particular farm. I walked the land with the farmer and was absolutely astonished by the amount of waste material that had washed onto the land. There were literally skiploads of plastic bottles and the like. That is what is flowing into the sea and it really brought home to me the importance of what we are talking about.

Deputy Catherine Martin: Is cúis áthais dom gur éirigh leis an gComhaontas Glas an Bille tábhachtach agus practiciúil seo a thabhairt os comhair na Dála anocht. Ba mhaith liom buíochas a chur in iúl freisin do Pháirtí an Lucht Oibre as tacú leis an gComhaontas Glas an Bille seo a chur i láthair. Go deimhin, gabhaim ár mbuíochas freisin leis an réimse leathan Teachtaí atá i bhfábhar an Bhille.

The co-operation we have seen, with politicians from all parties and none, clearly shows that to tackle the greatest threat that lies before us as a nation and a people and the world, we must work together. No one political party has ownership of environmental issues, but for as long as that is the perception, the environment and, ultimately, the people will lose. That is why we must work together and the Bill presents an opportunity to do so.

In Ireland, we are producing in the region of 210,000 tonnes of plastic per year, but only 40% of plastic packaging is recycled. The level of micro-plastics pollution in Irish waters is now so severe that recent research shows eating freshwater fish may constitute a risk to people's health. It is clear that the prevention of waste is the best cure for the current plastic crisis. In 2002, Ireland proudly initiated the first plastic bag tax in the world. Once again, it has the opportunity to be a world leader in banning plastic. The Bill, however, and environmental issues and challenges should not be viewed or seen in isolation. These problems do not recognise borders, nor is it relevant which political party delivers. It is the power of the people in communicating their serious concerns through the body politic that is the real catalyst for us to respond to take effective steps to secure our children's future; it is the power of the people in taking a stand and saying enough is enough, that more can and must be done.

It is clear that the Members of this House of all political parties and none are listening to the people. They are embracing new politics, although judging from some of the Minister's comments, he is not quite embracing new politics but going in kicking and screaming, still unable to think big and full of doubt rather than the vision needed. The majority of us in opposition, however, are willing to cast past differences aside, united in a type of Opposition rainbow coalition response, or if not a rainbow coalition, perhaps rainbow co-operation, to ensure the Bill will be passed and in so doing that we take one small but meaningful step to tackle the greatest challenge of our time.

Deputy Seamus Healy: I welcome the Bill and compliment the Green Party and the Labour Party on bringing it forward and confirm my support for it. It is a short but significant and

important Bill. Section 3 will ban the sale or free distribution of non-compostable tableware, while section 4 will introduce a deposit and return scheme for beverage containers.

Plastic pollution is everywhere. According to the United Nations, 8 million tonnes of plastic leak into the oceans every year, the equivalent of dumping a truckload every minute into the sea. Ireland produces approximately 210,000 tonnes of plastic each year. In its report in 2013, the Environmental Protection Agency found that only 40% of plastic was recycled. According to the national waste report of 2011, 52.5% of all plastic packaging waste went directly into landfill. The measures contained in the Bill will, of course, not solve the waste plastic problem, but they will make a significant contribution to a solution. Deposit and return schemes are a proven way to reduce littering and increase recycling. Schemes are operated successfully in other European countries and have led to a reduction in the level of plastic pollution and littering. It is noteworthy that refillable glass bottles can be used 50 times and refillable polyethylene terephthalate, PET, bottles approximately 15 times. I believe the public will respond positively to the measures contained in the Bill and look forward to its passage through the Oireachtas in a timely fashion.

Deputy Brendan Ryan: I am sharing time with Deputy Jan O'Sullivan.

I am proud to be part of this joint initiative between the Labour Party and the Green Party to deal with this very serious global issue. This is new politics at work and it is very effective.

This is not a particularly radical Bill, but it is one that makes sense and that will help the environment. It will foster an increased buy-in to a recycling ethic that will further change our attitudes to waste and renewable use containers. It is a short Bill with a long reach, one which, if implemented - we believe it most certainly should be - will have a similar impact to that of the plastic bag tax in 2002 when we were consuming 1.2 billion plastic bags per year in Ireland which, for a country of its the size, was incredible. Three years ago, our plastic bag consumption had reduced by 95%, while the plastic bag levy was bringing in €12.8 million to the Exchequer. What an incredible turnaround that was. In my ten years as a public representative, I have never heard one person lament the plastic bag levy. People instantly knew that it made sense and we replaced plastic bags with bags for life or paper bags. I believe the Bill, if implemented, will have the same impact. Irish people know if something makes sense and the Bill does. I commend the Green Party on bringing it forward and its commitment to adopting a sensible and long-sighted approach to waste and protection of the environment.

Waste and waste disposal have shot back to the forefront of people's consciousness in the past couple of weeks owing to the deferral of the pay by weight scheme and an announcement by Panda Waste Management that it would be inspecting bins for cross-contamination. This has caused some surprise and shock. Under the new contracts being issued by the company, customers will be fined between €10 and €25 for putting contaminated waste in any of its green, brown or black bins. The new contracts specify that contaminated waste in black bins includes, but is not limited to, paint, electrical equipment, batteries, organic waste, including food waste, and hazardous material. I have received calls from constituents who are raising valid concerns about this new approach by the company and others. We can all appreciate this: we put our bins on the kerbside at night prior to collection. The bins are unattended for up to 12 hours before they are collected. It is wide open to individuals to contaminate the bins of others. It is very worrying that someone who so much as puts a banana peel in someone else's black bin could cost that individual a fine of up to €35. People living in mid-terrace homes in estates such as Castlevue in Swords, where laneways are inaccessible, have no choice but to leave their bins

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in a public space all week. They are open to contamination by passers-by who think nothing of putting an empty beer can or apple core in someone's bin. The Minister should intervene and bring some common sense to bear on this element of the problem.

The provision in the Bill for a deposit and return scheme for sealed beverage containers - it is a great scheme - will revolutionise people's approach to the use of glass and plastic bottles. Deposit and return schemes are commonplace all over Europe and while we led the charge in Europe with the plastic bag levy, we are playing catch-up when it comes to schemes such as this. We do not need to look very far to see the extent of plastic and glass bottle litter. It particularly affects waterways. Tidy Towns Facebook pages around the country show copious evidence of bottles in parks, rivers and lakes. I encourage everyone to watch the "We Need to talk about Plastic Bottles" video on *The Guardian* website. It is a powerful 80 seconds of video. It states 1 million plastic bottles are bought around the world every minute. Despite the rise in recycling culture in the past few decades, just 7% of those collected last year were turned into new bottles. Most end up in landfill or the ocean. It is estimated that by 2050 plastic waste will outweigh all fish in the sea. These are absolutely shocking statistics. The scheme will not solve the global problem, but it will help us to play our part as a small country on the western coast of Europe by being responsible global citizens. The Bill will go some way towards that objective and I am happy to support it. Tonight, however, is the easy part. Committee Stage will be very challenging, as the Minister said. Having worked in the biggest soft drinks company in Ireland and, possibly, the world, for many years, I do not underestimate the challenge.

Deputy Jan O'Sullivan: I am delighted to be part of this new venture for the Dáil in co-operation with the Green Party-An Comhaontas Glass in using our Private Members' time to introduce this Bill, for which there is support around the House. I was very hopeful, listening to the start of the Minister's contribution when he told us this area came under the natural resources rather than the waste section of the Department. I thought his speech would be really proactive and supportive, but it is disappointing that at the end of it he was throwing cold water on the Bill, particularly the cost issue. I would love to see everybody, including the Government, working to agree on whatever changes people felt were appropriate. I do hope there is still scope to work together on this issue because it is so important. Not so long ago when people came out of pubs or restaurants smelling of smoke, it would have been hard to think that was going to change. When I did my shopping perhaps 15 or 17 years ago, I came out with a trolley filled with at least ten plastic bags. There was even another one tied onto the detergent box, which would not fit inside, to show that I had not robbed it. That is exactly what happened. That has happened very quickly. I give credit to Deputy Dooley's Fianna Fáil Party, albeit I have to give the credit for Repak to the Labour Party. The legislation introducing Repak and that system was brought forward by my colleague, Deputy Brendan Howlin, when he was Minister. It was specifically covered by a statutory instrument, SI 242/97, signed by Deputy Howlin on 10 June 1997. Credit where it is due over there but also where it is due over here.

I agree with Deputy Catherine Martin on the importance of clear information. Deputy Howlin referred to that as well. Many of us still do not know whether the plastic wrapping on the food we buy is recyclable. There is no clear information on that. Whatever the Minister of State and his officials take away from the debate, that needs to be clear. I prefer to buy oranges loose but if the only option is to buy a tray, there will be a piece of polystyrene on the bottom and plastic wrapped over the top. That should not be happening and we should be able to buy loose fruit and vegetables. Tomatoes should not be packed up, rather they should be hanging from the green thing that they grow on. Having said that, we should at least know whether the

packaging is recyclable, in particular if it is plastic. The statistic quoted about there being more plastic in the sea than fish is really frightening. Information is important.

I want to focus on disposable coffee cups and so on. Everything at a child's party is now disposable, including the plates and cups. Surely, that is unnecessary. It is definitely not necessary for a coffee cup to have a piece of plastic somehow intertwined with the paper part of it so that it cannot be recycled in any meaningful way. It is very hard to separate the plastic from the paper. We need action on that. That is the second part of the legislation. Whatever about doubts about the cost of the return and refund provisions, this part of the legislation can surely be implemented. Even in the Houses of the Oireachtas, we should be trusted to buy our coffee in a mug, take it to our office and bring it back to be washed. Could we even set an example here and not have this large pile of paper cups? The point was made about people walking around the streets with these cups. Perhaps that should be discouraged in the same way that one would not walk around the streets with a cigarette. People should be discouraged from walking around with their coffee in cups that cannot be recycled. There is a great deal of public education to be done in all of this also.

There is a scheme in Limerick called Team Limerick Cleanup, or TLC, and it is fantastic. It happens once a year and everyone gets involved in their own communities to clean up their immediate areas. It is headed up by people like Paul O'Connell, of whom everyone will have heard. As well as cleaning up the place, it reminds everyone that we want our neighbourhoods to stay clean all year. Again, there is a huge element of education in all of this. I am delighted we are taking the Bill tonight. It is a very positive measure. I hope there will be more of this kind of cross-party co-operation on issues like this, which are really important.

Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne): I thank Deputies Brendan Howlin and Eamon Ryan for bringing forward the Bill. I note that it is current Young Fine Gael policy to introduce a small refundable levy, similar to the one proposed in the legislation.

I am delighted to address the House on this important matter. I understand the importance of dealing with the problem of plastic wastes. It is horrific to think that between 5 and 13 million tonnes of plastic leak into the world's oceans each year. The Department has engaged with relevant stakeholders around waste prevention and reduction for many years. Ireland has gone from being a poor performer in relation to packaging waste to being one of the best due to the combined efforts of stakeholders. In its most recent statistical report on waste packaging, the EPA estimated that over 870,000 tonnes of packaging waste was generated in Ireland in 2013. Of the total generated, 88% was recovered, including preparation for reuse, recycling, energy recovery and other recovery, and 70% was recycled. These figures put Ireland well ahead of most of our EU partners and considerably exceed our EU mandatory targets for treating this waste stream.

The potential for any ban on single-use non-compostable cups and other tableware to be in breach of either the packaging directive or the Treaty on the Functioning of the European Union is a matter of some concern, as the Minister, Deputy Naughton has said, and will need to be examined before any move is made to introduce it. I am aware that our colleagues in France, notwithstanding this, introduced in 2015 a ban similar to that proposed by the Deputies which is supposed to come into effect in 2020. The original idea when the law was adopted was to cover all single-use plastic cups, glasses and plates. However, it turns out that in some circumstances those items were considered as packaging items when sold full with food or drink. This means

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the scope is limited to all plastic cups, glasses and plates falling out of the scope of the packaging and packaging waste directive. In practice, it means that the ban only concerns packages of empty plastic cups, glasses and plates that one would buy at the supermarket.

As the initiatives put forward in this Bill are not intended to be limited as I have outlined, the correct approach is for the Joint Committee on Communications, Climate Action and Environment to look at this and other proposals being suggested to help us deal effectively with plastic wastes. The committee would also be a good place to examine whether instead of a ban on these items, a levy might be a better approach. The plastic bag levy worked very well in terms of behavioural change and this might be a possible approach to limit the volume of single use containers being used. Campaigns such as the “Conscious Cup” show that people are willing to change but need to be incentivised to do so. Such a levy could make a visible difference and encourage people to bring reusable cups when making a purchase. I am very much a fan of tea, but I could count on the fingers of both hands the number of times I have bought a plastic cup. I have tea in a cup at breakfast, lunch and dinner or while watching television. Others use plastic cups however. I do not drink coffee and it is possibly coffee culture more so than tea culture which has impacted in this regard. Environmental levies are not about revenue generation. They are designed to encourage behavioural changes and this might be an excellent way to deal with the issues raised.

Moving on to the Deputies’ proposal for the introduction of a deposit and refund scheme for drink containers, it must be 25 years since I was on Inis Mór on the way to Dún Aonghasa and was told on buying a can of Coke that I would get a refund on returning the empty can. That is the last time the offer of a refund was made to me. I appreciate the times were less recycling conscious 25 years ago. Packaging in Ireland is subject to a very successful producer responsibility compliance scheme operated by Repak. As part of the review of the producer responsibility compliance schemes in 2014, a wider examination of issues within the packaging sphere was undertaken and consideration was given to the introduction of a bring-back scheme for waste, including beverage containers. The review report did not recommend the introduction of a deposit and refund scheme, concluding that to establish such a scheme was inappropriate in view of the operation of the existing packaging scheme and policies concerning household waste collection plus the high administrative costs of introducing such a system. While I am not convinced of the merits of introducing such a scheme in Ireland for the reasons I outlined, I am not averse to considering a review similar to the review which is ongoing in Scotland.

Ireland has been very successful in dealing with waste prevention through the national waste prevention programme run by the EPA in conjunction with a wide variety of stakeholders. From the “Green Business” programme to the “Stop Food Waste” campaign, a lot of work is being done across a variety of waste streams to reduce the waste we generate and to deal effectively with the remainder. A plastics strategy is currently being examined at the EU in relation to the circular economy package. Any potential change to existing legislation could be looked at as part of the transposition of the circular economy package when it is agreed as this will necessitate redrafting of the packaging directive. This would allow time for the current proposals and any others to be examined.

It would also be possible to ask our national waste prevention committee, which includes members of the eNGO sector, to assess the necessity for a review of our current systems. In particular, it might be helpful to ask them to consider how much the installation and running of a deposit and return scheme would cost, how it should operate, who should operate it, what steps would be needed to provide the necessary infrastructure, what the likely benefits would

be and how it could be made compatible with our existing producer responsibility initiative.

Questions such as these will allow for informed decisions to be taken and we could address all the proposals made around waste reduction and litter. We need to look at the situation as a whole, as introducing changes without examination can have unintended consequences. For example, if the more valuable materials such as aluminium cans and polyethylene bottles are removed from our recycling bins and brought into a deposit and return system, the costs to the waste collectors will change and this could have an impact on the costs of treating material from the recycling bins as well as implications for our waste targets when we are currently well ahead of most of our EU colleagues.

Notwithstanding our concerns, this issue is worthy of debate and consideration. We will not oppose the Bill and will support its passage to Committee Stage, where I hope there will be a good and thorough discussion, including comparisons with other countries, in particular those in the EU, and a debate on how some of the schemes that work on the Continent might be brought in here, the limitations to their use and what we can learn from them. Notwithstanding some of the concerns, I support the basis and the rationale behind the Bill.

Deputy Sean Sherlock: I congratulate the Green Party on bringing forward this proposal. The Green Party itself would argue that this is an iterative process. I thank the Minister of State, in particular, for his speech. While there may be a healthy degree of scepticism, concern or questions about the legislation, the Minister of State also poses a particular set of practical and reasonable questions that we all would want to address to ensure that if it were to happen, such a scheme would be devised in the most cost-effective way and in a way that can be future-proofed.

To go back to some basic points, it is important to reiterate what we are trying to do on this little island is respond in our own way to a what is a global crisis, in particular in terms of the production of plastics. An article by journalists Sandra Laville and Matthew Taylor appeared on the online version of *The Guardian* on Wednesday, 28 June. I am reiterating some of what Deputy Ryan said here. The article stated that a million plastic bottles are bought around the world every minute and that the figure will jump by another 20% by 2021. It stated that more than 480 billion plastic drinking bottles were sold in 2016 and that this is up from 300 billion a decade ago. As we know, most bottles used for soft drinks and water are made from polyethylene terephthalate, which is recyclable, but, the article continues, as their use soars across the globe, it is impossible to keep pace with that use by collecting and recycling them in order to keep them from polluting in the way that they do, in particular the oceans.

Deputy Catherine Martin referred to microplastics and plastics working their way into the food chain through fish and so on. The article noted Plymouth University has reported that plastic was found in one third of UK-caught fish, including cod, haddock, mackerel and shellfish, and that the European Food Safety Authority has called for urgent research, citing increasing concern for human health and food safety. Therefore, it is not just an environmental issue; it is a human health issue too. The authority called for this research “given the potential for microplastic pollution in edible tissues of commercial fish”. Plastics cannot be assimilated into the food chain. That is self-evident. We know that. Where they are ingested, they carry toxins that work their way quite literally onto our plates.

What we have here is a rare outbreak of co-operation and we should embrace it. I understand the Government has legitimate questions about the inherent costs but the legislation can

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be worked on. It is a legislative process so it is an iterative process. I would also welcome any move to work with entities such as Retail Ireland and Repak. It is time for us, as a Parliament, to re-engage with Repak, perhaps through the committee structure, because we have legitimate questions. The Minister referred specifically to Repak when speaking about the producer responsibility compliance scheme. There was a review in 2014, when we were in government, but, to quote the Minister:

[A] wider examination of issues within the packaging sphere was undertaken and consideration was given to the introduction of a bring-back scheme for waste, including beverage containers. The review report did not recommend the introduction of a deposit and refund scheme, concluding that to establish such a scheme was inappropriate.

I am perplexed by the use of the word “inappropriate” in view of the operation of the existing packaging scheme and policies concerning household waste collection plus the high administrative costs of introducing such a scheme. Both the Minister and the Minister of State have spoken to the potential costs, which is something we have to grapple with in a pragmatic way. However, it is worth our while to kick the tyres, if one wills, on the work that Repak does. This is very positive work to which we all subscribe but a closer examination of it would be a worthwhile exercise.

We also need to engage with the beverage companies. I nipped out during the debate for a cup of tea in the Members’ bar. While there I noticed that all the bottles behind the bar are glass bottles. They are all reused and recycled. I am not sure what mechanism or economic model is used by the big drinks companies in terms of their pricing but I am sure the cost of recycling and reuse is priced into the product for the end user. For the record, I was drinking tea.

An Ceann Comhairle: Noted.

Deputy Timmy Dooley: There are no additives in tea.

Deputy Sean Sherlock: If one goes into a bar or any good hostelry and looks behind the bar, alcoholic or non-alcoholic beverages are not being sold out of a plastic container but a glass container. If that can be done in all the bars in Ireland, I do not see why we cannot move towards a glass-based approach for the beverages that are sold by what I call the multiples in this country, that is, by the supermarkets.

If we are imaginative and think laterally about how we want to proceed, we can achieve a lot. However, this goes back to the fact it is impossible at the moment to keep apace with the level of production of plastics. There is more being produced than is being recycled. We need to do something. There needs to be some positive disruption to that dynamic. We are a maritime nation and, as one, we may think the Atlantic Ocean, the Irish Sea, St. George’s Channel and the Celtic Sea - however one might want to term those passages of water - are pristine. However, as someone who has an interest in sea-kayaking, I see on the water first hand the amount of plastic that ends up in our oceans and, ultimately, in our food chain. We do not want to go there from a public health point of view. For all sorts of environmental reasons, we need to be smart about this.

This type of co-operation across party political boundaries is important, especially on an issue that unites us all. I reiterate our congratulations to the Green Party on bringing forward these proposals.

Question put and agreed to.

Waste Reduction Bill 2017: Referral to Select Committee [Private Members]

An Ceann Comhairle: As this is a Private Members' Bill, it must, under Standing Orders 84A(3)(a) and 141, be referred to a select committee. The relevant committee for this Bill is the Select Committee on Communications, Climate Action and Environment. I call on Deputy Howlin to move the motion of referral now.

Deputy Brendan Howlin: I move:

That the Bill be referred to the Select Committee on Communications, Climate Action and Environment pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

Message from Seanad

An Ceann Comhairle: We have a message from the Seanad.

Deputy Timmy Dooley: They are still alive.

An Ceann Comhairle: Seanad Éireann has passed the Rugby World Cup 2023 Bill 2017 without amendment.

Deputy Brendan Howlin: Excellent.

The Dáil adjourned at 10.40 p.m. until 10 a.m. on Wednesday, 12 July 2017.