



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Déardaoin, 21 Meán Fómhair 2017*

*Thursday, 21 September 2017*

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

*Paidir.*

*Prayer.*

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## Leaders' Questions

**Deputy Billy Kelleher:** It is my duty as an opposition spokesperson to raise the issue of health services and the dire straits in which the services being provided across the country or not being provided are. We now have a situation where community, hospital, primary care and mental health care services across the country are simply not able to cope with the demand. Some 7,781 admitted patients were on trolleys in the month of August alone. That is up 27%. There were over 440 people on trolleys in our emergency departments yesterday, admittedly down today to 345, but still an extraordinary figure for this time of the year. Over 65,000 people were treated on trolleys during the first six months of 2017. By any credible stretch of the imagination, the Tánaiste now has to accept that this Government, despite giving itself applause and claps on the back about the biggest budget it has provided for the health care services, is not providing the health care services that are required.

Will the Tánaiste accept that this Government has been lethargic, at best, in trying to deal with the challenges in the health care services, and primarily in the acute hospital setting? We now have a situation where, week on week, we have record after record being broken with regard to overcrowding in our emergency departments and the number of people in outpatient and inpatient services is now nearly at 700,000. Our acute hospital system is in crisis. Couple that with challenges in primary care and we are going to have a winter in which there will be an awful lot of pressure on our emergency departments. Elderly people in particular will be waiting inordinate periods to be admitted to hospital. Is it now time for the Government to accept that its winter-proofing systems that have been in place for the last number of years have been an abject failure and that it requires a hands-on approach from the Minister and Government along with the Department of Health to deal with these challenges? I do not think it is good enough for the Taoiseach, Tánaiste and others to stand up and say they are providing the largest budget in the history of the State for health care. If they are, they are failing, because it is simply not providing the services that are needed and required across the major areas, namely, the acute, primary, community care and mental health areas. By any credible yardstick, this Government's health system or health services are failing on a daily basis.

Will the Tánaiste accept that there needs to be a refocusing by the Minister for Health and the Government to prioritise the key areas of the acute hospital, the emergency departments and our primary care setting to ensure that, come the winter, we will not have hundreds of people on a daily basis in our emergency departments across the country, and primarily elderly people, which seems to be the case at the moment?

**An Leas-Cheann Comhairle:** I thank Deputy Kelleher for observing the time. He has set an example for others.

**The Tánaiste:** The Government is focusing on the priority areas in health. For example, reducing waiting times for the longest waiting patients is one of the Government's key priorities. It is for that reason that €20 million was allocated to the National Treatment Purchase Fund, NTPF, in the budget, rising to €55 million in 2018.

In order to reduce the numbers of long-waiting patients, the Minister for Health, as the Deputy will be aware, asked the HSE to develop waiting list action plans for 2017 in the areas of inpatient care, which the Deputy mentioned, and also scoliosis and outpatient services. The inpatient, the day-case and the outpatient plans focus on reducing the number of patients who are waiting 15 months or more for inpatient and day-case treatment or for an outpatient appointment by the end of October.

Working very closely with the HSE, the NTPF has been implementing waiting list initiatives to provide treatment for those who are waiting longest on the inpatient day-case waiting list. The August 2017 day-case and inpatient waiting list figures which were published at the beginning of September show that the total number of patients waiting has fallen by over 2,000. Every case of a person waiting is one too many but the Government is focusing on the range of initiatives which are making a difference and will make a difference in the long term. These include, of course, the bed capacity review which is really important and the GP contract so that we can have more focus on primary care centres.

Let me give Deputy Kelleher the statistics. Some 23,000 patients have come off the inpatient day-case waiting list and over 81,900 patients have come off the outpatient waiting list. Also, 237 scoliosis surgeries have taken place. The NTPF is rolling out the day-case initiative as well. That is focused on those waiting longest for day-case treatment. Right now, 2,000 patients have accepted an offer of treatment from the NTPF. All those initiatives are beginning to have the kind of impact we want to see.

Deputy Kelleher also mentioned the winter initiative. There is a range of initiatives to deal with the very real increase in referrals that takes place in the winter period. Following on from last year's winter initiative plan, the HSE, in conjunction with the Department of Health, developed a roadmap for improving the patient experience and to reduce the number of patients waiting for admission on trolleys in order to provide a better response. Each of the hospital groups has been working to progress a very proactive integrated approach around winter resilience planning for 2017-2018 to ensure that specific plans are in place for those predictable peaks of pressure that the Deputy has spoken about.

**Deputy Billy Kelleher:** The day-case reductions are because of the National Treatment Purchase Fund and the intervention which is part of the supply and confidence arrangement. That is one part of policy that is working. Unfortunately, it was a policy the Government did not want to pursue, but it is there. It is proof that if there are imaginative ways, issues can be

addressed. When one looks at the day-case waiting list, there is a reduction solely because of the National Treatment Purchase Fund.

The difficulties are in the emergency departments on a continual basis. The reason I raise this is we are now in September and if the trends continue, we will have significant problems in December, January and February - during the winter months. We know that but there is little being done to address these particular pressure points.

The Tánaiste can talk about the overall budget but I refer specifically to emergency departments, the acute hospitals and primary care. We now have a situation where the primary care services across the country simply cannot cope. The idea that one would get an appointment the same day with one's local GP is now a thing of the past. They are overwhelmed and under-resourced. If the Tánaiste could, she might just revisit the two issues of addressing the pressure points in the acute emergency departments and to try to come up with imaginative solutions to support primary care, primarily the GPs, so that they do not have to refer patients to hospitals as much as they are forced to at present due to lack of resources.

**The Tánaiste:** I repeat that the development of new primary care health centres is a priority for the Government. As Deputy Kelleher will be aware, funding has been allocated. The Deputy will have seen the centres that have already opened. Clearly, that has to be a huge part of the focus in making sure there are appropriate referrals to emergency departments. The re-negotiation of the GP contract is a key part of dealing with the pressures that are very evident in GP practices throughout the country. Attracting and retaining staff in GP practices must also be a focus in order to ensure we will have local primary care centres. There is an absolute focus on the development and opening of new primary care centres throughout the country to deal with the pressures. Appropriate referral is obviously one of the key parts, but there are also the initiatives that have been taken in different hospitals. I point to what is happening in Beaumont Hospital as an example in that regard. It is very clear that there are hospitals which are dealing with the huge pressures they are under by developing new systems of management. They have also been given extra resources.

**An Leas-Cheann Comhairle:** Deputy Mary Lou McDonald is next and I know that she will lead by example.

**Deputy Mary Lou McDonald:** As ever.

We are three weeks away from the announcement of budget 2018 which represents a real opportunity to deliver for citizens who are struggling to get by and build a life for their families but all of the signals from the Government and the Taoiseach are that they are going to pass up on this opportunity. Instead of focusing on the crises in the health service and the provision of housing, Fine Gael and Fianna Fáil are engaging in a sham fight over how best to introduce unaffordable and reckless tax cuts. It is the same old Fine Gael backed by the same old Fianna Fáil. We all know that the best way to give a break to those struggling to make ends meet, pay rent and keep a roof over their heads is not to give a tax break to put a few measly euro back in their pockets, a few measly euro that would do precious little to alleviate the cost-of-living crisis that is ruining so many lives. It is very clear that the best way to give low and middle income workers a break is by building decent public services. It is done by investing in the health system, delivering social and affordable homes at a level which matches the scale of the housing emergency and ensuring those with disabilities can access proper and dedicated services.

A responsible Government would reject the policies that have led to the decimation of essential services. An irresponsible Government is one that opts to make tax cuts when public services are crumbling and people are suffering. This is not just auction politics but also short-sighted and destructive politics. The Government is so deluded and out of touch that it believes this is its route to electoral success. It is about trying to buy votes. However, the people who the Government are trying to buy off will not be bought off so cheaply. It has it wrong again. Frankly, it is incredible that tax cuts versus investment in public services is even a matter of debate. The facts on the ground, in communities and our families, should have settled that argument already. The vast majority have had their fill of auction politics. They want and demand decent public services, for which they are crying out. They want children out of hotel rooms and in homes. They want patients off trolleys and waiting lists. They want to have the opportunity to buy their own homes.

Given the limited fiscal space, will the Government make the necessary investment in public services or will it insist on tax cuts that would further decimate the State's ability to respond to these crises? It cannot do both. Choosing tax cuts over investment in public services in the budget will give the clearest evidence yet that the Taoiseach, much like his predecessor, is not serious about tackling the issues which are impacting on the lives of ordinary people.

**The Tánaiste:** The first thing we want to do is make sure we continue the economic progress the country has seen. In the very first instance we have the capital which is provided by the Government. We have taxpayers who are paying tax and because it has been managed properly, we are now in a position to invest in services, contrary to the position inherited by the previous Government three or four years ago when there was no money available to spend on services. We have come full circle and are investing again in the services people need. We can do this because we have an economy that is growing and developing and because there is capital to invest. There has been substantial investment by the Government in the development of public services, including health and education services and housing, and that will continue next year. We have prioritised large budgets for the provision of housing and health services. There are many challenges, but we have the capital to invest which was not available previously and we will invest it in a prudent way. We will also balance the books, which is important because we want to be able to continue to substantially increase budgets in the years ahead.

As I said, we will continue to invest wisely in capital projects that are needed in the provision of services; in targeted income supports, as was done in budget 2017, as well as in supporting the vulnerable and increasing the budget substantially for disability and mental health services. We will also continue the process of tax reductions. There would not be money to spend on services if people were not going out to work. It is the people's money that we are spending on all of these services and they also deserve support. As I said, we will continue the process of tax reductions. We will also help businesses and families to plan for the future, which is important.

We will set out our key budgetary objectives and publish a national planning framework and the ten-year capital plan, all of which will give certainty and the people can have confidence that the investment in services will continue. That will be the focus. It will be comprehensive and involve a 4.5% increase in the capital budget for next year which will lead to the investment people want to see in all public services. We will favour expenditure increases over tax reductions by at least a ratio of 2:1 in line with A Programme for a Partnership Government and the confidence and supply arrangement.

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**Deputy Mary Lou McDonald:** The Tánaiste's reply was most unconvincing. I do not think even she is convinced by the flawed and almost perverse argument she has presented. The people who go out to work and pay their taxes are also the ones who are casualties of the lack of investment in housing and health, child care and many other services. They are not two competing realities. They are one and the same and what they are telling us - I imagine they are also telling members of the Government this, unless they are living in a different or parallel universe - is that they are not prepared to tolerate any longer a position where there are more than 600,000 people on waiting lists for medical procedures; record numbers on hospital trolleys; people are unable to afford to pay their rent and people will never be able to aspire to home ownership. They are the tax paying, working people it seems the Government will insult in the budget with €1 or, if it goes along with its friends in Fianna Fáil, €1.50 a week or a little more according to its plan.

**Deputy Shane Cassells:** Every Sinn Féin councillor plays a part in-----

*(Interruptions).*

**Deputy Mary Lou McDonald:** Despite the sensitivities of my Fianna Fáil colleagues, I put it to the Tánaiste that it is utterly reckless and irresponsible to talk about tax cuts as a means of rewarding working people.

**Deputy Shane Cassells:** What about Sinn Féin councillors-----

**An Leas-Cheann Comhairle:** Deputy Mary Lou McDonald must conclude.

**Deputy Mary Lou McDonald:** Will the Government drop that proposal and will it recognise and invest in the services on which we rely?

**Deputy Shane Cassells:** The Deputy is talking nonsense.

**An Leas-Cheann Comhairle:** I might have to give the Deputy a yellow card.

**The Tánaiste:** In the forthcoming budget we will continue to take the approach that has allowed this country to invest in the kinds of services that clearly need to be developed at this time in our economy. We will have a budget that will be incremental, sustainable and fair because we want to be fair to those people who are working and to the vulnerable, and we want to make sure that we support the kind of job creation we have seen in this country. We all know that the best way out of poverty is to have a job. With the level of job creation we have had, we now have the income to invest in the kinds of services that the country now needs.

**Deputy Mary Lou McDonald:** Well then, do that.

**The Tánaiste:** That is precisely what we will be doing in the budget. It is not about one or the other.

**Deputy Mary Lou McDonald:** No, it is about one or the other.

**The Tánaiste:** It is about supporting our workers and the development of services in this country and, most of all, about creating the kind of economy that can invest. If we do not manage the economy properly, there will not be the money to invest, which is the position this country found itself in a few years ago.

**Deputy Brendan Howlin:** Continuing the Tánaiste's theme of financial prudence and rea-

sonableness, Government sources have indicated that a salary of up to €300,000 is being considered for the next Garda Commissioner. To say the least, this is well in excess of the current salary of €180,000 for the post which most people would consider a high one. I ask the Tánaiste to think seriously about this proposal. I particularly ask her to consider whether, if it was agreed, it would exacerbate the debate about high pay levels in the public service and impact on public sector pay policy generally at a particularly delicate time.

There is no current review of top level pay in the public sector. The priority, rightly in my view, is the unwinding of financial emergency measures in the public interest, FEMPI, legislation rather than a special top level salary increase. The current salary for the position of Garda Commissioner of €180,409 is graded at general secretary level 3, while the top level service payable to anybody in the public service is currently €190,000, which is the salary the most senior Secretaries General and the Taoiseach enjoy. If the salary for the next Garda Commissioner was increased substantially in the way that has been suggested, it is certain that the Judiciary would demand a similar increase for the Chief Justice or members of the Supreme Court and that would spread across the ranks of the senior Civil Service. The ripple effect would continue across all grades. For example, the Irish Nurses and Midwives Organisation, INMO, has argued that the recruitment difficulties for nurses can only be adequately addressed through pay. The Irish Medical Organisation, IMO, has made much the same point about vacancies both at consultancy level and in general practice. The Government has already committed to a review of recruitment in the health sector. Conceding an increase of this magnitude to the new Garda Commissioner would completely undermine arguments that might be made for all the other sectors who are in a queue to have significant pay increases.

As Minister for Public Expenditure and Reform I agreed two years ago that a new method of pay and conditions for senior officeholders would be put in place. I did so in response to calls for pay increases from the Judiciary at the time, which the Tánaiste will well remember. I did so deliberately to ensure that no one individual or cohort would be able to unravel public pay policy. Will the Tánaiste advise whether the Government has now abandoned the commitment to a structured mechanism in deciding public pay at top level in the public service? Can she set out clearly for the Dáil the Government's approach to top level pay?

**The Tánaiste:** Following the retirement of the Garda Commissioner, Nóirín O'Sullivan, the process is under way to appoint her successor. It is primarily the job of the Policing Authority and the Public Appointments Service, PAS, working together to find the best candidate for that job. The Deputy quoted a salary figure, but certainly there is no decision by the Government regarding that figure, regardless of what reports may have indicated in that respect. Clearly, the issue of recruiting the very best candidate is important and the Commission on the Future of Policing in Ireland is also examining the kinds of skills that are needed to run a large-scale, 21st century policing service, and it will be giving the Minister for Justice and Equality its views on that.

The Deputy referred to structured mechanisms. The best structured mechanism recently was the agreement on public sector pay. There is no question of abandoning the structured mechanisms that we have. However, there is an issue with some jobs and there is some flexibility to attract the right candidate, whether that is to run aspects of our health service or other areas. That will always be dealt with in a careful way. I take the Deputy's point about the danger of setting precedents and changing the approach to top level pay in the Civil Service and elsewhere but, clearly, there are recruitment difficulties, about which every Member will be well aware, given the competition for people. More and more we are seeing gaps in services

because of the difficulties in recruitment. This issue needs to be considered because we want the very best people to run our services. The Deputy quoted one arena where, clearly, that is very important but there are others as well.

The structured mechanisms are important in terms of the review of top level pay. We have to accept that there are difficulties increasingly in filling some senior management posts. We all want better management, whether it is in health or housing or a range of other areas. This is an issue which the Government will consider carefully in each instance but clearly, there is a broader approach, which the Deputy has outlined, and there is no intention to depart from that.

**Deputy Brendan Howlin:** There is no doubt that someone of skill, integrity and management capacity is required to lead An Garda Síochána. I hope the Tánaiste regards that all senior management roles should require that skill set. I am no wiser about the general approach and I am even more concerned because the Tánaiste said the Government will consider the issue in each case. Is it, therefore, a matter for the head of the HSE or the Chief Justice or the head of any service to make a business case for a salary level or is there is a coherent approach to top level pay? Will a new review of top level pay be instituted? Will that come after the unwinding of the FEMPI legislation? The House needs to know clearly what is the Government approach to the issue of public sector pay, particularly when the current pay round negotiated with public sector unions has not been signed by off by so many public sector workers.

**The Tánaiste:** I said clearly but I will reiterate that the Government favours a structured approach to the issue of pay, which we demonstrated again last week in the agreement that was reached. I also said that there are difficulties in recruitment and that, on occasion, these may lead to a decision in specific circumstances where the issue of pay may have to be reconsidered but the overall approach is absolutely one of a system being in place under an agreement that is being implemented in respect of top level pay.

I will have to revert to the Deputy regarding a review of top level pay.

**Deputy Richard Boyd Barrett:** In the past hour, the media has been reporting that a 41 year old man with ongoing health problems was confirmed to have been found dead. He was homeless and sleeping in a tent with his partner in Bray over the weekend. This is the third rough sleeper found dead in the past number of weeks. I do not know the exact circumstances of this personal, human tragedy for this man and his family but it cannot be anything other than a shameful stain on this State that yet another person was living in a tent ill and was then found dead by his partner. This has happened time and again in recent weeks against the background of an absolutely shameful housing and homelessness emergency. I ask the Tánaiste to look urgently at the circumstances surrounding how this could possibly have happened. I must also ask her and her Government colleagues to reconsider the decision of the Government to vote against the Bill which proposes that we insert a right to housing into the Constitution. That vote will be taken in a short while. I simply cannot understand it. I listened with dismay to the Taoiseach yesterday afternoon and afterwards the Minister and the Minister of State explain, or, more correctly, fail to explain why the Government would not listen to the Simon Communities of Ireland, the Peter McVerry Trust, the Children's Rights Alliance and all of the non-governmental organisations dealing on the front line with people who find themselves in these tragic positions. They have stated we should insert a right to housing into the Constitution, but the Government plans to bury that proposal which was supported by 84% at the Constitutional Convention in 2014. It wishes to "further consider" the matter, but people cannot even agree on what committee should consider it. The Government indicates that it should be the finance

committee; Deputy Barry Cowen has argued that it should be the housing committee, while Deputy Marc MacSharry has indicated that it should be the justice committee. It sounds to me like they want the issue to be buried in any committee instead of agreeing to the proposal and inserting a right to housing into the Constitution. It is shameful. I ask the Tánaiste to seriously reconsider this decision and send a signal from the Dáil today that human beings living in this State have a right to be housed in dignified, affordable accommodation and not be forced into the tragic circumstances in which so many find themselves.

**The Tánaiste:** I do not have the information sought on the individual mentioned by the Deputy, but the thoughts and sympathy of this House go to that person and his family in what are absolutely tragic circumstances, as noted by the Deputy. It is because we believe people have a right to housing that we are taking the range of actions outlined last night in the House by the Minister, Deputy Eoghan Murphy, with reference to the Bill. The recommendation from the Government is that the matter should be referred to the finance committee for further discussion on the approach to be taken.

Taking the key point about providing housing for individuals, that is clearly what the Government wants to and is determined to do. It is why the budget is what it is, with billions of euro to be allocated in the next few years. It is why the budget to tackle homelessness has doubled since 2014, rightly so. It will be more than €100 million. The Department and the Minister, Deputy Eoghan Murphy, are working very closely with all of the voluntary housing agencies. The vast majority of the recommendations they have made to the Government are being implemented. That is what they will state about the approach taken to dealing with homelessness. They are supplying many of the extra emergency beds which are now available and which will be made available in the next few weeks.

We have also taken the decision to establish family hubs on a short-term basis in order that families and children can be in better accommodation, with more support services to help them than they would have in emergency hotel or hostel accommodation which is seen as a temporary solution until social housing comes on stream. The Deputy knows that there will be more than 21,000 new builds next year, of which, as the Taoiseach stated yesterday, a quarter will be social houses. We will also focus on affordable housing, although clearly that will not happen overnight. We will use every resource we possibly can to meet the housing needs of the people. It is a priority on which the Minister is absolutely focused. Every action that can be taken to help people is being taken. That is why 80 people per day are being given a housing solution to meet unmet housing needs. We must remember that that is happening also.

**Deputy Richard Boyd Barrett:** With every Government announcement and policy change over the past three years, the housing crisis has gotten worse. The number of homeless people and the number of families and children in need of housing have gotten worse rather than better and the tragic deaths of people sleeping rough on the streets continue. Why would a proposal to enshrine the right to housing as a basic human right be referred to the Joint Committee on Finance, Public Expenditure and Reform and Taoiseach three years after the Constitutional Convention said that it should be put in the Constitution? Perhaps the motive was revealed when I asked the Taoiseach yesterday why the Government is not supporting that proposal and he said he did not believe that everyone should be housed for free. What on earth was the Taoiseach talking about? Who is housed for free in this State? Does that statement not reveal a deep-seated prejudice against people who rely on social housing and would pay their rent but cannot get social housing because the State fails to provide it? Is that the real reason the problem is not being solved?

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**The Tánaiste:** The Government is focusing on solutions. A range of new initiatives was announced by the Minister, Deputy Murphy, and the Minister of State, Deputy English, including for example, after their meeting with local authority directors. The Government is taking actions that will make a difference.

There is a suggestion that the Private Members' Bill should go to the Joint Committee on Finance, Public Expenditure and Reform and Taoiseach so that its precise implications can be examined.

**Deputy Richard Boyd Barrett:** It is three years since the Constitutional Convention recommended the right to housing be enshrined in the Constitution.

**The Tánaiste:** It is important that the Government invests and ensures that the initiatives it is taking are making a difference for families. That is the focus of the Government and that is what it is doing. There is increasing demand. There is now fast-tracking of planning applications. The builds are increasing and that will continue. We have come from a situation where there was no investment in housing to the stage where this Government, as outlined in Rebuilding Ireland, has committed billions of euro to ensure that the housing needs of people of this country are met now and in the future.

*3 o'clock*

### Questions on Promised Legislation

**An Leas-Cheann Comhairle:** We have only 15 minutes for Questions on Promised Legislation and I will not be able to accommodate all Members who wish to speak. Perhaps the Business Committee could examine timing at a later stage. I ask Members to confine themselves to short, focused questions on promised legislation or the programme for Government.

**Deputy Billy Kelleher:** The programme for Government, the supply and confidence agreement and A Vision for Change all refer to improving 24 hour service support and liaison teams for mental health in primary and emergency care. Last year the HR director of the HSE wrote to all nursing graduates to say that permanent contracts would be put in place. However, mental health nurse graduates are not being recruited on permanent contracts. I ask that the Tánaiste consider this in the context of the commitment in the programme for Government to ensuring there is adequate support and services for mental health nurses in primary care teams and emergency care teams.

**The Tánaiste:** There is a focus on mental health and ensuring that there are teams all over the country. There are now 64 teams in place under the CAMHS service which indicates that recruitment is successfully taking place. I will raise the point made by Deputy Kelleher with the Minister for Health, Deputy Harris.

**Deputy Mary Lou McDonald:** I wish to mention the consolidated domestic violence legislation which I have raised consistently in the House. This Government and the previous one made repeated commitments to bring forward such legislation.

Can the Tánaiste give us a specific date for when the heads of Bill for the criminal justice (Istanbul Convention) Bill will be ready for pre-legislative scrutiny?

**The Tánaiste:** The domestic violence consolidated legislation the Deputy mentioned is in the Seanad and I would like to see it go through that House as quickly as possible. I was very

pleased to introduce that important Bill.

The Government is working closely with the Departments of Justice and Equality and of Health to deal with one issue that has arisen in respect of signing the convention. It is intended to sign the convention by the end of this year. The legislation should be available soon.

**Deputy Brendan Howlin:** For almost 18 months, the Technological Universities Bill 2015 has been stalled and the merger of the institutions towards technological university status has also been impeded considerably. Announcements have been made about amendments. When will the amendments be published and when will the Bill be back in committee?

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O'Connor):** The amendments for the Technological Universities Bill 2015 are being drafted and I am hoping to have them soon and to deal with that legislation before the end of the year.

**Deputy Ruth Coppinger:** When will the Garda Síochána Bill be ready relating to complaints and investigations by the Garda Síochána Ombudsman Commission? I raise this in light of the news last night that all charges have been dropped against future Jobstown defendants.

**An Leas-Cheann Comhairle:** On promised legislation only.

**Deputy Ruth Coppinger:** I named the legislation already.

**Deputy Sean Sherlock:** The Deputy is now eating into everybody else's time. It is just selfish.

**Deputy Ruth Coppinger:** Does this not now warrant independent investigation into why this fiasco began and went as far as it did, in respect of money and the resources of the Garda, and given that the evidence of the gardaí is not now considered fit for a jury? Is the Tánaiste concerned that the only person now convicted in respect of that event is a minor? He now has a criminal conviction hanging over him for the rest of his life. That conviction must now be overturned.

**An Leas-Cheann Comhairle:** The Deputy should deal with the legislation.

**Deputy Ruth Coppinger:** All the people have been vindicated and that young man should not have this hanging over him.

**The Tánaiste:** Work is under way on that Bill. Decisions taken by the Director of Public Prosecutions, DPP, are a matter for the DPP. It is an independent office and that is absolutely in keeping with our system of justice, the separation of powers and the due process approach to criminal justice.

**Deputy Mattie McGrath:** I am sure the Tánaiste is aware that a young man from Donegal, Timothy Jackson, is on his fourth day of hunger strike outside the House.

**An Leas-Cheann Comhairle:** The Deputy should ask about promised legislation.

**Deputy Mattie McGrath:** It is the health (amendment) Bill. He has written to the Taoiseach and the Minister for Health asking them to view a short video of a situation regarding the eighth amendment. He wants the Taoiseach to ask the Joint Committee on the Eighth Amendment of the Constitution to view this video as part of its deliberations on any repeal or otherwise. It can be viewed at *whiteflag.ie*.

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**Deputy Ruth Coppinger:** I think they should watch it.

**The Tánaiste:** Any decision about the work of the committee is a matter for the committee of which the Deputy is a member.

**Deputy Mattie McGrath:** Of course. I have written to the Taoiseach.

**The Tánaiste:** Work is under way on the health (amendment) Bill.

**Deputy Shane Cassells:** The commercial rates Bill appears to be very low in the list of priorities on the legislative programme with no pre-legislative scrutiny date determined. When does the Government expect to see this advanced? Many towns outside Dublin are trying to share in the recovery experienced in the capital. I see this particularly in my home town, Navan, where the archaic system is thwarting any entrepreneurs trying to grow their businesses. When will it be considered and advanced? Does the Tánaiste think it right that in the past year business contributions to the running of local councils have increased to €1.5 billion, 36% of the income up from 29% in 2010 because councils are forced to increase rates due to rising costs.

**The Tánaiste:** This is an important Bill to modernise and consolidate the approach to commercial rates and it is expected that the Bill will go before the committee for pre-legislative scrutiny soon.

**Deputy Eamon Scanlon:** The programme for Government contains a commitment to support people living in rural areas. On 28 August every local authority in the State was advised to accept applications to participate in a local improvement scheme, a scheme under which people make a contribution where there are more than two people living on a road. The closing date was 14 September and I understand works have to be completed by 24 November. To date, the local authority in Sligo has received 250 applications, the local authority in County Leitrim has received 210, while the local authority in County Donegal has also received 250.

**Deputy Mattie McGrath:** And no money.

**Deputy Eamon Scanlon:** The problem arises from an apparent dispute between two Ministers, Deputies Shane Ross and Michael Ring, over who will fund the scheme. The work must be completed within the next three to four weeks, but the local authorities have not been informed of funding.

**Deputy Tony McLoughlin:** It was.

**Deputy Mattie McGrath:** Who is paying for it? Where is the money?

**Deputy Frances Fitzgerald:** It was announced today.

**Deputy Eamon Scanlon:** Is the figure €282,000 for the local authority in Sligo? I am glad to hear it.

**Deputy Billy Kelleher:** Who is taking the credit? Is it the Minister, Deputy Shane Ross, or the Minister, Deputy Michael Ring?

**The Tánaiste Frances Fitzgerald:** There is funding for the local authority in County Donegal.

**An Leas-Cheann Comhairle:** It is over €800,000, but I had better not make a comment

from the Chair.

**Deputy Noel Rock:** Deputy Eamon Scanlon has got his funding, on which I congratulate him.

The Market and Financial Instruments Bill is important legislation. Has the relevant Minister considered the potential implications of the European Commission's proposals announced yesterday relating to reforming the European supervisory authority and specifically the proposal to amend the MiFID II directive? What is the anticipated impact on the transposition in Ireland of the MiFID II directive? Will the Tánaiste consult the relevant Minister on the Market and Financial Instruments Bill which is priority legislation?

**The Tánaiste Frances Fitzgerald:** I do not think the relevant Minister is in the House. Prelegislative scrutiny of the Bill will take place shortly and there will be full publication in the course of this term.

**An Leas-Cheann Comhairle:** I call on Deputy John Brady to ask a focused question.

**Deputy John Brady:** On housing and particularly homelessness, in Bray in my constituency of Wicklow a homeless man aged 41 years was found dead in a tent on Saturday morning. It was a tragedy. I listened to the Tánaiste's empty rhetoric. Joseph, the man who passed away, was not the only homeless person in Bray. While we sit here, there are homeless persons sleeping in tents on the top of Bray Head. There are people sleeping in tents under footbridges along the N11. The Tánaiste's empty rhetoric does nothing for them.

**An Leas-Cheann Comhairle:** Questions on promised legislation, please.

**Deputy John Brady:** While there has been much talk about providing 200 emergency beds for homeless persons in coming months, none of it caters for my constituency. There are homeless families, women and families, being put up in women's refuges-----

**An Leas-Cheann Comhairle:** The Deputy is depriving his colleagues of their time. He cannot circumvent the rules.

**Deputy John Brady:** What is the Government doing to address the homeless crisis in my constituency?

**An Leas-Cheann Comhairle:** If the question is related to promised legislation, the Tánaiste may answer.

**The Tánaiste Frances Fitzgerald:** No, it is not.

**An Leas-Cheann Comhairle:** This is not Second Stage.

**Deputy John Brady:** It is included in the programme for Government.

**An Leas-Cheann Comhairle:** Is it promised legislation?

**Deputy John Brady:** I am asking what will be included in it to address what is a serious problem.

**An Leas-Cheann Comhairle:** The Deputy is depriving his colleagues of their time. We cannot circumvent the rules. Does the Tánaiste wish to answer?

**The Tánaiste Frances Fitzgerald:** Like everyone in the House, I express my deepest sympathy to the family of the man in question. Everyone in the House shares the concern about the situation in which he found himself. I have outlined the initiatives being taken to deal with the very serious issue of homelessness, including the increased number of emergency beds, to ensure people will have access to better facilities than those outlined by the Deputy.

**Deputy Margaret Murphy O'Mahony:** Will the Tánaiste give a specific date for the ratification of the UN Convention on the Rights of Persons With Disabilities? The Tánaiste must excuse my cynicism, because exactly this time last year I asked for a date and we were told it would be before the end of the year. The Taoiseach has stated the Government is using a different approach to other European countries, and this is certainly true because I find its approach very hands-off and I would like a more specific date, please.

**The Tánaiste:** The Department of Health and the Department Justice and Equality are working together on finalising the amendments for the Bill, particularly on the issue of deprivation of liberty, which is a very complex issue. We intend to sign the convention by the end of this year and bring the relevant legislation to the House before then. The point the Taoiseach was making is that some countries signed before they did all of the work or developed the services for those with a disability. We have taken the approach that we want to make sure everything is in place before we sign it. That is actually more constructive approach. It means better services for people with disabilities.

**Deputy Pat Buckley:** Is it possible to get a date for when the Mental Health (Amendment) Bill, which passed through the House on the final day before the summer recess, will be taken in the Seanad?

**An Leas-Cheann Comhairle:** A date for the Seanad.

**The Tánaiste:** We completed all Stages in the Dáil and it has gone to the Seanad. It is a matter for the Seanad to decide on the exact timetable for it. I am sure if the Deputy makes inquiries there he will be told.

**Deputy Tony McLoughlin:** In the programme for Government, special consideration is given to the creation of new jobs in many rural areas throughout the country. The Tánaiste is aware the Border region, of which counties Sligo, Leitrim and south Donegal are part, has, unfortunately, witnessed the lowest level of job growth than any other region.

**An Leas-Cheann Comhairle:** Legislation.

**Deputy Tony McLoughlin:** On this basis, will the Tánaiste please advise the House on the efforts the Government is making to rebalance this job creation growth, particularly given Brexit and weakening sterling, which have already resulted in job losses in the region?

**An Leas-Cheann Comhairle:** I ask the Tánaiste to reply if legislation is involved.

**The Tánaiste:** This will primarily be affected by continued economic development and the Action Plan for Jobs, and I assure the Deputy the Regional Action Plan for Jobs will make absolutely sure every area in the country benefits from the job creation we see, as it has already in terms of the percentage of jobs last year. There was growth in Dublin but there was also growth in all regions. The area about which the Deputy is speaking is an area that does need focus and attention.

**Deputy Jan O’Sullivan:** In the context of the urgent need for more social housing, some of the larger voluntary housing associations have been making a very strong case that if they could show they were regulated they could borrow money to build substantial numbers of social houses. It is a year and a half since there was pre-legislative scrutiny on the Bill to regulate the voluntary housing sector and the approved housing bodies. It is on the list. When will the legislation be published?

**The Tánaiste:** It is a priority for this term and the Minister will ensure it will be before the House this term.

**Deputy Joe Carey:** I wish to ask the Tánaiste about the status of the health (transport support) Bill. When will it come before the House?

**The Tánaiste:** It will be this session.

**Deputy Eugene Murphy:** In the programme for Government six key issues were laid out on improving mental health services, and we all subscribe to this. The Tánaiste is aware that recently a review of mental health services in County Roscommon was published. This review had been ongoing since 2015. It referred to a culture of blame, secrecy and negativity in Roscommon mental health services.

**An Leas-Cheann Comhairle:** Promised legislation.

**Deputy Eugene Murphy:** It is with regard to the programme for Government. I will not delay on this and I will not fire Scuds left, right and centre, but this is very revealing. In 2012, €4.57 million was returned to the HSE from County Roscommon. In 2013, a sum of €6.9 million was returned to the HSE and in 2014 a sum of €6.19 million was returned. This amounts to more than €17 million. The report revealed that people died in the county. There are heart-broken families. Recently, a woman sat in my clinic and cried.

**An Leas-Cheann Comhairle:** Promised legislation.

**Deputy Eugene Murphy:** Yes, it is in the programme for Government. On three occasions this woman spoke to psychiatrists and each time it was a different psychiatrist. She has had to tell her story over and over again. The Taoiseach was Minister for Health for part of the time in question. Will the €17.2 million be returned to the mental health services in County Roscommon, which are in deep crisis? None of us wants more tragedy.

**An Leas-Cheann Comhairle:** The Tánaiste should focus on promised legislation.

**The Tánaiste:** The work is being done on the legislation on mental health.

**An Leas-Cheann Comhairle:** I am trying to accommodate all.

**The Tánaiste:** With regard to the point the Deputy makes, very often the explanation is the difficulty in recruiting staff, but that is obviously an issue on which the HSE needs to focus to ensure that where the money is available, the services will be developed and delivered in the types of circumstances described by the Deputy.

**Deputy Declan Breathnach:** In the programme for Government, there is a commitment to both urban and rural regeneration and rejuvenation. Could the Tánaiste tell us specifically when the sports capital grant for this year will be issued? When will the village renewal pro-

gramme be announced? It is normally announced at this time of year. I am led to believe it has been postponed until October. Perhaps Deputy McLoughlin knows the answer.

**The Tánaiste:** The question was not on legislation.

**An Leas-Cheann Comhairle:** It is not on promised legislation.

**Deputy Declan Breathnach:** It is in the programme for Government.

**The Tánaiste:** Under the programme for Government, this has been a very important capital initiative to help local communities to develop sports services. That is being prioritised again this year. The Minister, Deputy Shane Ross, and the Minister of State, Deputy Griffin, will be making announcements before the of the year in regard to it.

**Deputy Bernard J. Durkan:** The Personal Injuries Assessment Board (amendment) Bill has been promised for some time. Pre-legislative scrutiny took place on 27 June last. When is it likely to come before the House given its importance?

**The Tánaiste:** It is listed for this session.

**Deputy Caoimhghín Ó Caoláin:** I raise again the long-awaited scheme to replace the mobility and motorised transport grants. I heard the Tánaiste's earlier response but I have been told on numerous occasions that the heads of the Bill would be presented shortly. We do not even have the heads of the Bill, yet the Tánaiste is saying she expects the legislation will be enacted before the end of the year. Is that really realistic? What is the delay? When can we expect the heads of the Bill so we can have a Parliament, with all its elements, really addressing the long-awaited replacement scheme?

**The Tánaiste:** My information is that it is intended that the Bill will be published this term.

**Deputy Sean Sherlock:** I have a technical question. The Maritime Area and Foreshore (Amendment) Bill is on the long list. The Government had given some indication that it would legislate for the prohibition of micro-plastics in that Bill. I would like the Government to clarify when it will legislate for that. I have a Bill that is due before committee. The ten-week window has long since passed. I had said to the Government that I was willing to wait for the publication of its legislation and that I will be happy to withdraw mine if it passes muster. That still has not happened. What is the status of the Government's proposed Bill?

**The Tánaiste:** The advice of the Parliamentary Counsel has been sought on that Bill. We have to await that advice. I will ask the Minister to liaise directly on the detail as to how that might be included.

**Deputy Donnchadh Ó Laoghaire:** In the programme for Government, there is a commitment to improving oversight and accountability in policing. In the context of that and the resignation of the Garda Commissioner, will the Government, including the Minister for Justice and Equality, consider meeting all Opposition parties regarding the process for the replacement of the Garda Commissioner to ensure full political buy-in concerning that appointment?

**The Tánaiste:** Responsibility for that recruitment lies with the Policing Authority and the Public Appointments Service.

**Deputy Louise O'Reilly:** I have asked about the status of the assisted human reproduction

legislation. I was assured by the Minister for Health in the last term that it was a priority. It has not managed to make it onto the priority list. Can the Tánaiste give us an idea when the general scheme will be available? I ask simply because many people want to know when they will get that assistance.

**The Tánaiste:** It is important legislation. The Minister, Deputy Harris, spoke about it recently and recognised it as such. Consultation is underway with stakeholders and some legal advice is being sought. He is anxious to publish a Bill as soon as possible. It is not down as a priority for this term because of the ongoing background work. I am sure the Deputy will receive further information in the House in the period ahead.

**An Leas-Cheann Comhairle:** I remind the House that most people were focused. I thank them. We have overrun by a few minutes.

### **Proposal re European Travel Information and Authorisation System: Referral to Joint Committee**

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

That the proposal that Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS),

a copy of which was laid before Dáil Éireann on 18th August, 2017, be referred to the Joint Committee on Justice and Equality, in accordance with Standing Order 84A(4)(k), which, not later than 5th October, 2017, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.”

Question put and agreed to.

### **An Bille um an gCúigiú Leasú is Tríocha ar an mBunreacht (Ceart chun Tithíochta), 2017: An Dara Céim (Atógáil) [Comhaltaí Príobháideacha]**

### **Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017: Second Stage (Resumed) [Private Members]**

Thairg an Teachta Richard Boyd Barrett an rún seo a leanas ar an 20 Meán Fómhair 2017: “Go léifear an Bille an Dara hUair anois.”

The following motion was moved by Deputy Richard Boyd Barrett on 20 September 2017: “That the Bill be now read a Second Time.”

Debate resumed on amendment No. 1:

To delete all words after “That” and substitute the following:

Dáil Éireann declines to give the Thirty-fifth Amendment of the Constitution (Right to Housing) Bill 2017 a second reading and instead, taking account of previous Government decisions to have the broader recommendations in the Eighth Report of the Convention on the Constitution (i.e. that the State shall progressively realise economic, social and cultural (ESC) rights subject to maximum available resources and that this duty shall be cognisable by the Courts, and that specific additional rights should also be inserted into the Constitution of Ireland, including housing rights, social security rights, essential health care, rights of people with disabilities, linguistic and cultural rights) considered by an Oireachtas Committee, have the right-to-housing issue considered by the Oireachtas Committee on Finance, Public Expenditure and Reform, and Taoiseach, to review the implications arising in terms of balance of rights, good governance (including the separation of powers) and resource prioritisation.”

- (Minister for Housing, Planning and Local Government)

**An Leas-Cheann Comhairle:** I want to deal with amendment No. 1 as I was in the Chair at the time. For the sake of clarity and before proceeding with the division, I must ask the Chief Whip how stands the amendment? Is it being pressed?

**Minister of State at the Department of the Taoiseach (Deputy Joe McHugh):** No, I would like to withdraw it.

Tarraingíodh siar an leasú faoi chead.

Amendment, by leave, withdrawn.

Cuireadh an cheist: “Go léifear an Bille an Dara hUair.”

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

<i>The Dáil divided: Tá, 37; Níl, 73; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staan</i>
<i>Adams, Gerry.</i>	<i>Aylward, Bobby.</i>	
<i>Barry, Mick.</i>	<i>Bailey, Maria.</i>	
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	
<i>Brady, John.</i>	<i>Brassil, John.</i>	
<i>Broughan, Thomas P.</i>	<i>Breathnach, Declan.</i>	
<i>Buckley, Pat.</i>	<i>Breen, Pat.</i>	
<i>Collins, Joan.</i>	<i>Brophy, Colm.</i>	
<i>Collins, Michael.</i>	<i>Browne, James.</i>	
<i>Coppinger, Ruth.</i>	<i>Bruton, Richard.</i>	
<i>Crowe, Seán.</i>	<i>Burke, Peter.</i>	
<i>Cullinane, David.</i>	<i>Butler, Mary.</i>	
<i>Daly, Clare.</i>	<i>Cahill, Jackie.</i>	
<i>Doherty, Pearse.</i>	<i>Calleary, Dara.</i>	

*Dáil Éireann*

<i>Ellis, Dessie.</i>	<i>Carey, Joe.</i>	
<i>Healy, Seamus.</i>	<i>Casey, Pat.</i>	
<i>Martin, Catherine.</i>	<i>Cassells, Shane.</i>	
<i>McDonald, Mary Lou.</i>	<i>Chambers, Jack.</i>	
<i>McGrath, Mattie.</i>	<i>Chambers, Lisa.</i>	
<i>Mitchell, Denise.</i>	<i>Collins, Niall.</i>	
<i>Munster, Imelda.</i>	<i>Creed, Michael.</i>	
<i>Murphy, Catherine.</i>	<i>Curran, John.</i>	
<i>Murphy, Paul.</i>	<i>Deasy, John.</i>	
<i>Ó Broin, Eoin.</i>	<i>Deering, Pat.</i>	
<i>Ó Caoláin, Caoimhghín.</i>	<i>Doherty, Regina.</i>	
<i>Ó Laoghaire, Donnchadh.</i>	<i>Donnelly, Stephen S.</i>	
<i>O'Reilly, Louise.</i>	<i>Durkan, Bernard J.</i>	
<i>O'Sullivan, Jan.</i>	<i>English, Damien.</i>	
<i>O'Sullivan, Maureen.</i>	<i>Farrell, Alan.</i>	
<i>Penrose, Willie.</i>	<i>Fitzgerald, Frances.</i>	
<i>Quinlivan, Maurice.</i>	<i>Fitzmaurice, Michael.</i>	
<i>Ryan, Brendan.</i>	<i>Fitzpatrick, Peter.</i>	
<i>Ryan, Eamon.</i>	<i>Flanagan, Charles.</i>	
<i>Sherlock, Sean.</i>	<i>Griffin, Brendan.</i>	
<i>Shortall, Róisín.</i>	<i>Halligan, John.</i>	
<i>Smith, Bríd.</i>	<i>Harris, Simon.</i>	
<i>Stanley, Brian.</i>	<i>Haughey, Seán.</i>	
<i>Wallace, Mick.</i>	<i>Humphreys, Heather.</i>	
	<i>Kehoe, Paul.</i>	
	<i>Kelleher, Billy.</i>	
	<i>Kyne, Seán.</i>	
	<i>Lahart, John.</i>	
	<i>Lowry, Michael.</i>	
	<i>MacSharry, Marc.</i>	
	<i>McEntee, Helen.</i>	
	<i>McGrath, Finian.</i>	
	<i>McGuinness, John.</i>	
	<i>McHugh, Joe.</i>	
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Martin, Micheál.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moynihan, Aindrias.</i>	
	<i>Murphy O'Mahony, Margaret.</i>	
	<i>Murphy, Dara.</i>	
	<i>Murphy, Eoghan.</i>	

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	<i>Murphy, Eugene.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Brien, Darragh.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Dowd, Fergus.</i>	
	<i>O'Loughlin, Fiona.</i>	
	<i>O'Rourke, Frank.</i>	
	<i>Rabbitte, Anne.</i>	
	<i>Rock, Noel.</i>	
	<i>Ross, Shane.</i>	
	<i>Scanlon, Eamon.</i>	
	<i>Smith, Brendan.</i>	
	<i>Smyth, Niamh.</i>	
	<i>Stanton, David.</i>	
	<i>Troy, Robert.</i>	
	<i>Zappone, Katherine.</i>	

Tellers: Tá, Deputies Richard Boyd Barrett and Bríd Smith; Níl, Deputies Joe McHugh and Tony McLoughlin.

Question declared lost.

Faisnéiseadh go rabhthas tar éis diúltú don cheist.

**Deputy Richard Boyd Barrett:** Given the seriousness of the housing and homeless crisis and the rather odd decision at the last minute of the Government to withdraw its amendment and vote outright against this Bill, I call for a vote by means other than electronic means.

**An Leas-Cheann Comhairle:** I draw the Deputy's attention to Standing Order 73(3) which is fairly clear. On the announcement of the result by the Chair, if the difference between "Tá" and "Níl" is ten or less than ten, the Member or Members may demand a vote by other means - a walk-through vote. However, the margin is greater than ten, so I cannot accept it.

### Topical Issue Matters

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy Paul Murphy - the recent deportation of Irish citizens from Israel; (2) Deputy Seán Crowe - the political situation in Catalonia; (3) Deputy John Brassil - the status of the decision on provision of the Respeeza drug to Alpha-1 patients; (4) Deputy Fiona O'Loughlin - the status of the day care centre in Monasterevin; (5) Deputy Thomas P. Broughan - the need to tackle joyriding and criminal anti-social behaviour in the Dublin Bay North district; (6) Deputy Catherine Connolly - the cancellation of surgical procedures at Merlin Park hospital, Galway; (7) Deputy Robert Troy - the implementation of the EU directive on noise at Dublin Airport;

(8) Deputy Jackie Cahill - the need for the Minister to address Bord na Móna plans to invest \$60 million to build a plant in the US to produce a raw material to import into Ireland to satisfy demand for biomass heat when a similar raw material could be readily available here in Ireland; (9) Deputy Clare Daly - the controversial allocation of the Aer Lingus supplementary B scheme currently under way; (10) Deputy Mattie McGrath - the impact of regulations in the wholesale and retail tyre sector; (11) Deputy Louise O'Reilly - the failure to meet scoliosis waiting list targets and plans going forward; and (12) Deputy Mick Wallace - the need to discuss Ireland signing the UN treaty seeking to ban nuclear weapons.

The matters raised by Deputies Paul Murphy, Seán Crowe, John Brassil and Louise O'Reilly have been selected for discussion.

### **Social Welfare, Pensions and Civil Registration Bill 2017: Second Stage (Resumed)**

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

**Deputy Bernard J. Durkan:** As I was saying last night when the debate on this subject adjourned, there are anomalies that should be addressed and they arise as a result of the methodology used in the determination of entitlement in respect of the contributions, mainly for women but also for men, where there is a shortfall that determines that they are not entitled to the full rate of pension. There still should be a system whereby there is a full examination of the various employments individuals were in over their working lifespan. That enabled the Department to make a determination that if persons did not have contributions to show for that period, they were accredited with the contributions and, as a result, were able to qualify for a higher rate pension. I have raised the point over the years in the House, although not with the Minister or her predecessor, that there seems to be a reluctance on the part of the relevant section to go back and include all of the employments that persons might have held to determine whether or not contributions were due arising from those employments. In some cases, even in a reply to a parliamentary question, the follow-up does not specifically deal in detail with the situation. There have been instances in the past where up to ten contributions have been discovered, albeit late in the day, they have been brought to the attention of the relevant section and, subsequently, the individual applicant has been able to avail of the benefit of those contributions.

We had a discussion last night about fraud and alleged fraud, etc., and I want to deal with it in some detail. Of course, we need to be always conscious not to give the impression that the House in any way encourages fraud but there is always the question that payments, inadvertently, because they are made directly into a bank account, post office savings account or whatever nowadays is beneficial in terms of efficiency, do not always carry with them the information made available to the section - the information may not have been carried forward from the section or transferred to the relevant person who is responsible - with the result that the person's payment continued when he or she did not have an entitlement. That needs to be streamlined somewhat in an effort to ensure that recipients are not faced with a bill for an overpayment through no fault of their own. It is important because in some cases it can cause quite an amount of hardship afterwards when the individual is faced with this request for repayment. Of course, the applicant will be aggrieved because he or she did not cause the problem in the first place.

There are a number of issues I will address in the remaining minute and a half. There will be an opportunity to look in detail at the issues that need to be dealt with in quite an amount of

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the social welfare legislation and to look at anomalies and to deal with them because they have been in need of review and revision for some time. There are many traps whereby people are excluded from the system. I do not want to go into any great deal on it because I hope to deal with it again under a different heading. I refer to the question of the spouse or partner who, even though he or she worked to a considerable extent in a business and made a major contribution, does not qualify for a non-contributory pension at all because his or her spouse may have a private pension. There is a need to review those particular glitches which cause problems for some people of pension age. At a vulnerable time in their lives, such people need a bit of reassurance and I hope the Minister will be able to take the opportunity to evaluate the position and address those issues.

Debate adjourned.

## **Ceisteanna - Questions**

### **Priority Questions**

#### **Diplomatic Representation**

1. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade if he will expand on the announcement made by the Taoiseach regarding the Government's plans to double Ireland's global footprint by 2025; the implications for his Department and preparations made for same; and if he will make a statement on the matter. [39915/17]

**Deputy Darragh O'Brien:** The Taoiseach spoke about Ireland's global footprint to 2025 at an Enterprise Ireland breakfast in Toronto during his visit to Canada in August. I ask the Minister of State to expand on the announcement made by the Taoiseach about the Government's plan to double Ireland's footprint, to outline the implications for the Department of Foreign Affairs and Trade and to elaborate on the preparations that have been made for same. In particular, has preparatory work been carried out and is there a plan, including a schedule and costings? Most importantly, was the Department actually aware of the announcement in advance of the Taoiseach making it in Canada?

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** I thank Deputy O'Brien for raising this issue. The ambition set out by the Taoiseach to double Ireland's global footprint by 2025 reflects the scale and the complexity of the challenges we face in the years ahead. These include Brexit-related challenges but also those from growing protectionism internationally, the need to continue the fight for justice, peace, equality and for sustainable development.

Our response includes the further diversification of our markets for trade and investment and the building of alliances to underpin the rules-based international trading system that has served smaller countries like Ireland so well. It must also include a renewed commitment to the fight against global poverty and hunger, protecting human rights, and to United Nations peace-keeping efforts. Now, more than ever, Ireland needs a strong voice internationally to promote our values and interests. We are determined to play our part in support of multilateralism at

this time of significant global instability, as reflected in our candidature for membership of the United Nations Security Council in 2021/2022.

Following the Taoiseach's announcement, the Department of Foreign Affairs and Trade has begun to examine options to expand significantly our footprint and influence internationally, in consultation with other Departments and agencies. This includes augmenting our existing diplomatic presence overseas as well as, in some cases, opening new missions where most impactful. At the same time we have to ensure that the vital service and policy supports at headquarters are up to the task. Any additional expenditure must be consistent with value for money principles and provide clear benefits for the State.

Decisions will also be guided by Ireland Connected, the trade and investment strategy launched last March. This whole-of-Government framework provides direction for trade and investment priorities to 2025. At its heart is the need for policy alignment, co-ordinated action and complementarity in delivering our goals. These include greater investment, tourism and trade, stronger links with our diaspora and enhanced global visibility.

**An Leas-Cheann Comhairle:** Just before Deputy O'Brien responds, I am sure the House would wish me to congratulate the Minister of State on her recent marriage and to wish her every good health and happiness.

**Deputy Helen McEntee:** Thank you very much.

**Deputy Darragh O'Brien:** I was going to be very difficult with the Minister of State. How can I do that now? Congratulations.

**Deputy Helen McEntee:** Thank you.

**Deputy Darragh O'Brien:** I congratulate her on her wedding but not on her answer. With all due respect, I know the Minister of State is stepping in for the Minister for Foreign Affairs and Trade, Deputy Coveney, today but the response she has given is pretty much the same response I received to a parliamentary question last week. I welcome the announcement by the Taoiseach of a commitment to increase our diplomatic and business footprint across the world. Currently we have 61 embassies, seven multilateral missions and 11 consulate generals. We have just over 80 offices across the world and the Taoiseach has said that he wants to double that. If we double that, we will have 160 offices. What plans have actually been put in place? What costings have been done? Are there any priorities and if so, where? He said that the time span runs to 2025. When will we see the first new embassies open? I very much fear that this is just another one of Deputy Leo Varadkar's announcements, made for publicity. He was in Canada with his friend and he announced that he was going to double our global footprint. We have asked several serious questions. While we welcome the announcement, we are trying to get a handle on whether there is anything behind this but in this instance, there does not appear to be. I want to know what meetings have taken place between the Department of Foreign Affairs and Trade and the Department of the Taoiseach. Have we any draft plan? Will the Minister be submitting a plan to the foreign affairs committee or to this House for discussion? When will the first new embassies actually open?

**Deputy Helen McEntee:** The Deputy is correct that Ireland currently has 80 diplomatic and consular offices. We have 961 diplomatic staff employed abroad and have relations with 178 different countries. When the Taoiseach speaks about doubling our footprint, that does not necessarily mean doubling the number of offices or doubling the budget. It is about ensuring

that what we have currently is working and that we can make things work more efficiently. For example, in a city where we have four or five different offices operating in four or five different buildings, we might be able to make that work better by bringing everybody together and making sure they are connected properly.

In terms of the timeframe and making that work, the Department is currently working on a review of what we currently have, what is working and what is not, as well as examining where we can expand our footprint. We expect the initial report to be published by November. I am not sure whether that would go directly to a committee or whether it would be published by the Minister himself, but we should see the initial report by November.

**Deputy Darragh O'Brien:** That seems to be a departure from what the Taoiseach said. In any person's language, doubling is doubling and it is as simple as that. We lag behind comparable European countries like Denmark or Belgium in terms of the size of our network of embassies. When we heard the Taoiseach's announcement, it was something that we welcomed but now we are hearing that doubling does not necessarily mean that. It might mean a consolidation, using offices differently and so on. What I would really like to know is whether the Minister for Foreign Affairs and Trade was actually made aware in advance that the Taoiseach was going to make the announcement, given that it has massive implications for his Department. Is work underway to identify regions, countries or markets for Ireland to expand into? Have additional resources been allocated for next year to start this doubling of the footprint? The response from the Minister of State today tells me that there is nothing behind this announcement. That is not a great surprise, I might add, but if the Taoiseach and the Government are committing to expanding the diplomatic footprint, they must do it and show us the plan. They cannot just announce it when they are abroad to make themselves look good in front of another prime minister. This is too serious. Ireland needs to look further afield, particularly with Brexit happening. We need to be looking at new markets and I would welcome that but we need concrete answers.

**Deputy Helen McEntee:** As the Deputy has said, Ireland is a small, open economy. We need to promote our own interests proactively on the international stage, particularly in the context of Brexit. The Taoiseach has spoken very openly about the possibility of offices in New Zealand, Vancouver and Mumbai, to name but a few. We cannot get into the specifics at the moment because we do not yet know the locations for new missions. These locations will be identified on the basis of where they will have the greatest impact and the greatest potential to deliver in terms of the State's economic and political interests. There will obviously be some element of additional cost involved and that will have to be discussed with the Department of Public Expenditure and Reform. A plan is being put in place. A review is underway at the moment and the Minister will be able to announce the initial stages of that review by November.

## **Brexit Negotiations**

2. **Deputy David Cullinane** asked the Minister for Foreign Affairs and Trade the status of Article 50 negotiations; and if he will make a statement on the matter. [39914/17]

**Deputy David Cullinane:** I ask the Minister of State to update the House on the status of the Article 50 negotiations which are ongoing. What progress has been made and in what areas? What challenges still present in terms of issues that relate to Ireland?

**Deputy Helen McEntee:** Obviously, we had quite an in-depth discussion on this earlier this morning, during which we also heard the personal views of Mr. Guy Verhofstadt, MEP. That said, I will outline the current position. There have been three rounds of negotiations to date, with the most recent round concluding on 31 August. As this is the first phase of negotiations, and in line with the agreed sequencing, the focus has been on the withdrawal issues of citizens' rights, the financial settlement, other more technical separation issues and the issues unique to Ireland. Both the EU and UK have used these early rounds of negotiations to clarify their respective positions, highlighting the areas of agreement and divergence. Discussions on several issues have been reasonably constructive to date, with some progress being made in the areas of citizens' rights and the other separation issues. However, it is clear that difficult and complex issues remain, above all in regard to the financial settlement. It is the area in which the least amount of progress has been made. Although the UK has accepted that it will have financial obligations to honour on its departure, it has not yet advanced a more concrete position on the issue and has argued that its obligations are moral, not legal.

It is imperative that sufficient progress is made on this issue, as well as on all of the other withdrawal issues, in order for the European Council to be able to make a decision regarding the opening of parallel discussions on the framework for future relations. It will be in the second phase that trade and sectoral issues, including the question of transitional arrangements, will be discussed. Given that these issues are of crucial importance to Ireland and our economy, the Government wants to see phase 2 begin as quickly as possible. However, unless the UK demonstrates greater and more constructive engagement on these issues in the next two rounds of negotiations, it is unlikely that the European Council on 19-20 October will be in a position to decide on whether sufficient progress has been achieved in the first phase of the negotiations. The Deputy will be aware that the UK Prime Minister, Theresa May, will give a speech tomorrow. While we can speculate as to what might be in that speech it is not until it has been made that we will be able to work out what implications it will have on the negotiations due to commence next week.

**Deputy David Cullinane:** I thank the Minister of State for her reply. There is a focus on Ireland now because it is one of the three areas that form part of the current negotiations, namely, the financial settlement, citizens' rights and Ireland. The Minister of State has rightly recognised that there has been positive movement on citizens' rights. There may be an announcement tomorrow by Prime Minister May in respect of the financial settlement or the divorce obligations, as they are named by the European Union. If that happens, it is possible that Ireland will fall down the pecking order in terms of priorities because the discussion will then move towards trade and the broader issue of trade between Europe and the United Kingdom. This will present challenges and so we need to get as many concessions now as we possibly can in respect of Ireland.

I welcomed the Commission's paper in respect of Ireland in terms of its reference to protecting the Good Friday Agreement and the unique circumstances for Ireland. Earlier today, we heard Mr. Verhofstadt say that the North should remain in the customs union but that is not the position of the British Government. What we need to hear from the Irish Government is that it fully supports this and that it is a red line issue. Whatever about the European Commission and others, this must be a red line issue such that the Irish Government will ensure it will not sign up to it, and in fact will use its veto, if necessary, to ensure that the North does not withdraw from the customs union and that we get full protections for the Good Friday Agreement.

**Deputy Helen McEntee:** As stated by Deputy Cullinane, we do enjoy a high level of sup-

port from the task force, headed by Michel Barnier and Mr. Verhofstadt. We are very appreciative of the level of support that the task force and our partners have shown for Ireland's unique concerns. Mr. Barnier, following his meeting with the Minister, Deputy Coveney, on 4 September reiterated that Ireland's interests are the EU's interests. The Irish Government has clearly stated that any return to a hard border or physical border for the island of Ireland would be detrimental. The Minister, Deputy Coveney, and officials from the Department of Foreign Affairs and Trade have been working very closely with Mr. Barnier and his team to ensure that Ireland's position is fully reflected in the negotiations. As this process continues and irrespective of what is announced in the statement tomorrow by Prime Minister May, we will continue to engage closely with them in the weeks and months ahead. Our officials are engaged daily with Mr. Barnier and his task force team. Our aim is to ensure that Ireland's priorities are front and centre in the negotiations. It is clear, following on from the first round of negotiations and the publication of a paper around dialogue between North and South of this island, that the manner in which we are proceeding is working. We will continue to engage in that way.

**Deputy David Cullinane:** While it is the position of the European Commission and the European Parliament that the North should remain within the customs union, this will be subject to ongoing negotiation with the British Government. What we are trying to work out is what will be the end game — in other words, what will be in the withdrawal agreement. For Ireland, it is a red line that the North remains in the customs union because if it does not then we will be dealing with a border and an EU frontier on the island of Ireland and all talk of open borders and frictionless borders becomes a nonsense. This must be a red line issue for Ireland. Will the Minister of State confirm that this is also a red line issue for the Government?

Sinn Féin has put forward a proposal that the only way to protect the Good Friday Agreement in its entirety is to incorporate it as a protocol into the withdrawal agreement. This means that the Good Friday Agreement would have full legal protection and remain within the European Union and thereby citizens in the North would have access to the European Court of Justice and European Court of Human Rights. We cannot cherry-pick the Good Friday Agreement and so it must, in its entirety, be incorporated as a protocol attached to the withdrawal agreement. Is this also the position of the Irish Government and is it an issue it will press with the Commission?

**Deputy Helen McEntee:** This is a decision that has been made by the British people and a decision that we respect. That said, the Government would prefer if the UK remained within the European Union and that it would remain in the Single Market and the customs union. Following on our meeting earlier in this Chamber it is clear that the most positive outcome would be for Northern Ireland and the UK to have the closest possible relationship to their current relationship, which would include the UK remaining within the customs union and Single Market. We cannot make that decision for the UK. It is a decision it will have to take itself. However, the UK has again stated that it is committed to maintaining the Good Friday Agreement and the peace process. In terms of imaginative solutions, at this moment in time this seems like the most practical solution to make sure that we maintain the peace that, as stated this morning by Mr. Verhofstadt, is so fragile.

## National Risk Assessment

3. **Deputy Stephen S. Donnelly** asked the Minister for Foreign Affairs and Trade if contingency plans are in place across all Departments for a no-deal or disorderly exit scenario follow-

ing Brexit negotiations and the publication of the National Risk Assessment 2017; and if he will make a statement on the matter. [39917/17]

**Deputy Stephen S. Donnelly:** The Minister of State will be aware that the National Risk Assessment 2017 was recently published. One of the material risks it identified for this State is not only Brexit but a disorderly Brexit and a risk of no deal. What contingency plans does the Government have in place across any or all of the Departments specifically to deal with a no-deal or disorderly exit of the UK from the EU?

**Deputy Helen McEntee:** As Minister for Foreign Affairs and Trade with special responsibility for Brexit, Deputy Coveney has responsibility for co-ordinating the whole-of-Government response to Brexit, including developing and advancing Ireland's approach to the negotiations on the UK's withdrawal from the EU.

The conclusion of a withdrawal agreement between the EU and the UK is a key priority for the Government. A failure to reach such an agreement, resulting in a disorderly withdrawal, would, I believe and I think we all believe is now universally accepted including in the UK, be hugely damaging for the UK and for the EU, most particularly Ireland.

It is therefore incumbent on all sides to act responsibly and to approach the negotiations in a constructive, positive and ambitious frame of mind, with a willingness to compromise.

The immediate focus is on working with our EU partners and the EU institutions to ensure that the negotiations proceed in a positive manner, with a view to making sufficient progress on the withdrawal issues so that we can move on to discussing in parallel the future EU-UK relationship, including as regards trade. The need for effective transitional arrangements is also now very broadly understood.

At a national level, the Government's National Risk Assessment 2017, which was published by the Department of the Taoiseach on 29 August following a public consultation, acknowledges the significance of risk arising from Brexit and that Brexit represents an overarching challenge that could have far-reaching impacts on nearly all aspects of national life. It identifies areas where Brexit poses a specific risk, particularly in respect of the economy. The national risk assessment provides a systematic overview of strategic risks facing the country and is not intended to replicate or displace the detailed risk management that is already conducted within Departments and agencies.

As a priority, the Minister, Deputy Coveney, and I continue to work with colleagues across Government to deepen our understanding of the exact consequences of the range of different scenarios. These scenarios include one where no agreement is reached.

By agreement between the Taoiseach and the Minister, Deputy Coveney, new cross-departmental co-ordination structures, chaired at very senior level by the Department of Foreign Affairs and Trade, are being put in place and will be fully operational next week. One of the top priorities will be to develop and pull together the work already done on the effects of a disorderly Brexit and what steps could be taken in response.

**Deputy Stephen S. Donnelly:** I thank the Minister of State for her reply. What I have taken from it is that there are no contingency plans in place but there are groups meeting for the first time next week to put them in place. While that is better than nothing - it is better that these groups are meeting than not meeting - the Brexit vote took place over a year ago and the idea

that Government and official committees would start meeting in late September 2017 to begin planning contingencies is appalling. We have heard from the Government the repeated phrase that Brexit has not happened yet, but for anyone trading with the United Kingdom it has happened. Am I right in surmising that there are no contingency plans in place and that the committees will start meeting about contingency plans next week? If that is the case, when will the House expect to see draft contingency plans for discussion?

**Deputy Helen McEntee:** What we all know and can acknowledge and recognise is that we do not know what will be the outcome of Brexit. Very shortly after the referendum last year, the Department of the Taoiseach convened essentially a Cabinet of Ministers and cross-departmental officials to discuss the possible implications, examine how we can mitigate the impact of Brexit, and what the challenges will be within individual Departments but also to consider the possible advantages, if there are any, in that regard. Only last week, the Deputy attended a new stakeholder forum, which is clearly cross-departmental, cross-industry and, importantly, cross-party to make sure that the work that has been done by the various industries, Government agencies and by Departments comes together, that we work together, share and speak with one voice. At that meeting it was clear that we are all on the same page.

Regarding the putting of structures in place, last year budget 2017 allowed for certain factors with respect to this year's budget, most significantly in the agricultural sector but also in other areas. Budget 2018, which will be announced in a few weeks, will certainly contain elements that will support the effects being experienced currently and what effects might come down the road depending on the type of outcome we will have from Brexit.

**Deputy Stephen S. Donnelly:** The Minister of State made the point that we do not know what will happen with Brexit, but I put it to her that is exactly the point of having contingency plans. We should have contingency plans because we do not know what will happen, but we do not have them in place. I will give the Minister of State a brief example. I met the British Under Secretary for energy last week in London and he told me that Irish officials in the Department with responsibility for energy have been told not to engage with their British counterparts on developing a contingency plan for energy. As matters stand, if we reach a no-deal situation in 18 months' time, there is no legal framework by which the British can sell us energy, which means the lights would go off in Ireland. We need a contingency plan. We need a legal agreement in place, which the officials would have examined and the politicians would have reviewed and debated that provides that if we hit a worst-case scenario where Britain tumbles out of the EU and there is no agreement on a single energy market, we can take out an agreement we have put in place in order that the lights can stay on here. That is what is at stake here. When can we expect to see some of this? Does the Minister of State agree that our officials need to engage with their UK counterparts to start putting emergency legal frameworks and contingency plans in place?

**Deputy Helen McEntee:** With respect to the negotiations, Ireland will negotiate as part of one of 27, and that is very clear. The Deputy pointed to the energy sector. Energy is a core sectoral policy domain of the European Union. It is one of the key links between Ireland and the UK. To focus on Ireland's energy needs in this context, it poses particular challenges with Brexit on the horizon. We have set out four key energy priorities in regard to Brexit - first, maintaining trade and secure supplies of energy between the UK and member states; second, maintaining the single electricity market across the island of Ireland; third, accommodating Ireland's ability to meet the EU obligations; and, fourth, supporting energy infrastructure. Each Department is examining what the possible challenges will be coming down the line, what the

implications will be with a hard Brexit, a soft Brexit and no Brexit, and what possible actions will need to be taken and put into place. All that work has been done. Departments have not been sitting on their hands waiting to see whether we will have a hard Brexit. While some of those have not come together in the current format in terms of next week, a great deal of work has already been done, and, in that respect, I believe it is a matter of joining up the dots.

## **Human Rights**

4. **Deputy Paul Murphy** asked the Minister for Foreign Affairs and Trade his views on whether stronger measures should be taken against the Myanmar Government in view of the violence and discrimination carried out against the Rohingya people; and if he will make a statement on the matter. [39963/17]

**Deputy Paul Murphy:** Does the Minister agree that the Government should make a very strong statement of condemnation of the genocidal violence by the Myanmar Government against the Rohingya ethnic minority? Does she agree with the growing calls for Aung San Suu Kyi to be stripped of the Nobel peace prize and of the freedom of Dublin city?

**Deputy Helen McEntee:** I thank the Deputy for raising this issue. The Government is deeply concerned about the situation in Rakhine State, in particular the ongoing violence which has been taking place following the attacks which were undertaken by Arakan Rohingya Salvation Army militants on 25 August. The excessive response by the security forces in response to these attacks is deeply troubling. It is critical that an immediate end should be brought to the violence in Rakhine State. It has led to a severe humanitarian crisis both within Myanmar and across the border in Bangladesh, which is seeking to manage the humanitarian needs of well over 400,000 refugees.

My colleague, the Minister for Foreign Affairs and Trade, Deputy Simon Coveney, issued a statement on 15 September in which he called on the security forces to de-escalate the situation, to respect international human rights law, and to ensure the protection of all civilians in the affected area. Along with other EU member states, Ireland has consistently urged the Government of Myanmar to restore access to Rakhine State by humanitarian actors and media organisations. We have also called on the Government of Myanmar to allow access to the UN fact-finding mission to the country.

Going beyond this immediate crisis, it is clear that there is a need to comprehensively tackle the long-standing drivers of the tensions which have existed in Rakhine State against the Rohingya community. In this context, Ireland urges the Government of Myanmar to take forward the recommendations which have been set out by the Kofi Annan-led Advisory Commission on Rakhine State as soon as possible. These measures provide the strongest path forward for the long-term peace and development for all communities in the region.

**Deputy Paul Murphy:** I thank the Minister of State for her response and for the Government's statement a few weeks ago. To describe what is happening as excessive violence by the Myanmar state is a significant understatement. What is happening appears to be ethnic cleansing carried out by the Myanmar military in collusion with Buddhist chauvinist mobs. The consequences are very shocking. More than 400,000 have fled in the last month into neighbouring Bangladesh and 20,000 are being forced to leave each day, according to the International Organization for Migration. UNICEF has stated that 250,000 children have left Myanmar in the last

month, and that is on top of the broader repression and oppression over the Rohingya people.

Real questions have to be asked and a light shone on the role of Aung San Suu Kyi in this. She is portrayed in sections of the media as being stuck between a rock and a hard place. In reality, she has been covering up for these brutal acts by the Myanmar state. She was the one who coined the term “fake rape” to describe the violence against women that was being perpetrated by those linked to that state.

**Deputy Helen McEntee:** It is important that we recognise the extremely complex challenges the Government of Myanmar faces and that it has taken a range of positive steps in pursuit of peace, in reconciliation, in democratic reforms and economic growth. Ireland absolutely supports the democratic transition which is currently under way in Myanmar following the elections in 2015. It is important we address the root causes of the issues in Rakhine State. That is fundamental to ensuring the peace and the socio-economic development for all the communities in the region. As a Government, we very much welcome the commitment that the State Counsellor, Aung San Suu Kyi, has made in dealing with the root causes of the problems facing the region through the establishment of the Advisory Commission on Rakhine State.

In terms of what we are doing in this regard, on 15 September the Minister, Deputy Simon Coveney, issued a statement again in which he expressed deep concern about the situation. The Government is also raising concerns through our bilateral contacts with the Government of Myanmar via our participation at the EU and the UN. Ireland’s embassy in Bangkok, which is accredited to Myanmar, is monitoring the situation closely and the ambassador there has raised our concerns again and again regarding the situation in Rakhine State with the Minister of State for Foreign Affairs during a visit to the country in January. We are keeping in close communication in respect of what is happening.

**Deputy Paul Murphy:** The notion that slow and steady progress is being made towards democracy in what was Burma is contradicted by what is happening to the Rohingya people. They are a severely oppressed ethnic minority and they are not recognised as such, unlike 135 recognised ethnic groups in Myanmar. They have been denied citizenship under the 1982 law. The Government presents them as having come from Bangladesh, despite being a traditional, long-standing element of what was formerly Burmese society. Unfortunately, Aung San Suu Kyi got the votes of ethnic minorities and those who hoped for a break from the old military rule but she has been completely incorporated into a crony capitalist, military system with the increasing dominance of China. The Government should support the call for her Nobel Peace Prize and for the freedom of the city of Dublin to be taken from her. I support those on Dublin City Council who are trying to do that.

**Deputy Helen McEntee:** Ireland very much urges the Government of Myanmar to begin implementing all the recommendations contained in the final report of the advisory commission on the Rakhine State as soon as possible. We very much welcome the Government’s announcement on 12 September of the formation of the implementation committee to take this forward. When the time comes, it is critical that the refugees and many of those to whom the Deputy referred who have fled their homes in Rakhine State are also allowed to return. The Government has called on the Government of Myanmar to end its discriminatory policies and practices towards the Rohingya people and to take comprehensive steps to address the root causes of the situation. We in Ireland understand that building peace and trust takes time and we are particularly aware that respect for human rights and access to livelihoods for all these communities is

central to enabling long-term peace and stability.

## **Human Rights**

5. **Deputy Maureen O’Sullivan** asked the Minister for Foreign Affairs and Trade his views on the use of detention centres in Libya to address the migrant issue. [40014/17]

**Deputy Maureen O’Sullivan:** My question relates to the detention centres in Libya. I seek the Minister of State’s views on these centres being used to address the migrant issue.

**Deputy Helen McEntee:** I strongly condemn all human rights violations and abuses against refugees and migrants, both in Libya and along the central Mediterranean route. I am aware of reports of appalling conditions currently faced by migrants in Libya.

The security situation in Libya is fragile, and the Government has only partial control of the territory, which limits the capacity of the international community to ensure accountability in response to reports of abuses.

At the June 2017 Foreign Affairs Council, FAC, Ireland expressed deep concern at the conditions experienced by migrants in detention centres in Libya. EU Foreign Ministers adopted Council conclusions in July which urge the Libyan authorities to improve humanitarian access to and conditions in detention centres, as well as to look for alternatives to detention.

The EU has a number of initiatives which provide assistance and protection to migrants in Libya, in particular inside detention centres. The EU also supports the work of the UN High Commissioner for Refugees, UNHCR, and the International Organization for Migration, IOM, to ensure that there are adequate reception facilities for migrants. The EU also provides training and other support to enhance the border management capacities of the Libyan authorities. Total EU support to these initiatives amounts to €182 million.

Bringing real improvements to the situation of migrants in Libya will require restoration of political stability, through the formation of a functioning government and a return to order throughout the country. Ireland supports both UN mediation and regional efforts in pursuit of stabilisation in Libya.

The fight to reduce poverty in countries of origin, which is one of the main drivers of large irregular migratory flows, remains firmly at the core of Ireland’s aid programme.

**Deputy Maureen O’Sullivan:** There is an irony in depending on the Libyan authorities to sort this out because the situation in Libya is one of turmoil and of chaos. I tabled a Topical Issue matter on this a few months ago and the then Minister said the EU would closely monitor the migrant issue because it recognised the difficulties on the ground. Months later, the horror continues, as documented in a recent report by Amnesty International and by medical teams from Médecins Sans Frontières, MSF, who are telling us about cases of torture, sexual violence and rape, forced labour and extortion. The EU, therefore, is not meeting its international obligations, which are to protect and to assist people in need. European policy is exposing refugees and migrants to awful conditions and violations in these detention centres. At the next FAC, will Ireland be a voice advocating a review of this policy of containment?

**Deputy Helen McEntee:** The Deputy is correct that EU Foreign Ministers adopted Coun-

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cil conclusions in July which urge the Libyan authorities to improve humanitarian access to and conditions in detention centres, as well as to look for alternatives to detention. People are making huge profits from smuggling and we need this to be brought under greater control. The EU has a number of initiatives which provide assistance and protection to migrants, refugees and host communities in Libya, in particular inside detention centres. It also provides training, including in international humanitarian law and rights and gender issues, and other support to enhance the border management capacities of the Libyan authorities. The Union also supports the work of the UNHCR and the IOM. Of the €182 million provided for migration-related projects, Ireland has provided €9.5 million to support the International Committee of the Red Cross this year. Ireland is very much supportive of the measures that are being put in place. However, the most important step in ensuring better conditions for migrants in Libya is the formation of a functioning government, which can restore order in the country. Through the EU, Ireland supports both UN mediation and regional efforts in pursuit of stabilisation in Libya.

**Deputy Maureen O’Sullivan:** I question the UNHCR funding because reports are saying that due to difficulties with access and restrictions on personnel on the ground, officials are not in a position to implement and to monitor and, therefore, the funding is not having an impact. There is also a need for monitoring of the training of the coastguard personnel in order that we know exactly what work they are doing because there have been difficulties in this regard as well.

With regard to funding, according to a reply I received some time ago, €90 million was provided for the protection of migrants; €4.8 million for protection activities; and €42 million for socioeconomic development at municipal and local government level. This was on top of an earlier €120 million allocation. There is a need for an exact breakdown of where that money is going because the Amnesty International report and the MSF medical teams are telling us that the horror is continuing and these detention centres are not the answer.

**Deputy Helen McEntee:** I am, unfortunately, unable to give the Deputy a breakdown but perhaps I will be able to get that for her. Given the particularly difficult situation in Libya, the monitoring and evaluation of programmes is very much subject to a number of other measures regarding good delivery and proper reporting. These include the fact that beyond the obligation of partner organisations to report regularly on the implementation of the projects the Deputy mentioned, third party monitoring will also be conducted. In addition, the European Commission can conduct additional *ad hoc* monitoring and should conditions on the ground not allow for proper implementation, further measures can be taken, including the suspension of programme activities. These are being closely monitored but I share the Deputy’s concerns. People are experiencing horrendous conditions and others are making huge profits from the situation the Libyan Government finds itself in. We will do everything we can to work with the Government to make sure a stable government is in place and to ensure we continue to support and provide aid. I will get the breakdown for the Deputy as soon as possible.

*Dáil Éireann*  
**Other Questions**

**Catalan Referendum**

6. **Deputy Paul Murphy** asked the Minister for Foreign Affairs and Trade if he has received reports from the embassy and the consulate in Barcelona regarding the upcoming referendum on Catalan independence; if he has raised this issue with the Spanish authorities or at a European Union level; and if he will make a statement on the matter. [39779/17]

**Deputy Paul Murphy:** Will the Government condemn what can only be described as Francoist repression on the part of the Spanish state against the people of Catalonia where there has been an effective occupation by the Spanish state police with the arrest of upwards of 20 government officials, the seizure of ballot boxes, ballot papers and more than 100,000 election posters, the opening of post and the effective suspension of Catalan regional autonomy the other day?

**Deputy Helen McEntee:** I thank the Deputy for raising this issue. Ireland enjoys a close relationship with Spain. These relations are deeper and more textured than simply involving periodic government-to-government relations or developing trade ties or occasional encounters at multilateral events. Our close friendship has at its heart an empathy which is nurtured by generations of contacts between our peoples and what happens in Spain is of great interest to our Spanish friends in the society we represent.

I am very much aware of the recent developments in Spain regarding Catalonia. Constitutional and political arrangements in any country of the European Union are matters to be determined by their own citizens through their own democratic institutions in adherence with the rule of law. It would not be appropriate to comment further on matters that are internal to Spain.

**Deputy Paul Murphy:** It is precisely democratic institutions that are under threat from the Spanish Government. It is the democratically elected regional government of Catalonia that has called the referendum which is a democratic act. In Catalonia the vast majority of people from all backgrounds - measured at over 80% in a recent opinion poll - support the calling of the referendum. That is unlike the example in the North, where the legacy of the Troubles remains and sectarian divisions between the two communities are predominant. This is essentially a question of democracy and the right of the people to decide. The Spanish state is made up of many nationalities and the question is whether the Irish Government stands with the European Union in supporting the horrific anti-democratic repression that is taking place; it is occupation and a denial of the democratic right of the people in Catalonia. Does the Irish Government side with those who seek to exercise that democratic right?

**Deputy Helen McEntee:** I thank the Deputy for his response, but we can look at the most recent referendum in Scotland when we did not include ourselves in the debate. We allowed the Scottish people and the referendum system decide. As I stated earlier in the House in reply to a parliamentary question, the Government's position is that the constitutional and political arrangements in any country of the European Union are matters to be determined by citizens through their own democratic institutions and in adherence with the rule of law. I have stated that what happens in Spain is very much of interest to us, but the issues in hand are domestic; therefore, it would not be appropriate for me to comment further on matters internal to Spain.

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**Deputy Paul Murphy:** I am not asking the Minister to take a position on the referendum or the Irish Government to call for a “Yes” or “No” vote. I am calling on it to recognise that the people have the right to decide and that the referendum should go ahead without horrific repression by the Spanish state that is seeking to shut it down. There are coercive elements in the Spanish state constitution such as Article 155, which denies the national and democratic rights of the people. We stand with our brothers and sisters in our sister organisations in the Spanish state and Catalonia for the unity of working people in Catalonia and people across the Spanish state in defence of democratic and national rights. We stand against the right-wing and repressive Rajoy Government. This is about ordinary people on the ground and those who are struggling. They are building a major school student strike on 28 September and dockers have rightly refused to assist police boats in Barcelona Port. Others are pushing for a one-day general strike in Catalonia and the Spanish state to defend the democratic rights under threat.

**Deputy Helen McEntee:** I will repeat myself on the question of Catalonia, that it is very much a matter for the member state and one to be determined by its own constitution and institutions. Again, it would not be appropriate for me to comment further on the matter. The Spanish people have recourse to their own democratic institutions in keeping with the rule of law and they can agree to the constitutional and political arrangements most appropriate to them.

*Question No. 7 replied to with Written Answers.*

### **Dublin-Monaghan Bombings**

8. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade if he has had recent discussions with the Secretary of State for Northern Ireland on the need for the British Government to release the papers and files pertaining to the Dublin and Monaghan bombings of May 1974 as requested in Dáil Éireann motions; and if he will make a statement on the matter. [39853/17]

9. **Deputy Brendan Smith** asked the Minister for Foreign Affairs and Trade his plans to raise with the British Foreign Secretary the need for the British Government to release the papers and files pertaining to the Dublin and Monaghan bombings of May 1974 as requested in Dáil Éireann motions; and if he will make a statement on the matter. [39854/17]

43. **Deputy Niamh Smyth** asked the Minister for Foreign Affairs and Trade if he will report on the ongoing outstanding requests with the British Government regarding inquiries into the Dublin and Monaghan bombings; and if he will make a statement on the matter. [39771/17]

**Deputy Brendan Smith:** After Dáil debates to which I contributed, with many other Members, in 2008, 2011 and 2016, we unanimously approved motions calling on the British Government to release all files and papers pertaining to the Dublin and Monaghan bombings. There were many tragic days during that era on our island known as the Troubles, but on that day the carnage in Dublin and Monaghan resulted in the deaths of 34 people and injuries to 300 others, for which nobody has been brought to justice. The British Government has on three occasions ignored the unanimous requests of Members of a sovereign parliament. I appeal to the Minister of State and her colleagues in government to pursue again as strongly as possible with the British Government, particularly the Secretary of State for Northern Ireland and the British Foreign Secretary, the argument that the least they could do to try to see justice achieved for so many victims is ensure an independent, international judicial figure would have access to all files and

papers on those awful atrocities.

**Deputy Helen McEntee:** I propose to take Questions Nos. 8, 9, and 43 together.

I acknowledge those across the House who work on a cross-party basis with the Government on this issue and the tireless efforts of Justice for the Forgotten. Dealing with long-outstanding issues related to the legacies of the conflict in Northern Ireland is of the utmost importance to the Government. A Programme for a Partnership Government highlights this priority, with specific reference to implementation of the all-party Dáil motions on the Dublin and Monaghan bombings. This year 17 May marked the 43rd anniversary of the Dublin and Monaghan bombings which saw the biggest loss of life in a single day during the Troubles. Deputy Charles Flanagan, who was then Minister for Foreign Affairs and Trade, participated on behalf of the Government in the commemoration ceremony that day and in addressing the commemoration ceremony he reaffirmed the Government's determination to continue and complete our efforts to seek the truth of those awful events of 17 May 1974.

The all-party motion on the 1974 Dublin and Monaghan bombings that was adopted by the Dáil on 25 May 2016 has, like those adopted in 2008 and 2011, been conveyed to the British Government. The motions call on the British Government to allow access, as correctly noted by the Deputy, by an independent, international judicial figure to all original documents on the Dublin and Monaghan bombings, as well as the Dublin bombings of 1972 and 1973, the bombing of Kay's Tavern in Dundalk and the murder of Seamus Ludlow. The Government is committed to actively pursuing the implementation of the all-party Dáil motions and has consistently raised the matter with the British Government. The Minister, Deputy Simon Coveney, has spoken directly with the Secretary of State for Northern Ireland, Mr. James Brokenshire, about the matter and is actively engaged with the British Government on an ongoing basis on it, as are officials of the Department of Foreign Affairs and Trade. As part of this engagement, the Government underlines that the Dáil motions represent the consensus political view in Ireland that an independent, international judicial review of all the relevant documents is required to establish the full facts of the Dublin and Monaghan atrocities. The Minister has also advised the British Secretary of State for Northern Ireland that the absence of a response from the British Government is of deep concern to the Government and this House and emphasised the urgent need for a response from the British Government. The Government will continue to engage with the British Government on the request relating to the Dublin and Monaghan bombings and will pursue all possible avenues that could achieve progress on this issue, consistent with the request made by the Deputy and the Dáil.

**Deputy Brendan Smith:** I thank the Minister of State for her reply. She referred to the former Minister, Deputy Charles Flanagan, with whom I had much engagement and his officials on this issue which I have already mentioned to the new Minister, Deputy Simon Coveney. I hope we can maintain that contact and dialogue which are representative of views in this House.

The Minister of State has correctly indicated that the motions were approved unanimously in the House in 2008, 2011 and 2016. They referred to the Dublin bombings of 1972 and 1973, the bombing of Kay's Tavern in Dundalk and the murder of Seamus Ludlow in County Louth. As we know, nobody has been brought to justice for committing these desperate atrocities. The Ulster Volunteer Force, UVF, a loyalist group, claimed responsibility for the bombings, but there are credible allegations that elements of the British security forces colluded with it in the bombings. Anne Cadwallader in her book, *Lethal Allies: British Collusion in Ireland*, refers to 120 murders committed by loyalist paramilitaries and indicates that clear evidence is available

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that some of them were armed from Ulster Defence Regiment depots.

It is utterly reprehensible and unacceptable that the British Government will not heed the unanimous motions passed in this House and sovereign Parliament. We are asking it to release the files and papers to an independent and international judicial figure who could carry out some work and conduct some research. It is deplorable, as the Minister of State and all of the rest of us in the House know, that the families who have suffered so much for so long are seeing no justice in the case. I ask the Minister of State to bring the message to her Government colleagues that we want this matter to be prioritised in negotiations with the British Government. I know many of the victims, people who were injured. The way they have been treated by the British Government and its agencies during the years has been reprehensible.

**Deputy Helen McEntee:** I fully agree with Deputy Smith that it is not right that families have not found out the truth of what happened and are still wondering if they will ever receive the truth. There have been several appalling cases from the Troubles where truth and justice were secured only after decade-long campaigns by the victims, their families, civil society and government. That should not be the case and families should not be put through that, in particular for decades.

I wish to restate the Government's absolute commitment to doing this and ensuring that there is justice for the Dublin-Monaghan bombing campaign. That is reflected in the programme for Government and in the Government's consistent action and engagement on the matter. The Minister for Foreign Affairs and Trade, Deputy Coveney, has said that he will continue to press the matter with party leaders and cross-party groups. Senior officials from the Irish and British Governments have been mandated to explore options to find a way forward on the issue. That work is continuing. They are working diligently to try to ensure that an end is reached. On behalf of the Minister, Deputy Coveney, and the Government, I reiterate our full commitment to getting a resolution to the issue.

**Deputy Brendan Smith:** I accept the Minister of State's assurances and those of her Government colleagues but I ask her to convey in her dialogue, discussions and meetings with British Government Ministers that this subject is always a priority issue.

**Deputy Helen McEntee:** I again give a commitment that that will be the case and I will pass on that message. I assure the victims' families that the Government is doing everything it can.

### **Humanitarian Access**

10. **Deputy Clare Daly** asked the Minister for Foreign Affairs and Trade the steps he has taken and contact he has had with the Israeli ambassador regarding the organised and pre-prepared deportation of four persons (details supplied) from Israel on 9 September 2017. [39694/17]

**Deputy Clare Daly:** After midnight on 9 September, 37 people, most of whom were Irish citizens, landed in Tel Aviv for a week-long trip to the West Bank. It was a trip that some of them had been making for over a decade. By 5.30 a.m. that morning, four of those people - Elaine Daly, Stephen McCloskey, Joan Nolan and Fidelma Bonass - had been deported on spurious grounds of preventing illegal immigration and a danger to public safety. That is an outrage and I ask what the Department of Foreign Affairs and Trade is doing in this regard.

**Deputy Helen McEntee:** I am aware of the deportation of the four persons Deputy Daly named. The Department of Foreign Affairs and Trade was notified immediately by one of the individuals and we have since received letters from each of them about the incident. The leader of the group has led study groups to the West Bank for over ten years, involving a total of 17 tour groups and over 400 people. These groups met a range of Israeli and Palestinian NGOs and other interlocutors and studied issues on the ground relating to the occupation of the West Bank. As usual, she had advised the Department of the dates and itinerary of the tour in advance so that our missions would be aware of a large group of citizens touring the area.

No detailed reason for refusing admission to Israel was given to them other than a generic explanation that it was for immigration reasons and, in the case of the leader, Ms Daly, also because of unspecified public security, public safety or public order considerations. Thirty-three of the group entered Israel but unfortunately these four people were deported.

No report or allegation has ever been made to the Department of Foreign Affairs and Trade of any legitimate concerns about the activities of these study groups. The group leader has also stated that she has never taken part in any demonstration in Palestine, nor have any of the groups' programmes included attendance at a demonstration.

Without a more specific explanation, it is difficult not to conclude that the exclusion of these persons is part of the ongoing effort to suppress scrutiny and criticism of Israeli policies in the West Bank.

The ambassador in Tel Aviv has called to the Israeli Foreign Minister and requested an explanation for this action. We are awaiting a response and I will ensure that the Deputy and the persons concerned are notified when we hear more. It is currently a Jewish high holiday so there is a delay in that process but as soon as a response is received Deputy Daly and the individuals concerned will be informed.

**Deputy Clare Daly:** I thank the Minister of State for her response. I strongly echo her comments that the only conclusion that can be drawn from the order was that it was an attempt by the Israeli state to avoid scrutiny of its activities in the West Bank. I reiterate that the group leader, my sister, is non-political and has never been involved in any political party, although that would not be a reason to exclude her, and has never attended any protest. She is the only Irish person to have been honoured with an honorary citizenship of Bethlehem for her work, which involves inviting people to go to the West Bank to see what goes on there and to meet Israelis and Palestinians.

Of the others who were deported, Stephen McCloskey is a director of an NGO in Belfast on educational and global studies who has published many articles and has been to Gaza many times. Joan Nolan has been to Palestine eight times. She is a community activist who does voluntary work and is non-political. Fidelma Bonass has brought Palestinian cultural groups to Ireland. It is an outrage that they were treated like this. It is a trip they make every year. Plans were made to take time off work and give up their valuable holidays in order to bring support, money to the local economy and products, clothes and assistance to women's and children's groups in Palestine. I hope the Department follows up on this issue.

**Deputy Helen McEntee:** As Deputy Daly is aware, the reasons given on the deportation order do not tell us anything and that is why the Department has asked for an explanation. It may be that the refusal was on foot of legislation enacted earlier this year which provided for

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admission to be refused to any person who has advocated or is a member of a group which has advocated a policy of boycott in respect of Israel or Israeli settlements in Palestine, known as the Boycott, Divestment, Sanctions, BDS, movement. All four of the individuals were asked about alleged previous attendance at a demonstration in Palestine. However, I am not sure that either explanation was justified. I am happy to restate that the Government is not aware of any concerns about the actions of the individuals or their group such as could form a legitimate basis for concern or exclusion. We must first allow the Israeli authorities to respond to our inquiry before commenting definitively but it does not currently appear that there was any legitimate reason for those persons' expulsion.

**Deputy Clare Daly:** I appreciate that the Minister of State and the Department have responded promptly. I am very glad to hear that. I hope that is followed through because I am satisfied there will not be any contradictory evidence that would legitimately prohibit these people from visiting the West Bank. If one considers that this is how Irish citizens with valid Irish passports are treated for supposed immigration offences, it gives one an idea of the daily struggle that Palestinian citizens suffer in that region at the hand of the Israeli state. To scream and shout at a man and three mature women - I hope they are not insulted by that categorisation - who have never been involved in any difficulty before is outrageous.

The work those people have done is very important. As the Minister of State said, over 400 Irish people have taken part in those visits with no agenda other than for people to see the situation in Palestine with their own eyes. I hope that when a response comes from the Israeli authorities it can be followed up because it is interesting that hundreds of Israelis get visas to come and work in this State every year and they are not treated in that manner. It was disgraceful.

**An Ceann Comhairle:** Deputy O'Loughlin may ask a brief supplementary question.

**Deputy Fiona O'Loughlin:** I thank the Ceann Comhairle. I offer my support and that of Fianna Fáil for what has been outlined by Deputy Daly. When I was contacted by two of those affected, who are constituents of mine, I contacted Deputy Darragh O'Brien, the Fianna Fáil spokesperson on foreign affairs, who in turn contacted the Minister, Deputy Coveney, and the ambassador.

Human rights and their infringement have to be hugely important for all Members. It is unacceptable that these four people who have given so much time to support Palestinians and make the world aware of the problems there were deported. I have been to Palestine and Israel. It is very important that the message of what is happening in Palestine gets out to the world. The four people that were deported have been doing a huge service for us all.

Approximately 25 years ago I organised for a group of young people from Kildare to go to Northern Ireland to see the unionist and nationalist traditions and areas. I was reminded of that when Ms Elaine Daly contacted me in regard to her deportation. I could have been stopped from going into Northern Ireland because I had organised that fact-finding mission. I would have found that appalling and a huge breach of my rights.

I stand with Deputy Daly in regard to everything she has said.

**Deputy Helen McEntee:** Deportation officials in Ireland have the same rights as any other deportation officials to make a call. As a Government, however, we need to closely observe what has happened here and the fact they are possibly pursuing a more aggressive policy on deportations. This impacts on the four individuals now. They may apply to return to Israel in

the future but we expect that they would be excluded again.

Looking at the bigger picture, this Government has on several occasions commented on its concern about increasing moves to hinder the work of Israeli and Palestinian non-governmental organisations, NGOs, the presence of international NGO workers and even international parliamentary and ministerial visits to parts of the West Bank and Gaza. A state which can stand over its actions needs do none of these things. When we get a response outlining the reason for this we will respond to these individuals.

## **Human Rights**

11. **Deputy Maureen O'Sullivan** asked the Minister for Foreign Affairs and Trade when the report on human rights and business will be launched; and if he will make a statement on the matter. [39824/17]

**Deputy Maureen O'Sullivan:** With the Ceann Comhairle's indulgence, I would like to speak on the previous question because I met that group and was with it for a few days. Other members of the group, some of them young students, who were interrogated by the immigration authorities in Tel Aviv airport, were traumatised by the way the immigration authorities spoke to them.

My question is to establish when the report on human rights in business will be launched.

**Deputy Helen McEntee:** The national plan on business and human rights was approved by Government in July and will be launched by the Minister, Deputy Coveney, within the next few weeks. Ireland will be the 16th country in the world, and the 12th EU member state, to adopt a national plan on business and human rights. The publication of the national plan meets a commitment made by the previous Government in June 2014 to give effect to the UN guiding principles on business and human rights which were adopted by the Human Rights Council in 2011. The guiding principles are a globally recognised framework which outline the roles of states and businesses in protecting human rights as well as providing for access to remedy when they are breached.

The national plan being launched is the result of a collaborative effort, led by the Department of Foreign Affairs and Trade and involving extensive consultations with business, civil society organisations and other Departments and agencies. Its goal is to promote responsible business practices at home and overseas by all Irish business enterprises. It brings together two of our national priorities: our commitment to the promotion and protection of human rights and to being one of the best countries in the world in which to do business. The implementation of the actions identified in the national plan will be a collective endeavour. In this regard, several actions will be assigned to a business and human rights implementation group to be established comprising representatives from Government, the business community and civil society.

**Deputy Maureen O'Sullivan:** This has been a long time coming. It was announced in October 2013 and I have tabled several questions on it in the meantime. The answer is always that the process is under way. The working outline was produced in 2015 and last year it was said it would appear in the first quarter of 2017. I hope it happens as the Minister of State says it will.

We know it is important because it will implement the UN guiding principles on business

and human rights. We have seen many examples of violations of human rights in order to facilitate multinational companies, violations on the part of some governments with the displacement of people and land grabs. The Rana Plaza disaster was caused by the desire for greater profits, faster turnaround times and cutting corners. It is vital to have this report. Many submissions were made by organisations in Ireland with a lot of recommendations but that was a few years ago. The political landscape has changed, legislation has been introduced, and there is the problem of Brexit. Maybe there is a way in which those recommendations could be updated, not that anybody wants another consultation process but because it has been so long in coming there is a need to facilitate the voices of those who made submissions which may need to be reconsidered to ensure they are relevant today.

**Deputy Helen McEntee:** Touching on the delay, the Deputy has outlined some of its stages. It began at the Department's annual NGO forum on human rights in November 2014 and continued as further consultations took place throughout 2015. This included workshops with business and civil society representatives. In February 2015 following the public consultation it received over 30 submissions which had to be addressed. Based on these inputs a working outline of Ireland's national plan was published in December 2015. Written submissions on the working outline were received and further consultations took place last year and early into this year. The presentation on the final draft of the plan was made to a meeting of the interdepartmental committee on human rights in May 2017 and all relevant Departments and agencies were given the opportunity to submit comments and observations prior to the submission by Government. There has been a lengthy process and individuals have had the opportunity to have their say. It is important now that it is published. The Minister for Foreign Affairs and Trade has committed to publishing it in the coming weeks. We hope to stick to that deadline.

**Deputy Maureen O'Sullivan:** The European Commission and the UN Human Rights Council have called on states to develop national action plans to implement the guiding principles. Some of the plans produced by other countries have been weak, some have been aspirational and some have been voluntary rather than binding. I ask that ours will not be weak, aspirational or voluntary. It was recognised in the working outline how important it was to have legal remedies for those who suffer human rights violations in business. That would include Irish companies doing work overseas. There is also a need for a gender focus but we have to be strong in conveying to Irish companies which are working abroad that we will not tolerate violations in other countries that would be illegal in this country.

**Deputy Helen McEntee:** There will be a deadline for the implementation of this plan. The business and human rights implementation group, which will comprise representatives of Government, the business community and civil society, will take forward the implementation of the actions in this plan and it is proposed that the implementation group will meet twice yearly over the first three years to review the implementation. The initial priorities for the implementation group are set out in the plan and are structured according to the three pillars of the UN guiding principles: the state's duty to protect human rights, the corporate responsibility to protect human rights and the access to remedy. A forum on business and human rights will be convened within two years of the adoption of the plan to review progress in achieving delivery on its commitments.

*Dáil Éireann*  
**Human Rights**

12. **Deputy Paul Murphy** asked the Minister for Foreign Affairs and Trade if he will report on representations that he has made to secure the release of a person (details supplied) who is awaiting a verdict in their trial in Egypt; and if he will make a statement on the matter. [39778/17]

15. **Deputy Richard Boyd Barrett** asked the Minister for Foreign Affairs and Trade if he has been in contact with President al-Sisi with regard to the continued detainment of a person (details supplied); and if he will make a statement on the matter. [39874/17]

33. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade the efforts being made by the Government to secure the release of a person (details supplied); and if he will make a statement on the matter. [39703/17]

**Deputy Paul Murphy:** Justice delayed is justice denied which is the case for Ibrahim Halawa. It is, however, fair to say that many people in this country and around the world were delighted that his campaign was vindicated, he was found not guilty earlier this week. Unfortunately, of the 500 or so involved with him in the mass trial, up to 300 were jailed for varying lengths of time. My question is to know what the Government's plans are to get Ibrahim home as soon as possible.

**Deputy Helen McEntee:** I propose to take Questions Nos. 12, 15 and 33 together.

I am sure all Members of the House joined with this young man's family and friends on Monday last, 18 September, in welcoming the news from Cairo that he and his three sisters had been acquitted at the conclusion of the trial in which they were defendants along with more than 400 others. This young man's name, Ibrahim Halawa, has been cleared and his innocence confirmed.

This Irish citizen has been deprived of his liberty for four years, and he has endured great hardship and distress. He has missed out on family celebrations, weddings of his siblings and births of nephews and nieces. When he should have been studying and planning his future in Dublin, he was a teenager locked in a prison cell in Cairo.

I want to pay tribute today to this extraordinary young man for his maturity, his strength of character and his resilience.

I would like also to pay tribute to his family for their relentless support of their son and brother throughout the past four years. Their dignity and tenacity have been an inspiration.

The Government's priority now is to support this young citizen and his family in every way that we can in order to ensure that he is able to return home to his family and friends in Dublin as soon as possible.

There are some practical procedures and formalities to be gone through in Egypt before he is able to fly back to Dublin, and the Department of Foreign Affairs and Trade and our embassy team will be assisting and supporting him and his family to work through these processes and to make the necessary arrangements so that he gets home as soon as possible.

It is also appropriate today that I acknowledge the very significant efforts made on this young man's behalf by Members on all sides of this House, and also by fellow public represen-

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tatives in the Seanad, the European Parliament and councils around the country over the past four years, and not least the Ceann Comhairle and the all-party and all-group delegation that went to Cairo in January to advocate for his release.

I also want to take this opportunity to acknowledge the efforts made on his behalf over the past four years by the staff at our embassy in Cairo and in the consular unit of the Department of Foreign Affairs and Trade.

**Deputy Richard Boyd Barrett:** We are all absolutely delighted at Ibrahim Halawa's release. He has had four years of his life stolen from him without any evidence against him, something which became apparent when the trial began. This raises the question of what he was doing on trial in the first place and how he could have been incarcerated for four years. The greatest credit goes to his sisters and family for their tireless, relentless, heroic campaigning on his behalf and also to Ibrahim himself for enduring the hardship and suffering. I also commend the diplomatic staff who assisted him. There is no doubt about the hard work they did and it is to the credit of this House that there was unanimity in seeking Ibrahim's release.

There are many issues which need to be addressed beyond this but throughout this case, there has been minority-led but a vocal and quite filthy racist campaign against Ibrahim Halawa, recycling many of the lies and justifications that the Egyptian regime itself might have used for his imprisonment. It is important for us to condemn those in strident terms. He is an Irish citizen. He is innocent. He is not a terrorist. He was just someone involved in a peaceful protest but whether he was Irish or not, regardless of his religious faith, colour or anything, no one should have been subjected to what he was subjected to by the Egyptian regime.

**Deputy Darragh O'Brien:** I join my colleagues and, I am sure, the Ceann Comhairle in saying how pleased we all are that Ibrahim has been acquitted. Under the Ceann Comhairle's guidance, a number of us, including Deputy Paul Murphy, travelled to Cairo to meet with Ibrahim in January this year. That initiative was taken by the Ceann Comhairle and his regular contact with the Egyptian Embassy in Dublin kept up the pressure in the case.

I agree with Deputy Boyd Barrett that four years is a long time. There were always questions about what evidence was there. I am delighted that Ibrahim Halawa has been acquitted. The Taoiseach has said that every assistance will be given to return Ibrahim home as soon as possible. Has the Minister of State an update regarding when he might be released and returned home?

It is important at times like this to acknowledge how hard our diplomatic team in Cairo under our former ambassador to Egypt, Mr. Damien Cole, and our new ambassador, Mr. Seán O'Regan, and Shane Gleeson worked. They worked assiduously in the background, although there were points when many of us questioned how good the diplomatic effort was and what was going on there. I know they spent a considerable amount of time on this case which they were so committed to. They deserve all our credit. We must pay particular credit to his sisters, Somia and Fatima, who are the two sisters I know, and his family. We need to get him home as quickly as possible.

To reinforce Deputy Boyd Barrett's remarks, there are still people out there, and I have received phone calls from some of them, who question what this case is about and ask if we are sure about this campaign. Ibrahim is an Irish citizen. His background should not matter. He has been acquitted. He is not a terrorist, and we always knew that. People who do not accept

that should really ask questions of themselves.

**Deputy Helen McEntee:** The Deputies are correct in saying that every effort was made to ensure that Ibrahim was brought home. There were ten engagements with the Taoiseach at presidential level, 20 direct engagements at foreign ministry level and we had up to 40 members of staff from the Department of Foreign Affairs and Trade working on this case at any given time and around 20,000 person-hours were spent on this case. A significant amount of effort and work was put into this case.

Ibrahim Halawa's name has been cleared, his innocence confirmed and the most important thing now is that he returns home. Unfortunately, we cannot say when precisely he will return to Dublin. The Egyptian courts require a number of procedures, formalities and administration which all the defendants, of which there are 453, must go through. Our priority is that he will be in a position to return home to Dublin with minimum delay and we have done everything at this stage that we can. Our embassy has prepared and issued a new passport for him and we are trying to address the practicalities relating to his departure from Egypt, including those relating to his immigration status. The Minister for Foreign Affairs and Trade, Deputy Coveney, and the Taoiseach are personally being briefed and updated on developments and stand ready to intervene directly if there is any sense of unreasonable delay regarding his release or his clearance to leave Egypt.

**Deputy Paul Murphy:** The conditions in which we saw Ibrahim in prison were harrowing for anyone to face, let alone a young man who was not involved in anything. He only participated in a protest. For him to withstand that is impressive and a testament to him. It should serve to raise interest in Irish society on repression and the oppression that exists in Egypt under el-Sisi and to raise a wider interest in that.

I want to add my congratulations to those who drove the campaign. I agree with the remarks about everyone in the diplomatic service who we met there and congratulate them, the various public representatives and the different campaigning organisations. Above all the family and the sisters drove this and refused to give up. Many people have campaigned on small issues and given up after a month, two months or six months, but to fight on such an issue, to face an Egyptian state which seemed unmovable, to continue to fight and to raise the matter in every way possible, deserves full credit as does Ibrahim.

**Deputy Helen McEntee:** I pay tribute to this extraordinary young man, Ibrahim Halawa, for his maturity, strength of character and his resilience and to his family, friends and all those who supported him through this time.

**An Ceann Comhairle:** On this special occasion, I endorse everything everyone has said. My observation is that he is an inspirational young man. I salute his fearless sisters. Like other Members, I note that Mr. Damien Cole and the ambassadorial team in Cairo were exceptional in their dedication to their task. During my time in the chair, the Egyptian Ambassador in Dublin, H.E. Soha Gendi has been continuously and constantly available and assisted me in every way she could.

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## **Undocumented Irish in the USA**

13. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade the efforts being made to address the situation of the undocumented Irish in the United States of America; and if he will make a statement on the matter. [39705/17]

**Deputy Helen McEntee:** The Minister for Foreign Affairs and Trade and the Minister of State with responsibility for the diaspora and international development are acutely aware of the very understandable concerns that exist among members of the Irish community in the US in light of recent developments.

The changed political landscape in the US has resulted in a renewed focus on the plight of the many millions of undocumented people living in the US, including thousands of Irish citizens. The Government remains absolutely committed to achieving relief for the undocumented Irish, as well as to facilitating greater pathways for legal migration to the United States.

With this in mind, Ireland's diplomatic representatives in the US will continue to take every opportunity to raise the immigration issue in their contacts with the US authorities. We also work closely with Irish community organisations on this issue. Our embassy in Washington DC and our six consulates in the US are in regular contact with Irish immigration centres on a range of issues, including providing support to undocumented Irish citizens.

In this regard, the Government provides substantial funding each year through the emigrant support programme, ESP, to Irish community organisations and emigrant welfare projects in the US, and in particular to the Irish immigration centres. Last year these projects received €1.4 million in emigrant support programme funding.

Legal advice on the implications of policy developments for undocumented Irish citizens in the US, funded by the Department of Foreign Affairs and Trade, has been disseminated by immigration centres in the United States and is available online. We should not, however, underestimate the size of the challenge. This policy area has been a deeply divisive issue within the US political system for decades, with pronounced disagreement, even within the same political parties, on the best way to deal with a problem which directly affects over 11 million people.

The Government has always tried to work with both parties in a bipartisan way to address our longstanding concerns and this continues to be our approach. The Minister of Foreign Affairs and Trade is in New York this week, where he will meet representatives of the four Irish immigration centres in the region and a representative of the US-wide Coalition of Irish Immigration Centers. The Minister will also meet a senior State Department official, and will use that opportunity to once again impress on the US administration the importance the Irish Government attaches to a resolution of the plight of the undocumented Irish.

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

The Minister will also travel to Washington DC next month for high-level meetings with members of Congress. The plight of the undocumented Irish will be on the agenda for these meetings. In addition, the Taoiseach raised the issue when he spoke with President Trump by phone shortly after taking office.

The recent appointment by the Taoiseach of Deputy John Deasy as the Government's Special Envoy to the United States Congress to work for the undocumented Irish was an important

statement of our intent and seriousness on this issue. Deputy Deasy has made two substantive visits since his appointment - one at the end of July and the other at the beginning of September. In Washington DC, he met senior political contacts from both sides of the aisle and has engaged with Irish community and political representatives in New York and Boston. He remains in continuing contact with the embassy in Washington and with officials of the Departments of the Taoiseach and of Foreign Affairs and Trade.

In light of all this activity, I can, therefore, assure the Deputy of the Government's continued commitment to pursuing these matters on behalf of our affected citizens in the US.

**Deputy Darragh O'Brien:** I am very aware this is not an easy nut to crack and that successive Governments and Ministers have tried to do so. In light of the most recent deportations from the United States, and the attack on sanctuary cities by President Trump and others in his Cabinet, the Irish community there, particularly those who are undocumented, are very fearful. I have welcomed the appointment of Deputy Deasy. He is a person with experience in the United States.

We must look at a fresh approach to this. We must put options and proposals to the US administration and look at it on a bilateral basis. These are measures we proposed previously when we were in Washington. We should not give up just because there is a new President who is on record as being very firmly against emigration. We need to redouble our efforts. I congratulate the new ambassador, H.E. Dan Mulhall, on his appointment to Washington DC, and I hope he will keep this at the top of his agenda. There must be a pathway to legal migration and we can find it. We are consistently told about the high standing Ireland has in the United States and we need to see some action in this regard. I hope the Department looks at a fresh approach and will give options to the US and proposals to its administration on how we might move towards resolving the matter.

**Deputy Helen McEntee:** The Deputy is right this needs to be a priority and remain a priority for the Irish Government. When the Taoiseach spoke to President Trump this was an issue he raised. As the Deputy mentioned, the appointment of Deputy Deasy is significant. He has already made two substantive visits since his appointment. One of them was at the end of July and one was at the beginning of September. He has met senior political contacts from both sides of the aisle. He has engaged with the Irish community and political representatives in New York and Boston, and he remains in continued contact with the embassy in Washington and officials at the Department of the Taoiseach and Foreign Affairs and Trade. The ongoing presence of Irish Ministers and officials and their engagement means this very much firmly remains on the agenda.

What the Department is doing at present for the undocumented is also important, and given what has happened in the past year with the election of a new President there was renewed fear among those living there. One of the embassy's immediate priorities is to ensure undocumented citizens and their families have access to clear and accurate information on possible changes that may happen or that they might expect to impact them. To this end, additional funding has been made available to the Coalition of Irish Immigration Centers to produce a fact sheet to ensure citizens are accurately informed of the recent changes in US immigration law and how they might be affected. Obviously, they are staying in touch with their local consulate and immigration centre to ensure that where necessary they can consult with an immigration lawyer on their particular circumstances.

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**Deputy Darragh O'Brien:** The Minister of State mentioned ministerial visits and Deputy Deasy has been there twice. I hope he is being given the resources to back up his efforts. One glaring issue we need to deal with is consistent engagement between the Oireachtas and the House of Representatives and the Senate in the United States. This was a criticism levelled at us a number of years ago. The last time the foreign affairs committee went to Washington DC was six years ago. There is a peer-to-peer gap with regard to building up the Irish caucus in the House of Representatives and the Senate. This is not something that can be done purely by diplomats or our embassy. It is always done better between peers, namely, the elected members of two sovereign parliaments. Not enough of this is happening. It cannot just be left to Ministers. It needs a concerted effort by the Dáil and the Seanad to look at how we can keep this at the top of the US legislators' agenda also.

**Deputy Helen McEntee:** Deputy Deasy will work under the overall direction of the Minister, Deputy Coveney, and the Minister of State, Deputy Ciaran Cannon. He will work closely with, and will be supported by, the recently appointed Irish ambassador to the United States, H.E. Dan Mulhall, as well as the embassy of Ireland in Washington DC and our consulates throughout the United States. The Deputy is right to state this will not happen just through meetings and the more contacts and communications we can build up the more we can press this issue. We do not know the exact number of Irish people there, but we know this is something that impacts thousands of Irish people and it is a priority for the Irish Government.

*Question No. 14 replied to with Written Answers.*

*Question No. 15 answered with Question No. 12.*

## Human Rights

16. **Deputy Joan Collins** asked the Minister for Foreign Affairs and Trade if he will condemn the violence and ethnic cleansing of the Rohingya in Myanmar; the action he plans to take to hold the Government of Myanmar to account and stop this humanitarian crisis; and his views on a call for the freedom of Dublin city to be stripped from Aung San Suu Kyi. [39696/17]

17. **Deputy Thomas Byrne** asked the Minister for Foreign Affairs and Trade his views on the recent human rights violations of the Rohingya Muslims in Myanmar; and if Ireland will condemn these actions. [39832/17]

18. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade the efforts being made at international and EU level to end the violence in Rakhine State, Myanmar; the efforts made to protect the Rohingya people; and if he will make a statement on the matter. [39702/17]

21. **Deputy Richard Boyd Barrett** asked the Minister for Foreign Affairs and Trade if he has been in contact with his counterparts in Europe to condemn the treatment of the Rohingya people in Myanmar; and if he will make a statement on the matter. [39875/17]

22. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs and Trade if he has contacted Ms Aung San Suu Kyi and the Government of Myanmar to protest the treatment of the Rohingya people of Myanmar; if he will request an immediate cessation of the attacks; and if he will make a statement on the matter. [39699/17]

25. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade his views on the violence that is being inflicted on the Rohingya minority in Myanmar; if his attention has been drawn to the fact that the UN and NGOs have documented massive human rights abuses and that the violence is likely to constitute ethnic cleansing; if he will speak out against this ethnic cleansing; and if Ireland is providing assistance to Rohingya refugees who have fled over the border to Bangladesh. [39766/17]

32. **Deputy Clare Daly** asked the Minister for Foreign Affairs and Trade if he will condemn the human rights abuses against the Muslim Rohingya people of Myanmar and call on the political authorities there to take immediate steps to end the violence against the Rohingya people and provide humanitarian aid to prevent further harm. [39695/17]

41. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs and Trade the extent to which he directly or together with the EU or the UN has sought to influence positively the situation in Myanmar, with particular reference to the immediate cessation of violence and ethnic cleansing; if the UN has been requested to intervene; and if he will make a statement on the matter. [39851/17]

42. **Deputy Maureen O’Sullivan** asked the Minister for Foreign Affairs and Trade his views on the plight of the Rohingya people in Myanmar; and his further views on the way Ireland can assist in addressing the inhumane treatment of the Rohingya. [39821/17]

**Deputy Joan Collins:** Will the Minister for Foreign Affairs and Trade condemn the violence and ethnic cleansing of the Rohingya in Myanmar? What action does he plan to take to hold the Government of Myanmar to account and stop this humanitarian crisis? What are his views on a call for the freedom of Dublin city to be stripped from Aung San Suu Kyi?

**An Ceann Comhairle:** The Minister of State will respond, after which we will go to other Members if we have time.

**Deputy Helen McEntee:** I propose to take Questions Nos. 16 to 18, inclusive, 21, 22, 25, 32, 41 and 42 together.

The Government condemns the violence that has taken place in Rakhine State. This includes the attacks by the Arakan Rohingya Salvation Army, and the excessive actions which the Myanmar security forces have undertaken in response. It is imperative that an end is brought to this violence. I reiterate that it is essential that any further security operations carried out by the security forces in Myanmar are in line with international human rights obligations.

The reports of human rights violations by the security forces in Rakhine State are deeply troubling. Along with other EU member states, Ireland has supported the establishment and extension of the mandate of a UN fact finding mission in order to establish the facts of the situation on the ground. During an interactive dialogue at the Human Rights Council on 19 September, we continued to urge the Government of Myanmar to enable access to the team and to cooperate fully with it. The Government is raising its concerns through our bilateral contacts with the Government of Myanmar and in the context of our EU membership. Ireland’s embassy in Bangkok, which is accredited to Myanmar-Burma, is monitoring the situation closely. Ireland fully aligns with recent statements by High Representative Vice-President Mogherini, in which she called for an end to the violence and for humanitarian access to be brought to those in need. The concerns of the EU have also been expressed directly to the Government of Myanmar. The Department of Foreign Affairs and Trade is liaising closely with other EU partners at official

level in Brussels, Yangon and UN fora to contribute to the EU response to this issue.

In addition, Ireland continues to monitor this protracted humanitarian situation closely and may allocate additional humanitarian assistance in the coming months, in line with humanitarian needs.

**An Ceann Comhairle:** Only three minutes remain. I will take three very quick supplementary questions.

**Deputy Joan Collins:** I have a number of questions I wish to put to the Minister of State. This issue is not something that started only three or four weeks ago. We know it has been going on for centuries. The Rohingya are not recognised and are treated in a disgraceful way.

5 o'clock Since 2012, when the violence started, 500,000 Rohingya people were already in Bangladesh. This is on top of the 400,000 who moved over the border in the past two weeks. Why do we supply Myanmar with humanitarian assistance to aid the people of Rakhine, including the Rohingya community, when they are being treated like this? Why is the Government supplying guns to the Myanmar generals and army? We should call for this to be stopped. Does the Minister of State, the Minister and their party support the call for the freedom of Dublin city to be stripped from Aung San Suu Kyi?

**Deputy Maureen O'Sullivan:** Before the current crisis, the Rohingya were recognised as one of the most persecuted minorities in the world. I had a question on this for the Minister for Foreign Affairs and Trade some years ago when the persecution first came to light. Since it was not dealt with adequately then, space was made for it to be exacerbated. We are seeing that now. What is alarming is the way the Government is not accepting the reports of the UN. It is accusing the UN of false representation. I acknowledge the Rohingya community in Carlow, whose family members have been affected.

**Deputy Richard Boyd Barrett:** To be honest, I am surprised by how tame the criticisms are and by the use of the word "excessive". Even according to the French President, Mr. Macron, this is genocidal violence. It is textbook ethnic cleansing, as the UN representative implied. Some 400,000 people have been driven out. The treatment of these people is reminiscent of scenes from "Apocalypse Now" or "The Deer Hunter". It is absolutely appalling. What is most shameful of all is that the winner of a Nobel Peace Prize, Aung San Suu Kyi, is apologising for this stuff. That is what she is doing. She accused the Rohingya of being Bengalis and, incredibly, of burning their own homes, thus giving licence to the military, which has been doing this for years, to genocidally attack and ethnically cleanse the Rohingya in vicious Islamophobic violence, at an enormous human cost. We should be absolutely forthright in demanding the stripping from Aung San Suu Kyi of the freedom of this city and of her Nobel Peace Prize. There should be absolutely forthright criticism and an end to any kind of co-operation with the Burmese regime, the Myanmar regime, while it continues with this activity.

**Deputy Darragh O'Brien:** This, in itself, deserves a specific debate. I ask the Minister of State to convey this to the Minister. What specific efforts is the Government making at UN and EU levels? This is genocide. Deputy Boyd Barrett and others have covered it. We know and we can see what is happening. I know importance is attached to the freedom of the city, which I understand, but we want to know what the Government is willing to do at a practical level. Would the Government support immediate sanctions against Myanmar? Would it propose this at EU level? These are real, fundamental steps. I heard members of the Rohingya community on the radio last week. There is quite a significant community here. They are seeking some-

thing tangible. We just cannot stand by. Even though our voice is small - I get that we are not going to save the world in the morning - we could propose immediate sanctions against Myanmar. People would listen to us. We have a very good track record on human rights internationally and we should actually follow that. I ask the Minister of State to outline the practical measures the Government can take.

**Deputy Helen McEntee:** Regarding the freedom of the city, it is a matter for Dublin City Council. It was a decision made by the council in the first place, so any decision on this has to be taken by it.

**Deputy Joan Collins:** Fine Gael has members on the council.

**Deputy Helen McEntee:** The Government absolutely condemns the violence that is taking place, including the attacks by the Salvation Army or the “excessive actions” of the security forces. We absolutely condemn this violence. I was asked about the Irish position. As a member of the European Union, Ireland is seeking to find solutions both in a bilateral context, with Myanmar, and via participation at international level through the UN General Assembly and the Human Rights Council. They are meeting this month in New York and Geneva. The EU has led a resolution on the human rights situation in Myanmar. The Human Rights Council addresses such matters annually. Most recently, in March of this year, the mandate of the UN special rapporteur on human rights in Myanmar was renewed by the council for another year. These concerns are being raised directly with the Government of Myanmar. The EU delegation, which was led by the EEAS, raised this matter when it met the Myanmar authorities in early September. The EU delegation continues to do so regularly. As a member of the European Union, Ireland is very much part of that process.

*Written Answers are published on the Oireachtas website.*

## **Business of Dáil**

**An Ceann Comhairle:** The following members have been appointed to serve on the special committee on the future of mental health care. Representing the Government are Deputies Tom Neville, Marcella Corcoran Kennedy, Joe Carey and Tony McLoughlin. Representing the Fianna Fáil Party are Deputies James Browne, John Brassil, Fiona O’Loughlin and Anne Rabbitte. Representing the Sinn Féin Party are Deputies Mary Lou McDonald and Pat Buckley. The Labour Party will be represented by Deputy Alan Kelly. Solidarity-People Before Profit will be represented by Deputy Mick Barry. Independents 4 Change will be represented by Deputy Mick Wallace. The Rural Independent Group will be represented by Deputy Michael Harty. The Social Democrats-Green Party group will be represented by Deputy Catherine Murphy.

## **Topical Issue Debate**

### **Middle East Issues**

**Deputy Paul Murphy:** We have already discussed this matter to some degree during Question Time. We know that on Saturday, 9 September, four Irish citizens, Elaine Daly, Fidelma

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Bonass, Joan Nolan and Stephen McCloskey, were deported from Tel Aviv in Israel. They were deported because they were organising and travelling with a delegation of 31 people, primarily Irish citizens, on an awareness-raising visit to the West Bank. I understand their itinerary was to include meetings with Israeli and Palestinian human rights organisations and individuals, a visit to a refugee camp and a tour of settlements, together with day trips to some of the main towns in the West Bank. The aim of the trip was to bear witness to the everyday hardships suffered by Palestinian people as a result of the restrictions imposed by the apartheid wall, permanent checkpoints and settlements. The other 27 members of the delegation, two of whom are present today, were allowed to continue into Israel–Palestine and they arrived back to Ireland a week ago. The Minister accepted that we do not have a good explanation from the Israeli State.

For all four deportations, the grounds given were considerations concerning the prevention of illegal immigration. This is a utterly bizarre because the individuals were travelling on valid Irish passports. An additional reason was given for Ms Elaine Daly involving considerations associated with public security, public safety or public order. Again, this is complete nonsense. She did not even participate in the completely legitimate protests in Bil'in in which she was accused of participating.

The conclusion that is strongly pointed towards is precisely that the Israeli Government, at a time of increasing repression and oppression, is increasing the rate of illegal settlement-building and attempting to put an end to any possibility of a viable Palestinian state through brute force, effectively through house demolition, etc. It does not want people to make these trips. It does not want people to see the reality of what is happening. In doing so, ironically, it demonstrates in a small way the absence of freedom of movement, repression and interference by security forces faced by the Palestinian people on a daily basis. What is the Government going to do about it? It can rightly state the explanation but that it does not really know what lies behind it. More has to be done, however.

I was deported from Israel four or five years ago, or maybe more, along with others. At that time, the Irish Government said it was going to ask the relevant questions and that we would be out quickly and get back our laptops, telephones and everything else. The authorities still have all the stuff they took from me then. The Government did not make any very loud public pronouncements about it afterwards. What is the Government going to do about this to illustrate the oppression facing the people in Palestine on a daily basis? Has any contact been made with the Israeli ambassador in Ireland? Have we had a meeting with him and asked for a clear explanation? Has there been any mention of consequences if we do not get a clear explanation? Can we get a commitment that we will not have these deportations in the future? Will the Israeli Government just be able to discourage people from going to witness what is taking place and to witness the human rights abuses by deporting people in this completely arbitrary and illegal way?

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** I thank the Deputy for raising this issue. As he knows, the Department of Foreign Affairs and Trade was notified immediately by one of the persons concerned about their deportation. They have since written to the Minister for Foreign Affairs and Trade, Deputy Coveney, and his Department has further discussed the events with some of them to get a clear picture of what happened.

The organiser and leader of the group has led 17 private study groups to the West Bank over a ten-year period. The groups meet a range of Israeli and Palestinian NGOs and study issues

relating to the occupation of the West Bank. The tour leader had responsibility and, as was her usual practice, advised the Department of Foreign Affairs and Trade in advance of the dates and itinerary of the tour.

Some 33 members of the group entered Israel, but four were deported. No detailed response or reason for refusing admission to Israel was given to them other than a generic explanation that it was for immigration reasons and, in the case of the leader, because of unspecified public security or public order considerations. No report or allegation has ever been made to the Department of Foreign Affairs, including by the Israeli authorities, of any concerns about the activities of these study groups.

All four persons were asked about alleged previous attendance at a well-known weekly demonstration in the Palestinian village of Bi'lin. The group leader has stated that she has never taken part in any demonstrations in Palestine nor have any of her group's programmes included attendance at a demonstration. I understand that two of those deported may have previously attended this demonstration while two had not done so.

The refusal of entry may also have been on foot of Israeli legislation enacted earlier this year which provided for admission to be refused to any person who has advocated or is a member of a group which has advocated a policy of boycott regarding Israel or Israeli settlements in Palestine. However, I am not sure that either explanation would apply to all four persons. It would probably be best not to speculate further on what may have led to this unwelcome attention being paid to these individuals.

Without a more specific explanation, it is difficult to do other than conclude that the exclusion of these persons contributes to efforts to suppress scrutiny and criticism of Israeli policies in the West Bank. The Irish ambassador in Tel Aviv has already called to the Israeli Foreign Ministry and requested an explanation for this action. We must, as a first step, allow the authorities to respond before commenting definitively and before further steps are taken with the ambassador here. However, I am happy to restate that the Government is not aware of any concerns about the actions of these individuals or their group which would be a legitimate basis for concern, or exclusion.

The Government does not accept the proposition that advocacy of boycotts is equivalent to support for violence. The Government does not support trade or other boycotts of Israel, but citizens are entitled to support them as legitimate political options. Similarly, we cannot accept that mere attendance at a legitimate and non-violent protest by Palestinians in their own village against the conditions of the occupation is a reasonable ground to exclude someone. Any response received from the Israeli authorities will of course be shared with the individuals concerned, and the Minister for Foreign Affairs and Trade may also comment further at that stage.

**Deputy Paul Murphy:** I thank the Minister of State. I welcome the fact the Government, in particular, has said it is difficult to make any other conclusion other than that the exclusion of these persons contributes to efforts to suppress scrutiny and criticism of Israeli policies in the West Bank. That is completely accurate and is, unfortunately, precisely what is happening. Will the Minister of State give us a timeframe in which we can expect a response from the Israeli Foreign Ministry? We expect an explanation, and if we do not get an adequate explanation at that stage, we need to have a response to that, be it public statements or discussions with the Israeli ambassador in Ireland.

I again welcome the fact the Government does not accept the proposition that advocacy as boycott is equivalent to support for violence. That is very important in a context where, globally, including in France and other countries, there is an attempt to criminalise the expression of support for BDS. Representatives of the Bank of Ireland came before the Committee on Finance, Public Expenditure and Reform, and Taoiseach today. The bank shut down the accounts of the Ireland Palestine Solidarity Campaign, one of a number of actions taken by banks around the world, it is to be presumed, under pressure.

I also welcome that the Government cannot accept mere attendance at legitimate non-violent protest by Palestinians as a reasonable ground on which to exclude someone. I refer to a statement from Stephen McCloskey, one of those who was deported. He said he was denied entry because he had participated in a protest in Bi'lin, a small village west of Ramallah, a year ago. Bi'lin has resisted the construction of Israel's illegal separation barrier, better known as an apartheid wall, on the land there for 12 years. Irish activists, Mr. McCloskey included, joined the villagers in their weekly non-violent protest against the construction of the wall which the International Court of Justice deemed to be illegal in 2004. In opposing the wall, Irish activists were upholding the law. By deporting him and three other Irish citizens, all of whom were non-violent activists, Israel denied them the right to travel and freedom of expression, just as it does to Palestinians every day. It was breaking the law.

**Deputy Helen McEntee:** I thank the Deputy. With regard to the timeframe, our officials were in contact immediately after this happened and, as I said, are in constant communication with the relevant authorities. It is currently a Jewish holiday, and while that may delay things, we would expect to have a response as quickly as possible.

While the deportation of pro-Palestinian activists from Israel is not uncommon, the Department has noted a marked increase recently in the exclusion of international activists or NGO workers. This case is very notable in that the persons concerned may have been excluded not on the base of the actions they undertook but because of a political view they may have espoused at home. That is something we have to consider carefully.

As I stated, if the individuals were to apply to return to Israel, they would most likely be excluded again. We need to observe the effects of these issues and the more aggressive policy on deportations. We are awaiting a response from the ambassador and will have to see what action can be taken following that.

## Catalan Referendum

**An Ceann Comhairle:** We now proceed to the second item, the political situation in Catalonia. It is rather unfortunate that both issues were raised rather unexpectedly during Question Time. There is an element of repetition.

**Deputy Seán Crowe:** We all have our different angles in regard to this. In recent years, millions of people have marched on the streets of Barcelona to demand, in a very colourful and dignified way, the right to vote in a legally binding and democratic referendum on independence from Spain. Just last week, on 11 September, Catalonia's national day, 1.5 million people joined the annual pro-referendum march.

Recent polls indicate that 70% of Catalans, not all of whom are pro-independence, want a

referendum. Some will vote “No” in the referendum, but they all want the right to vote. The current Catalan Government was elected in January 2016 on a legitimate and reasonable platform which stated it would establish a binding referendum on independence. Despite the best attempts of the Catalan Government, the Spanish Government continues to deny this democratic mandate and the demands of the Catalan people for a democratic referendum.

My understanding is that a majority of the members of the democratically elected Catalan Parliament have approved legislation to allow a binding independence referendum to take place on 1 October 2017. Yesterday, some disturbing events unfolded in Catalonia when the Guardia Civil raided the headquarters of the Catalan Government, arresting 14 high-ranking civil servants and public officers and entered the offices of at least one major political party. That is unprecedented in recent times.

Furthermore, in recent days armed police have visited newspaper offices, shut down websites and raided storage warehouses and printing centres, seizing voting boxes, ballot papers and political posters. More than 700 Catalan mayors who support the referendum have been threatened with judicial prosecution. The President of the Catalan Government said Spain has now de facto suspended self-government and applied a de facto state of emergency. He described the move as an unacceptable situation in a democracy, and I agree with him. What is the position of the Irish Government?

When elected officials are detained for political reasons and ballot boxes for a popular and demographic referendum are seized, we have to speak out. If we do not, who will? When newspapers are threatened and democracy is denied, surely we have to say, “Stop. Enough is enough.”

These raids and arrests have triggered massive demonstrations, all of which were peaceful despite some provocation in some areas, and which saw tens of thousands of Catalans demand the most basic of rights - the right to vote in a democratic referendum. In this country, we would like to see more and more people vote yet in this other part of the world, they are telling people that they cannot vote. Thousands of people in the Basque country and Galicia have also taken to the streets in support of their Catalan brothers and sisters.

These unprecedented attacks on fundamental rights and civil and political liberties are putting democracy in Catalonia at risk. Does the Minister of State share my concerns about these events? Is she in any way uncomfortable or even disturbed that government departments in Catalonia are being raided and that civil servants are being arrested for purely legitimate and, I would argue, reasonable demands for a referendum on independence?

**Deputy Helen McEntee:** I thank the Deputy for raising this issue. Ireland enjoys very close relations with Spain. These relations are, of course, deeper and more textured than simply involving periodic government-to-government relations, developing trade ties or occasional encounters at multilateral events. Our close friendship has at its heart an empathy nurtured by generations of contacts between our people. What happens in Spain is, therefore, of great interest to their Irish friends here in this House and in the society we represent. It makes complete sense that the differing opinions we are now seeing between different institutions and citizens in Catalonia and across Spain should find reflection in different opinions in this House. This is to be expected and respected and I welcome this opportunity to set out the Government’s position on this sensitive matter.

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Just last month, we were all shocked and saddened by the loss of so many innocent lives and the injuries caused to so many people as a result of the horrific attacks in Catalonia. As the Taoiseach noted in his letter of support and solidarity to Spain's Prime Minister, attacks of this nature are both wanton and cowardly and have no place in our society. We must continue to work together in Europe and with the international community to challenge ideologies of hatred and to uphold the values we hold dear.

At present, we are following developments with regard to Catalonia. We have enormous regard for the Catalan people. Europe is enriched by flourishing national identities across this European Union. This richness is explicitly promoted and protected in the Treaty of the European Union. As I said earlier in the House in reply to a parliamentary question on this topic, the Government's position is that the constitutional and political arrangements in any country of the European Union are matters to be determined by their own citizens through their own democratic institutions in adherence with the rule of law.

As I said already, clearly what happens in Spain is of great interest to us but we believe the issues at hand are domestic issues. Political developments in democracies take place within a legal framework. This is what protects the rights of all of our citizens. In a reply to a Spanish MEP on this topic, the President of the European Parliament wrote recently that the rule of law is the backbone of modern pluralist societies and constitutional democracies. Respecting the rule of law and the limits it imposes on those in government is not a choice but an obligation. The Government and I share this view. I believe it is for all Spanish citizens to determine for themselves, using their democratic institutions and legal safeguards, their preferred constitutional and political arrangements. I do not consider it either appropriate or helpful that Ireland would enter the debate. I am confident that our Spanish friends can chart their own internal political developments.

**Deputy Seán Crowe:** It is not the first time that an Irish republican said that what happens in Spain affects us all. Clearly, the idea of standing idly by and watching what is unfolding in Catalonia is unacceptable. The Minister of State's response is deeply disappointing. I do not think it reflects the views of people in Ireland. Yesterday, we saw heavily armed police try to frustrate attempts to have a democratic referendum and to stop a democratically elected government from carrying out its electoral mandate. I have a problem with that. Perhaps the Irish Government does not have a problem with it but I certainly do. As Ireland's Minister of State with responsibility for European Affairs, the Minister of State should have a problem with that.

On every level, this goes against the European values of democracy and the right of a people to self-determination. Yesterday, three ferries with capacity for 4,000 members of the Guardia Civil docked in Catalan ports. What did they plan to do? Where is this leading us? How is this an acceptable or credible response to a people's democratic demand for a referendum?

We have seen important referendums on independence in Scotland and Quebec in recent years. On both occasions, the pro-independence lost the popular vote but it showed how normal and important such referenda are in the democratic process. Yesterday, I met a group of Catalans outside the Dáil who told me why they were protesting against the Spanish Government's actions. They were extremely upset about the attacks on the democratic rights of the Catalan people and I can understand that. They pleaded with me and other Deputies to speak out and support Catalans' right to self-determination. We have a responsibility. We must stand up and speak out against repressive and regressive actions that threaten democracy in Ireland and around the world. This is one of those moments. A red line was crossed yesterday. As Minister

of State with responsibility for European Affairs, the Minister of State has a responsibility to speak out against this policy and these actions. The people of Catalonia have the right to democratically decide their own future in a legal referendum on 1 October. The Spanish Government should refrain from using heavy-handed tactics in an attempt to stop this democratic vote.

**Deputy Helen McEntee:** I thank the Deputy for his response. I have listened to his contributions. My view is that Spanish citizens should be allowed to determine for themselves, using their own democratic institutions and legal safeguards, what their preferred arrangements within their own country will be. The range of options or opinions on the issue of Catalonia is to be expected. I am grateful to have the opportunity to discuss this in the House but, again, the interest reflects the respect and affection we hold for Spain. The Government believes that it is for all Spanish citizens to determine their own constitutional arrangements using their own institutions. As I said earlier, I do not think it would be right or proper for me to comment further on it. We did not interfere in the Scottish referendum when it took place and in the same way, we should not do so here.

### **Medicinal Products Availability**

**Deputy John Brassil:** I welcome the opportunity to once again raise this very important issue. I understand that Deputy Sherlock put it down as a Topical Issue yesterday and it was not selected. He cannot be here today so I want to acknowledge that. Since we last spoke about this issue on which we hoped we would make some progress, unfortunately, we have regressed somewhat in that the HSE decided during the summer not to reimburse the drug for various reasons, to which I will return in a second. CSL Behring has been providing the drug as part of a compassionate access programme to 21 patients. I understand that 17 of them are in this jurisdiction. This will be withdrawn at the end of September.

I, along with Deputies Micheál Martin and Kelleher, have written to the Minister for Health on foot of this decision and the reply we got was interesting. The Minister outlined that the HSE suggested the drug has not proved itself to be clinically efficient. This is where the big problem lies. I have met the patients who are getting this drug. I have met most of the 21 patients who are getting it and they have made presentations to Members in the AV room. I ask the Minister to talk to John Hannon in Mallow who has been receiving the drug. That man was breathing with the aid of an oxygen tank before he got the drug. He had to retire early from this job as an engineer, a job he was very good at but where, unfortunately, he could no longer function. Since he has been taking that drug, he has been functioning as a normal human being. I ask the Minister to speak to James Coffey in Killorglin who has the combined condition of Alpha-1 antitrypsin deficiency and panniculitis, which basically rendered him bedridden for two out of every four weeks and put him in hospital for months upon months of each year. Seven years ago, he received the Respreeza double dose, which deals with the issue, and has been living a normal life ever since. I might revert back to that particular situation because there are two other individuals in the country who suffer from the condition of combined alpha-1 deficiency and panniculitis and they are receiving a sister drug of Respreeza called Prolastin. They receive it from the HSE and get on with their lives and I think we have to do the same for James. We are caught in a dilemma. CSL Behring is providing the information. The HSE is saying, in good faith, I am sure, that the information is not sufficient. The cost of the drug is another issue that we have to come to terms with. In the meantime, there are 21 people, 17 of them in our jurisdiction, whose lives are being affected. Those are the people I represent and for whom I am

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trying to get reimbursement for the drug over the line, to let these people get on with their lives.

There seems to be more confusion in that the HSE has not been formally informed. The drug has been provided to the Alpha One Foundation which Professor McElvaney is involved with. The Alpha One Foundation administers and distributes the drug, and it has been informed that the compassionate access programme has come to an end. Lest there be any ambiguity, I have asked the Alpha One Foundation to contact the Minister's office directly and confirm to him and the HSE that this drug is no longer available as of 30 September, so we really have only one week to try to sort something out, in particular for the 21 people, of whom 17 are in our jurisdiction.

**Minister for Health (Deputy Simon Harris):** I thank Deputy John Brassil for raising this issue. I appreciate the sincerity with which he approaches it. I think we can all agree in this House that medicines clearly play a vital role in improving the overall health and well-being of patients. The pipeline for new medicines is very strong and it is estimated that in the region of 45 new molecules are due to receive market authorisation in Europe each year over the next five years. It is vital that all new medicines are thoroughly assessed to determine both their clinical and cost-effective value to ensure that resources are committed to medicines that deliver a high clinical and cost-effective return. The HSE has carefully considered the pricing and reimbursement of Respreeza through its decision-making process which was aligned with the statutory criteria set out in the Health (Pricing and Supply of Medical Goods) Act 2013.

I would like to highlight the importance of that Act. That was an Act that this House passed to give powers to the HSE, and not the Minister for Health, to decide which drugs to reimburse or not to reimburse. I do not mean this in relation to Deputy Brassil directly, but if Deputies in this House have a difficulty with that, they should come forward with an alternative. That is the law of the land. It is the law that was passed by this House. The HSE has the statutory power, not the Minister of the day, to decide to reimburse or not reimburse. It is important that, as legislators, we accept the responsibility that we have in that regard and the legal reality.

Following an extensive review process over the past 18 months, the HSE has written to CSL Behring, the manufacturer of Respreeza, advising it that the HSE will not support reimbursement at this time. The HSE informed me that it was unable to recommend Respreeza as there is not enough evidence to suggest that patients will derive a clinically meaningful benefit from augmentation therapy with the human inhibitor. It is not my view but the clinical view put forward by the HSE. The HSE also considered its cost-effectiveness and deemed that the current price was not a cost-effective use of resources. I appreciate Deputy Brassil's point in this regard. Many in this House have heard that this drug is being provided at a much cheaper cost to other countries and it is despicable that any drug company would try to exploit our patients or our taxpayers for a higher price than it is demanding in other countries.

I am aware that there are a number of patients on a compassionate access scheme for Respreeza which is operated by the drug company. Following recent media reports, it appears that the company could be considering terminating this scheme. However, no formal notification has been received by the HSE from the manufacturer of its intention to discontinue access to this scheme. I take the point Deputy Brassil makes about the Alpha One Foundation but I suggest that this company should come out and make a statement on this and on why, if it intends to do so, it would behave in such an unethical way. As I have stated previously, and I hope it is something that all politicians in this House would agree on, there should be no link between compassionate access schemes and reimbursement decisions. That is not just my view. The

World Medical Association Declaration of Helsinki: ethical principles for medical research involving human subjects indicates that, in medical research involving people, informed consent requires that these subjects are adequately informed of a range of criteria including post-study provisions and that post-study provisions should be provided for in advance of a clinical trial.

In fairness to our own Irish Pharmaceutical Healthcare Association, it is clear publicly, in its view, that there should be no link between clinical trials and reimbursement. There is no reason this patient should not receive the drug. While rightly raising it in this House, I would hope that we would all call on the company to comply with what is normal ethical practice with regard to decoupling clinical trials. It should be decoupling clinical trials from the reimbursement process. I have requested and directed the HSE to seek assurances from the relevant hospital, Beaumont Hospital in this case, that appropriate care arrangements are in place in the event that any access programme is discontinued in an unethical fashion, and that appropriate guidelines have been and continue to be followed in relation to all aspects of the clinical trial and access programme. It is the responsibility of both the company and what is known as the investigator, in other words, the clinician, to ensure that they have considered and made arrangements for their patients, including in circumstances where the product is not reimbursed by the HSE.

It is completely inappropriate and unethical for any company to link reimbursement decisions to compassionate access schemes. When I attend round table meetings with other EU Health Ministers, drug companies and the drugs industry, they are at pains to tell us that there is no link between reimbursement and clinical trials. I do not want a situation where they are using as leverage human beings who are concerned about their health and well-being. I genuinely appreciate the Deputy's issue of concern. I hope that in the next week, we can all work together to ask this company to behave in a normal ethical way. I do not think that is too much to expect.

**Deputy John Brassil:** I have no issue with the methodology by which Professor Barry operates. I have met him specifically on this issue and he has told me specifically that if the company comes forward with more detailed clinical information, he will look at it. The problem I have, as I stated in my earlier contribution, is that I can see the obvious clinical benefit by meeting the patients who are getting the drug. Something is falling between the stools here. Is the company not submitting enough data? Is it not presenting them in such away that it allows Professor Barry to get it over the line? We have mentioned reimbursement. We are led to believe that the costs of reimbursement offered to some countries is much lower than what is offered in Ireland. All those are issues but next week, and I have absolutely no doubt about this, regardless of how poorly the company may have informed or not informed as the case may be, those patients are going to lose their drug.

I ask the Minister, Professor Barry, John Hennessy, who heads up primary care in the HSE, Professor McElvaney in the Alpha One Foundation and CSL Behring to sit around the table and thrash out a solution, if not the long-term solution over the provision of the drug to the general population, then specifically for those who are on the compassionate access programme. We need to do something for those patients. I mentioned an individual who has the double condition of alpha-1 and panniculitis. That is critical for that particular individual. He will be in a hospital bed in a week's time if his drug is withdrawn from him. The likes of John Hannon and his colleagues who I met have had their lives changed. I feel it is my responsibility to ensure they continue to get the medication they need.

I ask the Minister to keep this issue live. The next week is critical. I ask the Minister to call all the relevant parties together and get a resolution. It does not matter to me that CSL is

a company with a €1.2 billion profit per year. It does not matter to me that it has endless resources. It matters to me that the patients in our jurisdiction, who I represent, get the drug that allows them to live a normal life. I trust in the Minister and his Department to make sure that heads are knocked together to allow these people the access that they need to live a normal life.

**Deputy Simon Harris:** The well-being of patients and citizens is something the Deputy and I share a desire to work together on. It is something all of us in this House want to see. What we cannot see is a drug company behave in an unethical fashion and blackmail the taxpayer and effectively, therefore, blackmail patients. As Minister for Health, each week I see more drugs become available. This is good. These are drugs that can save patients' lives and make their ' lives better. However, we cannot have a situation where a drug company is breaking all the normal rules. The Irish Pharmaceutical Healthcare Association, the representative body for drug companies, does not behave or believe in behaving in this way. There is not meant to be, internationally or nationally, a link between clinical trials, compassionate access programmes which a company puts in place and the HSE reimbursement process. I have directed the HSE to make contact with the hospital and the clinician responsible to ensure that individual care plans are put in place for each of the patients. My concern is for 17 patients in this jurisdiction, and 21 patients on the island of Ireland.

I suggest, as the Deputy has done, that the company in this case should come forward with more information. It should reflect on the price it is seeking in this jurisdiction versus others. While that is happening, patients should not be used as pawns. The Deputy makes the point that while it might not be particularly relevant to the patients, it is important for the record of this House to state that, according to its annual report, CSL is a \$45 billion company, with sales in 2016 of \$6 billion and net profits in that year after tax of \$1.2 billion. Its CEO was paid a salary and bonus of \$8.1 million and the nine other directors of the management team were paid amounts ranging from \$1.5 million to \$3.2 million each in 2016. That is all in its annual report. Surely to God it can continue a clinical trial for 17 of our patients. I ask for cross-party support in sending out that very clear message from this House while at the same time expecting the HSE to engage in respect of any further information presented to it. That is very important and I will certainly keep in touch with the Deputy on the matter.

### **Hospital Waiting Lists Action Plans**

**Deputy Louise O'Reilly:** The Minister and I have discussed the scandal of lengthening hospital waiting lists on many occasions. Thanks to the very great efforts of campaigners such as the Scoliosis Advocacy Network and staff in RTE, this issue has been highlighted. It is only a tiny part of what we now refer to as the "waiting list scandal". As the Minister is aware, the Government has presided over that scandal as it continues to worsen. As is the form with this Government, people who get the opportunity to appear on RTE then find themselves in a situation where they get an answer to some of the questions they have been asking. The Minister is looking at me quizzically but he knows that is true because it has happened on more than one occasion. I accept fully the Minister's bona fides and that he stated he regrets that this has happened. The Minister went on to say that this matter would now be a priority for the Government. I am at a loss to know what would be happening if it was not a priority for the Government, but I welcome that the Minister has set himself a target.

One aspect of the target to which I refer is a reliance on outsourcing some procedures, as

I understand it, to two facilities in England and one facility in Germany. Five children have travelled to England to have procedures. Those children were on a waiting list of 300, so what is happening does not exactly represent making significant progress. Five children have had procedures but, to date, the Minister has not signed a co-operation agreement with the other two facilities - the second one in England and the one in Germany - which means that we are at least three months away from any child being able to access the relevant services. It is not simply a case that the Minister can snap his fingers and these children will be transferred.

I have some fairly particular questions to ask the Minister. The first relates to the theatre in Crumlin, which is only open three days a week. That is an scandal. If this matter was a genuine priority for the Government, that theatre would be open seven days a week to take account of the 300 children who are awaiting surgery. I ask the Minister specifically what can be done for those children who have been transferred from Crumlin to the Mater and then back again. It strikes me that is a way to massage the figures. Those patients disappear off the list in Crumlin and they do not appear for a while on the list in the Mater. When they do appear on the list in the Mater, they are then told they have to go back to Crumlin because they are not suitable for treatment in the Mater. That is cruel. Those patients have been waiting for years, notwithstanding the fact that it takes two years to even get an appointment. It strikes me that there is not a plan in place that will, by the end of the year, deliver on the commitment that no one will have to wait four months for treatment. I say this because it will take at least three, if not four, months to get these children to either Germany or England. Their parents have not even received letters initial appointments.

What will the Minister do for those children who are waiting. What will he do, specifically, for the 68 children who have conditions that are medically complex? These are not spinal fusion cases. I understand that the majority of the spinal fusion cases will be dealt with through outsourcing. The Minister knows well my views on that and I will not repeat them. However, what will happen to the 68 children to whom I refer? The theatre in Crumlin is only open three days each week. They are being shuffled around from Crumlin to the Mater and to Cappagh and then back to Crumlin. This is not fair. If the Minister has a plan, I ask him to outline it. If the targets are not going to be achieved, he should be at least honest with those children and their families.

**Acting Chairman (Deputy Eugene Murphy):** I thank Deputy O'Reilly for concluding right on time.

**Deputy Simon Harris:** I thank the Deputy for raising this serious matter and for giving me an opportunity to update the House on the position. I assure colleagues that improving scoliosis services is an absolute priority for both me and the Government. I am monitoring closely - indeed, on a weekly basis - the progress being made on addressing waiting lists.

As the Deputy will be aware, the HSE, working with a number of stakeholders, is currently implementing the action plan it developed for 2017 in order to ensure that, where clinically appropriate, no patient who requires surgery will be waiting more than four months for scoliosis surgery by the end of the year. Both the director general of the HSE and the Children's Hospital Group have confirmed that they are committed to ensuring that no child will be waiting over four months by year end - contrary to what I sometimes read in newspapers, they recommitted themselves to that publicly in recent days - and they are focused on maximising all available capacity, both internally and externally, to achieve this.

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Additional nurses are now in post in Crumlin and Temple Street. An additional consultant orthopaedic surgeon commenced in Crumlin earlier this month. Up to 15 September, a total of 216 scoliosis surgeries have taken place in Crumlin and Temple Street and the hospitals are committed to delivering their activity target for scoliosis services this year.

The following important fact needs to be acknowledged because there is a great deal happening. These hospitals have already equalled the number of surgeries that were undertaken in the whole of last year, with over three months still remaining this year to undertake further procedures. Crumlin and Temple Street hospitals have appointed liaison officers to support patients and families during the treatment process. In addition, a project manager and co-ordinators have been appointed to ensure the efficient and timely management of this action plan. Since February of this year patients are also being transferred for treatment to the Mater, Cappagh and Stanmore in the UK and up to 15 September, 22 surgeries were completed in these hospitals.

The HSE, as the Deputy correctly says, has also completed an international tender for paediatric spinal fusion procedures and three hospitals have been successful in their applications. To assure the Deputy, two of those hospitals, the one in Germany and one of those in the UK, have already signed their contracts and begun reviewing patient files with a view to commencing treatment in October - there will not be a wait of three months. They are telling us, as per their tenders and the contracts signed, that next month they will start treating patients whose families take up the offer of having procedures carried out in overseas hospitals.

The HSE is also developing a forecasting model to predict, on both a weekly and a monthly basis, the numbers of patients expected to have surgery by year end. This will assist the HSE and my Department in continuing to monitor the progress made in achieving the target.

To improve scoliosis services in the long term - I agree with the Deputy that sending children abroad for treatment is not what we want to do and that we need to do when we meet the four-month target in terms of a sustainable service in this country - the Children's Hospital Group established a co-design group, which includes scoliosis advocacy groups, to design a comprehensive contemporary and patient-centred approach to the delivery of scoliosis services. This has provided an important and useful forum for discussing and working through issues of concern.

I am pleased to say that the overall number of patients awaiting scoliosis procedures has been reducing throughout the year and fell from 312 in February to 252 as of 15 September. Progress is continuing in order to deliver on the HSE's four-month target by the end of 2017 in a planned, safe and sustainable way.

Criticism of the HSE is often rife in this House and is often deserved. In this instance, however, I assure the Deputy that everything that can be done by a range of staff - in the individual hospital, at Children's Hospital Group level and right up to the director general - is being done. Progress is being made. The target of reducing the waiting time to four months is ambitious and would bring us in line with the position in the NHS. The HSE has recommitted to the target. I will come back to the Deputy on the specific cohort of 68 patients she mentioned. I am assured by the HSE that it is going to move might and mane to achieve this target by the end of the year. That is its public commitment and we expect the executive to get on and deliver it.

**Deputy Louise O'Reilly:** I was contacted very recently by a mother whose 19 year old son

was waiting for treatment in Crumlin. He was then transferred over to the Mater Hospital. She got a phone call about him yesterday. This is a young man with a 100 degree top curve. He needs surgery and the doctors have said that he must have that surgery but he has now been sent back from the Mater. She described her mood at the moment as both “confused and angry”. She does not feel that there is a plan in place for her son. Similarly, the five families who have been waiting since last July to hear back from Stanmore in relation to their treatment do not feel there is a credible plan in place.

I welcome the fact that the Minister will come back to me about the 68 children with complex needs because they too need to be dealt with. The Minister did not say anything about the operating theatre, which is only operating three days per week. This is supposed to be a priority. The Minister is right that sometimes we criticise the HSE where that is in order. Indeed, sometimes we criticise the Government and individual Ministers where that is in order. We are also capable of recognising where progress has been made but it is cruel to tell parents and their children that they will have a procedure when that does not look likely in many instances. I have spoken to the parents themselves who have told me that a transfer abroad for treatment takes three to four months from the time a decision is made to transfer a child. I cite the cases of those children who have been waiting to hear from Stanmore since last July. The available evidence suggests that there is a time lag and that it stretches to months rather than weeks. I ask the Minister to give those parents an absolute commitment and assurance that surgeries will start in Germany and in the second site in England in October, as he has just said.

**Deputy Simon Harris:** I only relay to the House information given to me that I believe to be factually correct. I am told that two hospitals, one in Germany and one in the UK, have signed their contracts and have begun reviewing patient files with a view to commencing treatment in October 2017 for those families taking up the offer of surgery in overseas hospitals. That is the information that has been made available to me as recently as today.

When I said last year, following the RTÉ programme on waiting lists, that I was ashamed of the way we treated these patients, I meant it. I mean it now and we have to get on top of it. We are making good progress and in fairness, Deputy O’Reilly has acknowledged some of the progress that has been made. The goal here is that the HSE is working to make sure that no child waits over four months. It is not easy because we are dependent on outsourcing overseas-----

**Deputy Louise O’Reilly:** There is a theatre here.

**Deputy Simon Harris:** We are also dependent on parents being able to travel and in that regard, I understand that it is not always straightforward. In terms of the theatre, we had this conversation this time last year. Indeed, the same conversation was had by many others who were in government before my time in this post. We had a theatre that was closed, that was not performing surgeries. We have hired nurses, the theatre is open and we have an additional consultant. The Deputy is right - the theatre is operating three days per week. If it can do more, I am assured that it absolutely will but I am not going to tell people false information. The theatre is open and is providing more surgeries. Already Crumlin and Temple Street have done the same amount of operations this year as they did in all of last year. This year they will end up doing far more than they did last year. We are using the Mater, Cappagh and Stanmore. We are utilising everything at our disposal. There is no shortage in terms of funding or a determination to make this happen. However, it is complex and is an extraordinarily ambitious target. The HSE is right to have set an ambitious target because, as a country, we were so appalled at the waiting times. However, we need a longer-term, sustainable plan to deal with this within our

own country which is why the work of the co-design team is so important. We will try to reflect that progress in the Estimates process as well.

### **Wind Turbine Regulation Bill 2016: Second Stage [Private Members]**

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

I welcome the opportunity to discuss this Bill. The issue of planning for wind turbines has caused huge conflict across rural Ireland but particularly in the midlands, in my constituency of Laois and in Offaly. This Sinn Féin Bill is about putting in place solutions to the problems. Rural Ireland will be central to the production of renewable energy in this State but we need to get people in rural Ireland fully on board in order to tap into the immense and diverse supply of renewable energy, which will also provide economic growth and jobs.

The Bill I have put forward follows on from a previous Bill originally produced in 2014, which the Government at the time did not oppose. I will now outline the provisions of some sections of the Bill. Section 3 deals with the issue of local democracy. Wind turbines can only be located in areas designated by local councillors in their county development plans. That rule is supreme and cannot be undermined. Section 4 of the Bill provides for greater community consultation, with the requirement to have public consultations on the effects on health, community and the environment. Section 5 protects homes from both noise and shadow flicker, which is very important. It provides that setback distances should be such that the noise does not exceed specified levels set down by the World Health Organisation, WHO. Section 6 deals with minimum setback distances, with turbines over 25 m required to have a setback distance of not less than ten times the height of the turbine. Under section 10, the developers must pay a bond for the repair of infrastructure. A bond agreement must be entered into between the developer of the wind turbines and the relevant local authority to ensure the infrastructure is repaired and upgraded in a timely manner. Section 11 deals with the option of co-ownership for local residents, which is the norm in many countries. Wind turbine developers must at least offer local residents the opportunity to purchase a stake of up to 20% in the development.

We are proposing a setback distance of ten times the height of a turbine for all turbines over 25 m high. This gives legal protection to those families and home owners across the country, particularly in the midlands, who have been subjected to infringements by huge turbines. Fianna Fáil has previously recommended a setback distance of six times the height of the turbine, while the Government’s current consultation document refers to a setback distance of four times the turbine’s height from the nearest residential development, with a minimum setback of 500 m. The All-Ireland Research Observatory, AIRO, at Maynooth University states that a setback distance of 2 km would leave 3% of the total land area of the State available for wind development. If the landmass of the Twenty-six Counties is 70,282 sq. km, then 3% of that equates to 2,108 sq. km available for wind turbines. I have heard the argument made that if we used the Sinn Féin setbacks, we would not be able to have wind turbines anywhere. We have researched the issue and I can tell the Minister of State that even a setback of 2 km will leave us with 2,108 sq. km for wind development. That figure was also quoted by Deputy Charlie Flanagan two or three years ago during a debate in this House. That is with a 2 km setback but we are not looking for such a setback. If the wind turbine is 100 m in height, then a setback of 1 km would suffice. In that context, we would have multiples of the 2,108 sq. km available, which would provide wind turbines to power half of Europe. That is the fact of the matter.

This would provide a huge level of protection and would allow wind farms to be developed in a sensible, sane and balanced way, without impinging on rural communities.

The argument that this Sinn Féin Bill will halt wind farm development is blown out of the water. It is false. For a one-off small-scale commercial wind turbine development the height cannot be greater than 20 m and, interestingly, it must be 100 m from the nearest dwelling, which is five times the distance. We already have a specific setback distance in place for small-scale turbines but nothing in respect of larger ones. The turbines in Mount Lucas and Ballaghmore in Laois are ginormous.

On health effects, there are various reports on the adverse health effects stemming from noise and shadow flicker and a number of cases have been taken to the courts on such grounds, which means this issue is now bogged down in the legal process. In terms of this Bill, we are trying to address the quality of life issue in respect of which, as I said, cases have been already taken. We need to legislate for the limits set by the World Health Organisation guidelines. The Bill also provides for greater public consultation on potential adverse health effects. The Minister, Deputy Naughten, publicly stated at the Energy in Agriculture Conference in Gurteen on 22 August that there were concerns that in the past developers were allowed to get away with not engaging with local communities and he stressed the need for early and meaningful engagement by developers with the local communities. We agree with him.

I read this week that in County Waterford people are claiming that they have to take sleeping pills because of the noise from wind turbines close to their homes. The issue of community ownership is provided for in this Bill. This should be optional. This works in other countries and it can work here. The Government White Paper on Energy references energy citizens and energy communities. It further references “agents of change in how we generate, transmit, store, conserve and use our energy and that communities must do this.” Surely, it must be the stated goal of the Department that there would be an option of buy-in and shared ownership for local communities. Perhaps the Minister of State will clarify that in his response.

To date the State has supported the developers while the door to communities has been closed in terms of their rights. We need to move away from that. The only example of community ownership, of which I am aware, is the Templederry wind farm in Tipperary which I visited last year. It is a huge success.

Like much in regard to renewable energy we lag behind other states. In Denmark, the community option is set at 20%. Over 50% of renewable energy sources in Germany are owned by communities, farmers and local people. Currently, we have an outflow of money from rural communities for fossil fuels. We continue to import almost 90% of our fuel for energy. Sinn Féin wants to turn this around by having energy sources in local communities, such as biomass, wind, hydro, solar and electricity generation in local communities, thereby creating jobs and wealth in local communities.

I want to open up the broader debate on renewable energy. Renewable energy does not mean only onshore wind. Currently, we produce 27.3% of our electricity from renewable sources, which is good. However, the vast majority of this is from onshore wind and this leaves us vulnerable because it is an intermittent supply. Government policy in terms of renewables has concentrated on the single option of onshore wind. We are dead in the water when it comes to having a diverse range of sources such as biomass, biogas, solar and other micro-generation

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projects and offshore renewables. For example, Denmark produces 1,271 megawatts offshore and Scotland, a close neighbour of ours, the second Celtic nation, produces 197 megawatts offshore. We have only one offshore project, Arklow, which is pathetic. There is huge potential here in this regard. While costs are higher for offshore wind, having spoken to people in the industry over the past year or year and a half since I took up this brief, I understand that cost is tumbling. We need to re-examine this area.

Biogas production can include farm waste. We are in the crazy position that we are once again looking for a derogation from Europe in regard to the spread of slurry. I support the call for that derogation because we have nowhere else to go. Large quantities of pig slurry are being produced here and we have sat on our hands and done nothing in terms of trying to come up with solutions. There is an over-concentration of slurry being spread on land such that we now have to seek a derogation from the EU. Sinn Féin supports that proposal as a stop gap measure. I have met the IFA on that issue. Why are we not using slurry to produce biogas? The only anaerobic digestion, AD, plant we have that is of any significance is the one in Kildare which is producing gas for Diageo, which is a huge company. One farmer is supplying Diageo with gas. He is feeding it into the grid and Diageo is buying it from him. Why can we not have more of those plants? Germany has 8,000 anaerobic digestion plants and Britain has 600 of them. Britain is not even a world leader in energy but it has 600 AD plants, which is a long way off what we have. Some Scandinavian countries, such as Sweden, source close to half of all their gas requirements from renewable sources such as biomethane. There is huge progress to be made in this area. A Gas Networks Ireland, GNI, representative stated that we are second last of 24 European states for producing electricity from biogas despite having a huge agriculture sector. We now have an opportunity for a win-win. We need to deal with the slurry issue and find a way of managing it sustainably. If we produce electricity, we create jobs and we put money into farmers' pockets or the pockets of whoever is developing it.

In regard to biomass, we must change from peat to biomass. This is happening gradually because we cannot just shut down plants, even though some people want them closed straight away. We are importing biomass from South America. We need to be growing it here. Bord na Móna launched its renewable energy document at the Ploughing Championships. It does not have the supply of raw material necessary for its plants. That is the problem. In regard to solar micro-generation, there are huge planning issues, with even greater problems for grid connections for the solar industry. The missing piece is policy by the Oireachtas. I ask the Minister of State, Deputy English, and his officials to look at how we can get solar connection. We are not blessed with a huge amount of sunlight but we do have significant amounts of it. We are blessed with long days for six months of the year. In comparison with other countries, we have more sunlight. In terms of the new technologies available we need to be developing solar energy.

This Sinn Féin Bill is an attempt to deal constructively with this issue. We have had two Governments in the past few years and approximately three Ministers and three Ministers of State have had responsibility for this area. I do not blame them or anybody else for the fact that we have not yet properly addressed this issue but despite all of that we still do not have guidelines in place. The Department of Communications, Climate Action and the Environment issued a consultation document on the strategic environmental assessment, SEA, process but according to the Department officials to whom I spoke today at 12.30 p.m. that process has not yet commenced. My understanding is it will take a minimum of six months. I am open to correction if I got that wrong but that is what I understood from the officials. We are not even off the blocks on this issue. What is going on? Does the wind farm industry have somebody's arm

twisted up their back? What is going on? To whom is the Government listening? Wind farms are being built without proper planning regulations or guidelines in place. The wind farm developments steam on and there is no protection for the environment or local communities. All of the emphasis is on the wind industry, with no focus on the wider range of renewable sources available. This Bill presents an opportunity to deal with the issue. I am aware that it now requires the strategic environmental assessment, SEA, process.

Some campaign groups pointed that out a few years ago. They had copped on to that. I heard them say that four or five years ago. Will the Minister arrange for that process to be up and running? Legislation also needs to be introduced. We are putting forward a practical solution. We are trying to be constructive. We want to get jobs into rural areas. We want to generate electricity in rural areas from a range of sources. Six or seven sources, along with wind energy, can be used. The source does not have to be solely wind energy, but we need protection from huge wind farm developments. The midlands and other counties do not have that. Communities will not accept what has been happening to date with wind farms.

We have the potential to be a world leader in this area. Let us get moving with this and put a proper planning framework in place for the development of wind farms.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I thank Deputy Stanley for bringing forward the Wind Turbine Regulation Bill, which is timely from a number of perspectives. I have no doubt the Bill is well-intentioned and aims to regulate wind energy development by addressing a number of key issues. I welcome the opportunity provided by the Deputy's Bill to discuss the current state of play in the development of the wind energy sector, which is an important issue for this Government, but I want to be clear that we will be opposing the Bill.

At the outset of this debate, it is necessary to set out the wider context of this issue. The development of renewable energy, including wind energy, is at the centre of this Government's energy policy. The availability of indigenous, sustainable power is a valuable national asset which is vital for achieving energy security and reducing fossil fuel imports, as well as for achieving challenging EU emissions reduction and renewable energy targets. A hallmark of our energy policy approach to date has been to encourage green energy investment. Maintaining a favourable investment climate for the renewable energy sector and sustaining regulatory stability in Ireland has been critical in facilitating the build out of renewable energy infrastructure to this point.

Given Ireland's heavy over-reliance on imported fossil fuels, the development of indigenous onshore wind, which in June 2017 accounted for more than 2,800 MW connected to the grid, is making a positive contribution to our energy security and avoiding approximately 2.5 million tonnes of carbon dioxide emissions annually.

The development of the wind sector in Ireland is subject to the planning code in the same manner as other forms of development. Local authority development plans are required to achieve a balance in harnessing the wind energy resources of the planning authority's area in a manner that is consistent with national policy objectives and proper planning and sustainable development. In this connection, planning authorities are required to have regard to my Department's Wind Energy Development Guidelines 2006 which contain advice to assist planning authorities in drawing up their local development plans and making determinations on wind farm planning applications. In effect, this guidance is aimed at ensuring a consistency

of approach throughout the country in the identification in local development plans of suitable locations for wind energy development as well as in the treatment of planning applications for such developments while also having regard to relevant national Government policy, including energy policy.

As the Deputy will be aware, a targeted review of the 2006 guidelines has been under way since 2013. As set out in A Programme for Partnership Government, the Government is committed to concluding the review of the guidelines as speedily as possible with a view to offering a better balance between the concerns of local communities and the need to invest in indigenous energy projects, informed by the public consultation process and best international practice.

Since reaching agreement on A Programme for a Partnership Government in May 2016, there has been close engagement on the review of the guidelines at both ministerial and official level between my Department and the Department of Communications, Climate Action and the Environment, given its responsibility for renewable energy policy. On foot of this engagement, in June this year the then Minister for Housing, Planning, Community and Local Government and the Minister for Communications, Climate Action and the Environment announced a key milestone in the review of the guidelines by announcing details of a proposed preferred draft approach to key aspects of the review which will now be subject to a strategic environmental assessment before the guidelines are finalised and adopted. I confirm that assessment has to go to tender and the publication in respect to applications for that tender will take place tomorrow. There will be a period of a month within which people can offer to apply to do that strategic environmental assessment project. That is the update on that aspect that the Deputy sought.

This preferred draft approach was outlined to provide an update to the public, industry stakeholders and planning authorities on progress being made on the review. It sets out proposals to deal with aspects of the guidelines relating to noise, setback distance and shadow flicker, community engagement and benefit, and also policy on grid connections from wind farms to the electricity transmission and distribution system.

On the specifics of the Deputy's Bill which is the subject of this debate, I would like to outline how the Government is addressing some of its key provisions. Regarding section 2, which provides limits on the export of power generated from wind turbines, the Government's current policy on the export of electricity is set out in the 2012 renewable energy strategy which, in accordance with European law, supports the export of renewable energy to other EU member states. However, it is a precondition that any such export would bring clear and significant benefit to the Irish economy at no net cost to the Irish consumer. This policy is currently being reviewed in the context of the draft renewable electricity policy and development framework being developed by my colleague, the Minister, Deputy Naughten, and his Department, which will update policy on potential future energy exports. The setting out of national policy on this matter, in Government strategies or policy frameworks, is a more appropriate approach than providing for it in primary legislation as proposed in the Deputy's Bill. In addition, the provisions in section 2 could result in significant operational and market design implications for EirGrid, in the management of energy flows on the east-west interconnector and potentially for future interconnectors.

Section 3 relates to the location of turbines, providing that all locations for proposed wind turbines must be designated in county development plans, be consistent with the development plan and be designated with the approval of the elected members. This is already largely the case but the key point that is missing here is that local development plans must also have regard

to national policy, including energy policy, as well as section 28 guidance issued by the Minister to local authorities on the drawing up of development plans. Section 3 is particularly problematic in that it proposes that local authorities could effectively act independently and set their own local wind energy development policy in their development plans without having regard to national policy or guidance. This would be a retrograde step which would militate against the achievement of national policy objectives and, accordingly, the Government strongly opposes this section.

I want to address sections 4, 5 and 6 in regard to public consultation, noise limits, shadow flicker and wind farm setback distances. In this context, it should be noted that the recently announced preferred draft approach addresses these issues by proposing the following: the application of a more stringent noise limit, consistent with World Health Organization standards, in tandem with a new robust noise monitoring and enforcement regime to ensure compliance with noise standards; a visual amenity setback of four times the turbine height between a wind turbine and the nearest residential property, subject to a mandatory minimum distance of 500 m; the elimination of shadow flicker through requirements to operate automated wind turbine control mechanisms as a condition of the grant of planning permission; and the introduction of new obligations in regard to engagement with local communities by wind farm developers along with the provision of community benefit measures. In this connection, a wide range of community, spatial planning, energy policy, environmental, technological and industry considerations need to be appropriately balanced. The proposed preferred draft approach is aimed at achieving this broad balance which would not be possible under the provisions of the Deputy's Bill.

In addition to the concerns I expressed in regard to section 3, we must also oppose the setback distance provisions in section 6 which proposes that turbines with a height of greater than 25 m shall be located not less than a distance of ten times the height of the turbine away from any dwelling. This provision would significantly reduce the amount of land available throughout the country for wind farm development, thereby stymying the industry and minimising the possibilities for achieving our renewable energy targets while simultaneously exposing the State to substantial EU fines.

Another aspect of the Bill to which I would like to refer to briefly is the section 11 provisions on co-ownership of wind farms for local communities. In this regard, the Government recognises that community consultation and community dividend are important components of future wind farm development, with both community ownership and part-ownership of wind energy projects by local communities being encouraged. Under the preferred draft approach, it is proposed to oblige developers of wind farm projects to engage in active consultation and dialogue with the local community at an early stage in the process prior to submitting a planning application. It is further proposed that planning applications shall contain a community report prepared by the applicant outlining how the final proposal has been modified to take account of the community consultations undertaken.

In addition, the new renewable electricity support scheme, for which a consultation was launched on 4 September 2017, has community participation and ownership designed into its fabric. The consultation sets out a number of policy options to support both community-led projects and developer-led projects with material community involvement and benefit. In particular, the consultation is examining how to facilitate the development of community-led renewable electricity projects by providing initial funding, technical and legal advice to communities seeking to develop renewable projects. The Deputy asked me whether we would be supporting communities. That is the intention in that respect and that is set out in that con-

sultation document. Furthermore, multiple support mechanisms, including financial supports, infrastructural supports, including facilitating access to the grid for community-led projects and technical support for communities as their projects progress through to commissioning, are also being assessed.

Larger-scale developer-led renewable electricity projects will have to meet certain criteria in terms of offering investment opportunities to local communities. The ownership policy option is not limited to offering an equity stake, however, and the proposals put forward are aimed at maximising citizen and community participation. The consultation also proposes a formalised community benefit payments register which will provide financial benefits to the entire community, including those unable to participate in the ownership proposals. As each project and each community will be different, I do not believe it is appropriate to provide for co-ownership of wind farms by local communities in the quite prescriptive manner as proposed in section 11 of the Deputy's Bill and that, instead, this issue can be better addressed in the manner proposed in the preferred draft approach and in the draft renewable electricity support scheme.

I will respond to some of the Deputy's comments and I will come back in towards the end of the debate with other comments. He mentioned offshore wind development. The State is investing a great deal of money in research projects involving many stakeholders relating to the offshore possibilities of wind and other renewable energies. Many good projects are emerging in conjunction with the research community. Hopefully, there will be potential to develop offshore wind energy and we will achieve success. As an island nation, we could lead on some of these projects and that is what we are trying to do. We recognise it is more difficult in some of our waters compared to other parts of Europe to develop wind energy and that adds to the cost. We are making significant investment in technical solutions as well and we will be successful. In my previous role as Minister of State with responsibility for research and development, I witnessed first hand some of the work that is going in on and I am confident there will be great progress in this regard in the near future.

The Deputy also mentioned other renewable energy proposals, which we very much encourage. He referred to pig slurry and anaerobic digesters. That is a conversation for local councillors and local communities who are not always supportive of these plans. I agree with him that there is great potential in this regard. Projects have been knocked for planning reasons and there have been other objections. Sometimes their scale is too vast. Along with others, I visited projects abroad and if they are done on the right scale, they can be favourable to communities. That is something we can probably work on together and I would be happy to do that along with other Departments.

**Deputy Timmy Dooley:** I am grateful for the opportunity to contribute to this important debate and I thank Deputy Stanley for initiating a debate in the House on this issue. All of us who represent rural communities will be familiar with the concerns of our constituents in many parts of the country who have had in their view a negative experience with infrastructure such as wind turbines. While the Deputy and I share their concerns, in many ways we differ on how they should be resolved. Support for the Bill will not bring about the kind of resolution that is required.

Fianna Fáil opposes the Bill for a number of reasons, all of which centre on the interests of the people. In the first instance, the provisions of the Bill would effectively stop any further developments of wind turbines in Ireland due to the extreme restrictions proposed. Second, this Bill entirely circumvents the consultation that has been opened on the wind energy guidelines,

a draft of which was published in June 2017. My party and I are strongly of the view that this consultation gives everybody an opportunity to have their say and, ultimately and collectively, we can find an appropriate solution that meets the needs of all sides rather than rushing to a conclusion through the passage of this legislation, which would not be in the long-term best interests of our objectives in renewable energy while, at the same time, ensuring the needs and expectations of people living in rural areas who want to enjoy that amenity are also protected. We recognise and sympathise with the considerable issues that irresponsible wind development has caused for people in recent decades, and it is crucial that we conduct a full and exhaustive consultation to protect communities from further encroachment. To this end, we will fully engage with the consultation process that has been put in place, and ensure public consultation is to the fore of any legislation and guidelines that are put in place.

By contrast, simply overriding existing consultative structures would deny people an opportunity to shape wind energy policy. That is my only concern about the passage of Deputy Stanley's Bill. It would bring to an end to the consultation process. This process, however, can only be of immense benefit. He is entirely well-intentioned. I sit on the environment committee with him and I am aware of his personal desires and of his vast experience in this area but we have to ensure there is not a populist race to see who can appear to be most tune with where people are at. I do not suggest that is the case with him. He mentioned in his contribution that the Government proposed a set back distance four times the current distance while Fianna Fáil in the past suggested six times whereas he is suggesting ten times. We have to be careful that we are not just looking for headlines using soundbites in a manner that will meet the needs of those who are most concerned about a project in a particular area. I am party spokesperson in this area and the Acting Chairman, Deputy Eugene Murphy, has reflected to me on many occasions on behalf of his constituents the concerns they have around the wind farm in Sliabh Bawn, County Roscommon, and the necessity to tackle issues that arise there. In attempting to resolve those extreme cases-----

**Deputy Brian Stanley:** They are the norm.

**Deputy Timmy Dooley:** Perhaps they are not extreme because there are other cases. Decisions were taken in the past that were not in the best interests of communities but in our desire to reflect the concerns of those affected, we should not undermine the potential of onshore wind energy, which will play an important role in our climate change agenda.

Furthermore, the Bill contains provisions which would leave Ireland open to huge legal liabilities. For example, section 2 mandates that Ireland may not export wind energy until such time as Ireland is entirely self-sufficient in energy consumption. This is an entirely incorrect understanding of the global energy market, and in particular, of the Integrated Single Electricity Market, I-SEM, from which Irish consumers can only benefit significantly. Climate change poses a threat to humanity, with Ireland being no exception. As a coastal nation with a huge economic reliance on our abundant natural resources, we are exposed to climatic shifts, such as increased storms, increased or changed precipitation patterns, droughts, and coastal erosion. As a nation with a proud record on the international stage, we must set an example for other nations to move toward a cleaner and greener mode of living. Wind energy, while not a fix-all, will, and should, play a role in this. As politicians, we must do the right thing and support wind energy development, where it is appropriate and does not infringe on our people. There is an element of a trade-off; it is not one or the other. We must find an integrated way for wind energy projects to live in harmony with people who reside in rural areas based on the broadest and deepest level of consultation. Mistakes were made in the past and we must be careful not to rush to judgment

in a way that could be perceived as populist and driven by a soundbite suggesting that one party or grouping or one side of the House or the other has all the answers to this problem. The best way forward is the consultative forum that has been established.

We are all aware of the importance of renewable energy and its global backdrop. The EU has set 2020 renewable energy targets for each member state. Ireland is obliged to meet the target of 16% for all energy generated from renewable sources by 2020. This renewables target is to be met by 40% from electricity, 12% from heat and 10% from transport. We are falling way behind on heat and transport. With the world population projected to be more than 9 billion by 2050, the demand for remaining fossil fuels can only intensify, driving oil and gas prices skywards. This, married with growing geopolitical instability, is threatening energy security. Ireland is not fully self-sufficient and we are excessively dependent on energy imports to power homes and businesses. It is imperative that we plot a course towards carbon-neutral self-sufficiency to meet the emerging energy supply challenges. A lack of engagement with communities has, unfortunately, been all too common in renewable energy project development and this has caused widespread distress and inconvenienced many communities. That was the catalyst for the Deputy in bringing forward the Bill. Strong community support must be integral to further renewable energy project development. Until now, community benefit schemes have primarily taken the form of amenity payments such as donations to a local GAA centre or other community related activities. This has worked well for some communities, but there are others for which it is not an attractive option. We must look for new and different ways for communities to benefit from local energy project development.

In other jurisdictions such as Denmark a minimum number of shares must be offered on a preferential basis to the local community. Furthermore, in Scotland community development of renewable energy projects, whereby a community sets up and owns a renewable energy project, enjoys far greater logistical and financial support. Community developments have the added benefit of involving citizens more fully in the production of energy. For that reason we must more broadly engage the community.

We want to replace outdated wind energy project planning guidelines with new guidelines to be put on a statutory footing. This must be done through a full public consultation process, as initiated for the draft guidelines. As I stated, my party will engage fully with in process and bring forward its own ideas on how a community can benefit from these developments in a way that will address some of the concerns and ensure we do not eliminate the potential for the development of onshore energy projects through the wind energy sector. We believe in the commissioning of a full economic review of wind energy, its impact on energy prices and the long-term sustainability of the sector in supplying the national grid. We want to ensure all county development plans will involve a wind energy strategy being submitted for public consultation in advance of any wind turbine construction. We also want to introduce a new community share options scheme for proposed wind farms whereby the local community must be given the option of purchasing a minimum of 20% of the shares, creating a sustainable wealth source for it. We also want to introduce a new compensation provision for properties with a decreased property value as a result of the construction of wind turbines. I will expand on this in our submission.

The party would introduce new noise and shadow flicker restrictions, reflecting international best practice, and examine the potential for increasing the number of offshore wind farms in Ireland and mapping areas where such a development could take place. This will require support from the State. From my discussions with those involved in the offshore wind energy

sector, the greatest potential lies off the western seaboard, but there are very challenging conditions that must be addressed through support schemes. We must consider the same support we see for the development of tidal and wave energy technologies. In the first instance, we must support investment in that area.

**Deputy Jan O’Sullivan:** I welcome the opportunity to have a debate on this very important matter and commend Deputy Brian Stanley for bringing forward this legislation. The context is very important. As the Minister of State indicated, the targeted review of the 2006 guidelines has been under way since 2013. I was in the Department as a Minister of State when we started this work, which is an indication that we must come to a conclusion on this issue as it has been debated and batted backwards and forwards, particularly in rural communities. The context is that we must have no doubts in bringing our carbon output down to levels we are both obliged to and want to achieve as a community. We want to get to a point where we are carbon neutral and can address these matters.

There is also a context in which changing technology must be taken into account. Onshore wind energy projects have made a great contribution. The Minister of State spoke about the 2,800 MW connected to the grid that makes a positive contribution to our energy security and leads us to avoid 2.5 million tonnes of carbon dioxide emissions annually. That is true and it will continue on existing wind farms and those which it will be appropriate to develop in the future. The most exciting technological changes are offshore, as Deputy Timmy Dooley mentioned.

There is another context related to the consultation process for the national planning framework that has been ongoing. It is due to come to a conclusion and the Government plans to publish the framework next month. One of the key questions asked in the consultation document concerned the infrastructural investments required to maximise the potential of our ocean resources. It comes under the heading of integrated land and marine development. I agree with other speakers that the potential offshore is very encouraging. There are cost reductions and we can look to countries such as Scotland as an example. We need to accept that the dynamic is changing constantly and that what might have been the case in 2013 has changed as a result. As the guidelines will be reviewed again, we must come to conclusions now.

I will quote from the submission I made on behalf of the Labour Party in the consultation process on the national planning framework under the heading of land and sea. It states:

The national planning framework will need to incorporate a marine spatial strategy that defines the optimum relationship with the sea around us, including planning for coastal zones, the foreshore and its interaction with the land. Ireland’s potential to replace fossil fuels with offshore energy sources is an opportunity that simply must be exploited during the lifetime of the plan. Technology is advancing in terms of the cost-effectiveness of wind and wave energy. The plan must commit to the necessary research and investment in what is potentially a huge win for the environment, the economy and the coastal communities of Ireland.

I linked the matter with the west coast, as Deputy Timmy Dooley has done, citing the example of the Wild Atlantic Way in bringing jobs and opportunities to that part of the country. So too could offshore energy projects. We are all supportive of the reduction in greenhouse gas emissions, but there must be a focus on other resources. Others have mentioned sectors such as hydro, solar, geothermal, biomass, wave, tidal and biofuels, etc., which must all contribute to a

sustainable outcome for the future.

On balance, we have decided to support Deputy Brian Stanley's Bill. My colleague, Deputy Willie Penrose, has published a related Bill and although we do not agree on every item in this legislation, the Government might accept it, as has happened many times before. It has accepted Bills on Second Stage and amended them on Committee Stage. It is a reasonable and balanced approach. There are elements about noise levels that could probably be agreed to across the Chamber and the issue of shadow flicker has been debated extensively. There are differing views on setback distances, but relating height to setback distances is something on which everybody agrees, although there are different views on how it should be measured exactly. There is also the matter of community gain and consultation. The co-ownership idea put forward by Deputy Brian Stanley has been labelled as problematic by the Government, but at the same time there is broad agreement on the need for consultation with local communities, which is vital, and for the community to have a gain, a stake and a say. Nothing will be successful, unless the community can believe it is getting something from it. It is an important element of what Deputy Brian Stanley has proposed.

We will support the Bill on Second Stage, although, as I mentioned, we may not agree with every line of it. The context has to be ensuring that we reach our targets and exceed them in ways I think is possible. However, that will be dependent on more than just wind energy. There is large potential in other areas of renewable energy. Biomass energy has not been exploited in the way it should. Offshore energy is particularly encouraging and solar power can also be harnessed. I have a particular attachment to hydroelectric power because I grew up on the banks of the headrace of the Ardnacrusha hydroelectric power station, with which Deputy Dooley is also familiar. That was a very brave move by the Government of the time in terms of embracing the idea of alternative energy. That was done very successfully. At the time it was thought to be slightly off the wall but it has since proved itself. We have certainly got plenty of water in Ireland so that is another area of potential.

The Labour Party will support the Bill in principle on Second Stage. It is disappointing that it appears the Bill will get no further. It is a debate that must be continued and is dynamic in terms of changing costs and technology. No Member should take a fixed position on the issue because it is constantly changing. Guidelines are needed. All Members have prevaricated long enough on settling on those guidelines. In terms of the preferred draft approach, there will be a strategic environmental assessment. I am not sure how long that will take, but the Minister of State said the tenders will be called for tomorrow. I do not know if he can tell us how long it will take but it is an area on which there are strong feelings across the country and on which decisions have to be made.

**Deputy Michael Fitzmaurice:** I welcome the opportunity to speak on the Bill. I commend Deputy Stanley on bringing it forward. His views on wind turbines are somewhat different from mine. I have listened with interest to the points made by Members and I have noted the references to the public consultation. If there is to be public consultation, one needs to get to the nub of the issue. Communities in parts of rural Ireland where there are wind turbines, for example, that are 100 m in height and 500 m or 600 m setback - Deputy Dooley said that a setback of 600 m is Fianna Fáil policy - are experiencing serious problems. People are not making things up. They do not complain for the sake of complaining, nor are they against things for the sake of being against them. Many of those people embrace different forms of energy. There can be problems even if there is 700 m setback. In countries where turbines are at a ratio of 10:1 there have been no problems. It was said at Government talks that suitable areas would be lim-

ited to approximately 5% of the country. Members and the country as a whole need to decide if we will put our people first or if we will listen to the EU ramming something at us under our so-called obligations. We should ensure that people in those areas do not have to live a life of hell. There are people who never objected to the establishment of wind farms but cannot now stay in their homes at night because of the noise. The experience of people living near Sliabh Bán wind farm is an example of that. That is the reality. It is not made-up stuff. Unfortunately, some elderly people had to leave their homes due to flooding. Part of that is currently being resolved. The three issues that Members need to decide on in regard to wind turbines are setback distance, flicker and noise.

Members have said that we need to move away from fossil fuels. They are entitled to their opinions. However, they have said that we are exporting the money out of the country. I point to the fact that most wind farms in Ireland have been bought up by foreign vulture funds and Japanese companies. How will that money stay in Ireland? This is a sickening thing that is happening. I read recently that 60% of a wind farm has been bought by a Japanese company. That money will not stay in Ireland. Members will be aware that Bord na Móna is going to America to produce a product that the person who grows it, the person who hauls it and the boat that brings it across the Atlantic will get more out of than anyone in Ireland. Where is the benefit in that for the Irish people? This issue is particularly relevant to people in the west of Ireland, with the resources there. Members need to ensure that if this is the road that is being taken, offshore wind energy is considered, as the Minister of State mentioned. That may be a way of going forward.

We need to be very straight with people on the proposed consultation. I have seen many documents go out to consultation, all of which came back. There is currently a proposal that a wind turbine cannot be closer than 500 m to a residence. However, if it is 120 m or 130 m high and just over 500 m from housing, residents will have problems. We can have all the consultation in the world but we must decide whether people in certain areas of the country are going to be tormented by wind turbines because the Legislature did not set a sufficient setback distance. When wind turbines are set back 1000 m, there do not appear to be any problems. That is the best guide by which one can go.

In a similar way to how if one works the land, one knows the land, if one is beside or a certain distance away from a wind turbine, one knows what is and is not a problem. That is very easy to assess throughout the country. The big problem is that many people will go through the consultation process but thereafter one must deal with the EU and our so-called obligations. If that means there must be a setback distance of 400 m, 500 m or 600 m, that is what Members will vote on in the House and if there is a majority, it will be passed. Unfortunately, that would lead to problems for people in certain areas. There has already been a court case in Ireland in relation to flicker from a wind turbine. People should not have to live a life of hell. They were there before the turbine was there. They might have worked the land for possibly the past 100 years and now because of turbines in the area, it has gone up. There are certain parts of this country in which there would be no problem achieving a 10:1 radius. I do not understand why the Government does not focus on that and ensure that, on one side, there is adherence to whatever agreements are made and, on the other, that rural communities can live in peace.

There are huge opportunities in renewable energy. I spoke to a person in Kildare in recent days who discussed biogas and the potential of silage. That may be of help to a farmer if the beef barons think they will keep him or her at bay with the price of cattle. If it works out and is efficient, that will be welcome. Members have discussed exporting electricity and so on.

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Based on what England has done, Ireland is not exporting very much power. An interconnector to bring power in from France has been proposed. The public service obligation, PSO, levy has risen again this year for the ordinary people to subsidise something. Peat was subsidised but I do not agree with that. Every year the price is raised by the back door because we are dealing with things that cannot stand on their own and are not viable, for the sake of legislation to which we have signed up. Electricity will have to become much dearer to make viable some of the systems that are in place. We will then lose out on the manufacturing side because we will not be able to compete with countries such as Germany. There are some companies in the west of Ireland who were at the National Ploughing Championships yesterday which have had incredible success. We do not need to put barriers in their way.

Not every area is affected by this but everyone in the country is important no matter where they live, north, south, east or west. If one goes around the country there is no need to have a consultation period because it is there to be seen, problems of between 400 m and 800 m. If one is a kilometre away there is no problem with the 10:1 ratio if it is 100 m high. It is achievable if we want to go down that road. I ask the Minister of State to reconsider and support this Bill. Everyone can have their say on Committee Stage. We need to put people first and end the nightmare some people are having in certain parts of the country because something has been foisted upon them.

The Minister of State spoke about the councils but they have no say. He said if they are not in compliance with the Department's guidelines they cannot make a decision. Their hands are tied. It is up to the main parties and the rest of the Dáil to decide the distance back and I hope they go with Deputy Stanley's proposal.

**Deputy Eamon Ryan:** I agree with Deputy Jan O'Sullivan that this is an area where things keep changing. It is full of uncertainties. I commend Deputy Stanley on his Bill and I understand that his motives are right and while there are many elements of it that I support, I cannot support the Bill. I will explain in detail the reason.

The one thing that is fixed is the physical atmosphere we operate in and the absolute certainty around climate science that it presents a real threat to all our people and we must respond to it. In my reading of the Paris climate agreement and all the analysis of the scientific recommendations, if a country such as Ireland is to take this seriously we have to have a 100% decarbonised energy system in the next three decades or so. I would even go more quickly but we are aiming for 2050. That is what we signed up to. It is not spelt out that this is Ireland's obligation. It is not coming from the EU but from an agreement we were party to and rightly so. Is there an understanding that we have agreed to do this? It is an incredible goal to try to achieve, to remove fossil fuels from transport, heating and power generation. That is what we have to do. The scale of the transformation is huge.

I would set us on course to do it both because it is the right thing to do for the future of our people and because it sets us up for a new economy from which this country will benefit. A brilliant Irishwoman, Marie Donnelly, who is head of the European Commission's renewables section, spoke recently here in the Oireachtas audiovisual centre. She made the simple point of asking why would Ireland, the country that missed out on the first industrial revolution, look to miss out on this new industrial revolution. That is what it is. Renewables are winning. It is game over. They are winning in China and in America, no matter what Donald Trump says. They are now the mainstay of new electricity generation. In Europe last year I think approximately 85% of all new power generation was renewable. The same is true of electric vehicles

and the development of efficiency technologies. That is where all the economic development and opportunities are going. For us to opt out would be to miss an incredible economic opportunity.

I do not believe we can do oil, coal or gas. There is no working technology for storage of carbon. Some of the modelling from UCC and others, Irish energy associations and so on talk about storing carbon but there is no working or economic model for that. We have to stop burning fossil fuels quickly. I heard Deputy Stanley say that Bord na Móna had launched its “naturally driven” campaign at the National Ploughing Championships a couple of days ago. Nothing Bord na Móna is doing at present deserves to be called “naturally driven”. It cannot go out and buy up hardwood wild natural forests in Georgia, slash them, bring the wood over here and call it “naturally” anything. It is a completely unsustainable model. I have changed my view on that. Ten years ago I might have thought maybe we could do something with biomass but we found out that the land use issue in that regard means we cannot do that. We cannot go out and hold our head up high by chopping down other countries’ forests and shipping them over here. Two thirds of the energy goes as waste heat up a chimney. That is not a viable solution. Bord na Móna is looking for the Government to invest some of the national strategic investment fund in it. If the Government invests in that I am sorry to say our credentials would be shot. They are already in sufficient difficulty internationally. We cannot go down that route.

I would love to see us take up ocean energy but that is a 20:1 bet and a 20:1 time horizon at best. There is no working wave device, even among the best tidal power companies in the world. We do not have a big tidal resource. I would love to think, as Deputy Jan O’Sullivan does, that hydro energy is available to us but we have used up most of the big resources there. Even with hydro energy there are environmental problems. That is not somewhere we can turn.

We can turn to a mixture of wind and solar development, particularly offshore wind, and interconnection. This new electricity system will work by an incredible complex balancing system, which the EU is getting ready to legislate for at the moment. This will be done on a regional basis, not just us with the United Kingdom, but with the UK and France and Denmark and Belgium and Norway in a north-west European grid which balances the variable supply and demand. Interconnection is key. We cannot cut ourselves off as an island and think we could be energy efficient. Deputy Stanley should note that were we to do that, it would make us incredibly expensive because there has to be an expensive back-up system. The better, cheaper back-up system is for us to connect with our neighbours and be part of this new evolving system. That is the primary reason why I cannot support the Bill. Section 2 states we must be energy self-sufficient first but that is not the clever way to go. We have enough difficulties without the North-South interconnector and cutting ourselves off from the North and the problem with Brexit. We cannot think we can double down on that and cut ourselves off. I have considered this in real detail and it is not the correct economic approach. That is my main concern in respect of this Bill.

I listened to the Deputies who reflected concerns outside here and we do have to be absolutely attentive to the concerns of communities in regard to the development of wind power. There are many complicated questions around that. We have learnt in recent years that small scale wind turbines do not work. We thought some years ago that micro turbines would work but there is no evidence for that yet. Maybe somebody will develop new technology for them but they are not economic. Do we want a large number of small turbines or a small number of large ones?

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Where we should go next is a massive offshore campaign. What has happened to offshore wind in the past two or three years is dramatic. Three years ago the price of offshore wind would have been around 15 cent per kW/h. Because of a new bidding system adopted by the Dutch, the Danes and even the British, the price of offshore wind this year is down to 6 cent per kW/h. It is cheaper than any other potential supply. Some people suggest nuclear energy but that is two or three times that price and we do not want these massive power stations. We need to move towards flexible, variable supplies. We should go towards offshore wind and massively towards solar energy, particularly solar panels on roofs so that we get it in the ownership of people, not necessarily of the big corporations. We have to make a conscious significant switch towards it being owned locally and I agree with those who spoke earlier about that. The Government should be proactive in that.

7 o'clock

On using semi-State companies, during the Green Party's time in government we had a massive programme of expansion of Bord Gais as well as ESB, Coilte and Bord na Móna into renewables. Some outside said we should not have four State companies doing it. To my mind, the more the better and the more State ownership the better. I regret that policy was stopped when Bord Gais energy assets were sold off. We could return to that.

We need to go to energy co-operatives not only in the 20% provision, which I welcome although one could look at a higher figure of 30%, but we ought actively to support energy co-operatives that are supply companies as well as generation companies, such as Ecopower in the Flemish part of Belgium, which is doing a balancing act between variable supply and variable demand. There could be co-operatives where people who live close to power stations would get their electricity at very cheap prices to run electric vehicles, so one would run one's car off the local turbine and get cheap prices for the heat pump system that we can use to electrify our heating systems. We should have the sort of emphasis which the Tipperary Energy Agency has in supporting not only the generation of ownership but also the retrofitting of houses, the electrification of transport and heat, the consumer being involved in owning part of the generation but also benefitting from all the new sophisticated energy supply and demand management mechanisms, which we should look at so they are the best they can be.

Yes, we need to stop flicker. That can be done by stopping the turbines when the sun is at a certain height. We need to be conscious of noise issues and setback issues. If we are not going to do that with wind and solar interconnection, how are we going to power our country in a way that is carbon neutral, that is responsible and sees us at the forefront of the industrial revolution taking place rather than holding back?

**Deputy Bríd Smith:** To echo some remarks made earlier, we have had 16 of the 17 warmest years on record since 2000 and we routinely break records on drought, rainfall and so on. While this global crisis happens, despite the increase in renewable energy, more carbon dioxide is being emitted. It is terrifying when climate scientists suggest that the earth's ability to absorb carbon in its natural sinks is getting less and less. We have passed the 1°Celsius increase in average global temperatures, we are well on our way to an increase of 1.5°Celsius. If we burn the proved reserves of fossil fuels that global corporations have in reserve of coal, oil and gas, we will push global temperatures to 5°Celsius, 6°Celsius or 7°Celsius over pre-industrial levels. This will be a historic moment of extinction on the planet. We are well on the road to that today.

I welcome this Bill. Any measure that pushes this state into taking seriously the question of renewable energy has to be welcomed. It is unfortunate that Deputy Eamon Ryan will oppose the Bill when there is always the possibility of amending it by allowing it to go through to

Committee Stage.

I was shocked when a few days after the summer recess began, the Minister, Deputy Naughten, announced that he had issued exploration licences for the Porcupine Basin, a huge area off the south-west coast which has much greater reserves of gas and oil than are present in Corrib. In recent days, Eirvia, the mother company which looks after Irish Water and the distribution of gas, released a report which indicated that Ireland's gas reserves are very healthy and have probably never been healthier. The Minister whose remit covers the environment and climate change seems to think that it is okay to issue exploration licences for what is potentially the extraction of a huge amount of gas and oil from the Porcupine Basin in coming years when all the advice from scientists across the globe is that it should be left in the earth. We have huge reserves of carbon and fossil fuel. Our problem is the more of it we burn, the more we threaten the environment and the planet. Like others in this House, I take great interest in renewable energy and the role which solar and wind energy can play. I find it difficult to understand why we are failing to unveil or roll out projects that would be popular in this country to deliver carbon neutral energy.

I agree with other speakers that this would be a no-brainer and a win-win for Ireland's industrial prospects. Let us compare ourselves with Germany, for example. In Germany the minimum distance allowed for a wind turbine from any home is twice what we allow, at 1,000 m. In other countries across Europe, particularly in northern Europe, there has been huge investment in offshore wind turbines. The distances they allow for are considerably beyond what we allow for here from the shore, for the shore's protection. They allow for 22 km or 12 nautical miles from the shore. We do not allow anything near that.

One explanation for why there is always such opposition to windmills and wind power in this country is not that the people of the midlands or north Meath are so parochial and NIMBY-ist that they do not want to see renewables, but they are worried about their regulation and how they are introduced. There is no democratic debate with local communities and no buy-in for local communities because most, if not all, of these projects are owned, run and have vested interests invested in them by global corporations. The reliance on the market means that these companies will profit hugely from wind turbines. Local people are not thick. They recognise that and so there is no buy-in for their lives being hugely discommoded and their environment affected.

I want to see the regulations proposed in the Sinn Féin Bill being discussed and examined seriously by the Government as they have the potential to offset concerns among local people. The investment in offshore wind must be looked at in a serious way. That means massive State investment to end our dependence on fossil fuels. It also means employing high standards in how we do this or else we will meet with increasing opposition from people. We must recognise that it should not be all about generating profit for multinationals. There must be a greater role for the local population in developing an alternative to fossil fuel.

We support this Bill for wind energy and understand the importance of providing energy for this country. Deputy Ryan said he disagrees with section 2 of the Bill which states:

the Minister shall, in determining whether such product is excess product, have regard to whether the product generated from wind turbines and other forms of renewable resources is of an amount that is greater than the amount of energy needed for the island of Ireland to be deemed self-sufficient in the generation and consumption of electrical power...

However, it is possible to amend this Bill to ensure that the energy generated is shared with our neighbours and the wider EU.

We support this Bill and more generally we will adopt more guidelines that work in other countries. We do so supporting the idea of massive investment in renewables, led by communities and supported by the State and not left to the vagaries of the market and those who seek to maximise their profits but with the interests of the environment and the future of the planet and its people at its heart.

**Deputy Robert Troy:** I welcome the opportunity to speak on the Bill and I thank Deputy Stanley for tabling it. It is great to have an opportunity to discuss renewable energy in the Dáil in the first week since we returned from our summer recess. While the Fianna Fáil Party is opposed to certain elements of the Bill, it has some very positive elements. It is regrettable that once again it is left to the Opposition parties to raise one of the major issues facing our people and this country. The reason there is such anxiety, worry and fear in communities about renewable energy, in particular wind energy, is due to the manner in which the Government and the previous Government handled the debate.

A year into the previous Dáil term, a memorandum of understanding was signed between the then Government and the UK Government which would have enabled large-scale industrial wind farms to be erected in the midlands, with all the energy being exported to the UK. There was no local buy-in or local consultation. At the time, the then Government wanted to power ahead with this proposal, so much so the people in the midlands were only saved from the industrial wind farm by virtue of the fact the UK Government pulled out of the agreement.

For more than six years, since Pat Rabbitte was the Minister, we have listened to Ministers stating the publication of new wind energy guidelines would be done without much further delay and that they were only a matter of months away. Those months have turned into years. Despite the fact the previous Government carried out a wide-ranging consultation process, nothing has happened since.

In the previous Government, the Ministers, Deputy Kelly and Alex White, could not come to terms or agree on the best way forward. In this Government there also appears to be a difference of opinion between Ministers on the best way forward. This is something that needs to be addressed. My party published its own wind energy guidelines more than four years ago, and it is regrettable the Government has not progressed this further at this stage.

Only today, I met a representative of the motor industry who spoke about the need to try to encourage people away from the use of diesel cars to hybrid cars. In the case of one particular brand, 4% of new passenger vehicles sold in 2015 were hybrid. In 2016, this had increased to 12% of passenger vehicles sold, and if we look thus far in 2017, 28% of all new passenger vehicles sold are hybrid. The general population realises fossil fuels are not never-ending and we need to look to a new way of ensuring we have sustainable energy to power our homes, businesses and cars. However, the Government is not responding.

A number of years ago, I went with my party leader to Denmark, which is possibly a world leader in how it has embraced renewable energy, particularly in how it has embraced wind energy. It took its lead in the 1970s when there was an oil crisis. At that stage it stated it would not be dependent on a resource over which it had no control. It started to diversify away from fossil fuels to wind energy. Now, more than 30% of its overall energy is from wind. A large propor-

tion of this is wind on land. In latter years it has moved to offshore wind energy. As someone who was very much a vocal opponent of wind energy a number of years ago, I visited a number of wind farms, and they can work in the right locations. With the advance of technology, we can address the issues of noise and shadow flicker and the concerns of the people. However, the only way they can be addressed is to consult people, listen to their concerns and show them where international best practice works.

Unfortunately, there are people in our country who will say they want wind turbines but not in their own location. This is a fact. There are also people who will use and exploit people's fears for their own political gain. This is a fact. As national politicians and legislators who want to ensure we can make a lasting difference on the future, we need to ensure people are informed of the facts and that we have proper legislation and proper guidelines in place to ensure people's lives are not severely and negatively impacted. The Government has failed to do this.

There is plenty in the Bill that is very positive but there are elements of the Bill about which we have concerns. One of these elements is that the Bill states all locations for proposed wind turbines must be designated in county development plans and be consistent with the plan. This is all very well in certain parts of a county. I do not know what part of Laois Deputy Stanley lives in, but where I live in Westmeath is two miles from the Longford border. There are people who live much closer to various county borders. A plan adopted in one county might not necessarily be the same plan adopted in the county beside it. It might be at total variance to that of the county beside it. A person living near a county border might be more adversely affected by the plan adopted in the county across the border than the plan of the person's own county. It is important we have a national policy on this. Each county should not work in a silo or in isolation. We need a national policy, which is why I urge the Government to be upfront and straight, tell the people what it is doing and listen to the suggestions that have been made.

Something that made a huge difference to engaging with officials in Denmark, where we visited a number of years ago, was that people had local buy-in. The reason they had local buy-in was they had a tangible benefit from the renewable energy. I am not speaking about a multinational company coming in and giving €10,000 to sponsor sports jerseys. While this would be very welcome by a local GAA club and it would do good work in the community, what was done in Denmark was a co-operative style system was put in place and the local people benefited from cheaper electricity. This is not what was proposed originally by the previous Government, which was to export the energy across the water, with no tangible benefits for the people who would have to see the turbines being erected on their land.

We need to set a required distance from any residence. We need strict noise controls and to restrict shadow flicker but I believe wind farms have a role play in the right locations, including inland. More important, we should be considering the role of offshore wind energy generation.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English):** I welcome the opportunity to discuss further this important issue. I acknowledge the contributions of Deputies on the Bill, as proposed by Deputy Stanley. This issue generates much interest and debate among all relevant stakeholders, interest groups and the wider community. It is certainly worthy of discussion here. That is why we are to have consultation over the coming months.

Deputy Stanley is correct that it will take about six months to go through the whole process. The initial phase will involve the strategic environmental assessment, SES. That will start

tomorrow. We will get it moving then. The process is now under way. It is important that we have it and that we discuss the draft guidelines.

While I note the merits of some provisions of the Bill, as mentioned, the Government has already committed to addressing most of the issues raised in the Bill as part of the ongoing review of the 2006 wind energy guidelines. We believe this is the appropriate approach. I recognise the Deputy's Bill was produced in good faith but that is our view. Statutory planning guidelines are the most appropriate way to deal with these issues rather than primary legislation, as proposed. In this regard, ministerial planning guidelines issued under section 28 of the planning Act provide sufficient flexibility in the application of the advisory nature of the guidelines at local level while also ensuring consistency of approach, having regard to relevant national Government policy, particularly energy policy. In the proposed revisions of the guidelines, as contained in a preferred draft approach published in June of this year, the Government aims to strike an appropriate balance between addressing the concerns of local communities regarding wind farms, with which concerns I am very familiar as I represent areas that are greatly affected and in respect of which I have had ongoing discussions, and the need to invest in indigenous renewable energy projects for the purpose of enhancing our economic and environmental sustainability while also assisting in the achievement of our EU climate and energy targets. People want to achieve the targets because they represent the right thing to do. Deputy Eamon Ryan addressed this. Irish people believe in this but it is a question of how we manage and balance our energy development and do what is right in the right places. That is what the guidelines will attempt to achieve.

A particular focus of the preferred draft approach is to underpin the principle of early and active engagement by developers of wind farms with local communities, combined with the provision of community benefit measures in locations where wind farms are proposed. Even when I was a counsellor, I always encouraged engagement with the community from day one with regard to any proposal or development. One should get the balance right, obtain support and try to bring the community with one when one can. It is possible in most cases because most people are reasonable. There are fears, however, so there is a duty to do all that can be done to allay those fears.

The development of projects is carried out quite well in other countries. We have done it well ourselves in many cases but it is a question of enhancement and streamlining our approach to ensure communities gain and do not suffer. That is the most important part.

The preferred draft approach also proposes stringent noise controls consistent with WHO standards, the establishment of a robust noise-monitoring regime for wind farms, the elimination of shadow flicker through inbuilt automated control mechanisms on wind farms, and the introduction of revised setback distances from residential dwellings to protect visual amenity. These are all possible because of technology changes. What people would have called for years ago is now possible. There is no reason to be having this debate on shadow flicker. We can deal with it and put it to bed. That is what we should do.

All these proposals will be subject to a strategic environmental assessment, as required by EU legislation, including a public consultation process, before they are finalised. That process will be kicked off tomorrow. I hope we will be at the implementation stage in November after the tenders are dealt with in the month of October. All the provisions in the Deputy's Bill are being addressed as part of other policy initiatives, such as the renewable electricity policy and development framework, being developed by the Minister for Communications, Climate

Action and Environment, Deputy Naughten, and his Department. It will incorporate policy in line with EU requirements in regard to potential future energy exports, thereby setting updated national policy in this regard. Also to be considered is the renewable electricity supply scheme, RESS, which is to be finalised in the coming months. It is aimed at fostering and strengthening concepts of community participation and ownership in renewable electricity projects while further supporting the community benefit concept, as proposed in a preferred draft approach.

There is a further aspect of Deputy Stanley's Bill that I would like to address but which I omitted in my intervention earlier this evening. It relates to section 7, pertaining to transitional provisions that would require existing wind turbines already operating and well established in local communities to comply with the ten-times turbine height setback distance proposals in section 6 within a 12-month period after the enactment of the Bill. These provisions would entail existing wind turbines either having to be reduced in height in their current locations or moved to other locations in order to comply with the setback requirement. The proposal in the Bill in regard to existing wind turbines is not feasible from either a legal or practical perspective. I acknowledge the Deputy's intentions but there are State obligations to be adhered to. We must be careful that we manage these.

As I have outlined, many of the provisions of the Bill have already been addressed in the context of the ongoing review of the 2006 guidelines and in policy initiatives being progressed by the Department of Communications, Climate Action and Environment and its Minister, Deputy Denis Naughten. I accept that this has dragged on for a long number of years. Deputy Jan O'Sullivan referred to her time in my Department. This has been going on too long. The agreement reached in June of this year with the two Departments and two Ministers on the preferred approach is a welcome step and an important milestone. Tomorrow will comprise a part of that, in addition to what will occur in the months ahead. It is time to end this conversation, make decisions and offer people some certainty with regard to plans and proposals. It is important that we do so.

I am confident that the review of the guidelines and the other Government policy initiatives mentioned will collectively provide for a clearer, balanced and more robust system of appropriate controls for wind energy development. Accordingly, I wish to confirm that the Government is opposed to the Bill at this stage because of the proposals we are involved with. I hope that is understood by most people.

**Deputy Brian Stanley:** I listened carefully to the replies. Many of the issues were raised in the debate. Populism was mentioned. We should be very clear that my party regards wind energy as part of the solution. We do not have a method of storing it. What we are doing here is setting out a set of practical proposals. I have read the Fianna Fáil proposals. In fairness, that party set out criteria for setback distances. We disagree with it and believe we should go a bit further. It is not a populist position. I explained earlier the amount of land available with even a 2 km setback distance, based on research from National University of Ireland, Maynooth. It is substantial. There are thousands of square kilometres available with a 2 km setback distance. With a 1 km or 1.25 km setback distance, which is what we are talking about, it multiplies several times. Let us blow away the land use argument once and for all. This is not about populism.

On populism, I do not wish to have a go at either Fianna Fáil or Fine Gael but I do want to point out to the Minister of State and Deputy Dooley-----

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**Deputy Damien English:** I did not mention the word “populism”.

**Deputy Brian Stanley:** In County Laois, the councillors of both parties voted to have no wind farms anywhere in the county. They left Laois County Council open to challenge by wind farm developers. Guess what: two wind farm developers are now preparing legal action against the council on foot of the action of the Fianna Fáil and Fine Gael councillors. At the meeting on the local property tax over a week ago, Fianna Fáil and Fine Gael councillors proposed to add an extra €120,000 to the local property tax bill, the household charge, not for roads, footpaths, public lighting or libraries, on which Mr. Phil Hogan told me the money would be spent, but to pay the legal bill as a consequence of their actions. The two Sinn Féin councillors believed we should zone a small number of areas in the county for wind farms. They pointed out what was going to happen in terms of leaving the local authority open to challenge. The Fianna Fáil and Fine Gael councillors said they will let the Minister do the heavy lifting and that he can be blamed. The parties need to stop talking from both sides of their mouths.

**Deputy Damien English:** I did not mention the word “populism”. I purposely avoided picking on the Deputy or mentioning populist decisions. If he wants me to go there, I will do that.

**Deputy Brian Stanley:** Fianna Fáil did.

**Deputy Damien English:** The Deputy should please stop wagging his finger at me. I did not mention the word. If the Deputy wants me to go there, I will, on many issues.

**Deputy Timmy Dooley:** Lest there be any doubt, I did not level an accusation of populism directly at Deputy Brian Stanley.

**Deputy Brian Stanley:** I accept that.

**Deputy Timmy Dooley:** It is something that emerges through the political sphere. I just talked about a desire not to go there.

**Deputy Brian Stanley:** Could I continue without interruption? The fact is that we have to use wind as part of the solution. I am merely pointing out that the Government needs to line up a position. Fianna Fáil and Fine Gael cannot have one position at local level and a different position at national level. I circulated our position five years ago throughout our party, and we try to get a joined-up approach at local level.

I welcome the proposals from Fianna Fáil. We believe it should go further. We have produced research to show that there is sufficient land with a 1 km or 1.25 km setback in order to provide substantial wind farm developments.

We are not saying our Bill is 100% perfect. This is Second Stage of legislation into which we put a lot of effort, research and work, and it was legally proofed. We are not pretending we have all the answers and I would never be so arrogant as to say that. We spoke to environmental groups and people working in the industry, and we believe it is a good starting point. The House should allow the Bill to proceed to Committee Stage where amendments can be put forward. This is our opening shot, and I say that in a very constructive way.

I welcome that the Minister of State said the tendering process for the SEA is commencing tomorrow. That is good news. I do not know what triggered that for tomorrow. Perhaps it is a coincidence, given that we are debating this Bill today. I welcome it. We need to move on.

Deputy O'Sullivan, who is a former Minister, said we started the process in 2013. I remember it. Commissioner Phil Hogan was here at the time. We are in 2017, with only a few months left to 2018, so let us move on. Wind farm developers are building in the meantime.

The Green Party put forward a case against the Bill, and I accept it is genuine in what it believes. It left out many other sources of energy, such as anaerobic digestion and hydropower. I know hydropower has its limitations. Deputy Ryan did not mention other sources of energy. We agree that, based on our information from the industry, offshore energy is getting cheaper and we should drive on that process with gusto.

We on this planet have not as yet sussed out a way of storing wind, which is a major problem. The greatest demand for energy is during periods such as the big freeze we had a number of years ago. There was significant demand on the grid, but there was no way of storing wind energy. The nights and days were calm and there was no wind, but there was heavy frost.

Many parties, including those in government, have referred to ownership. The Minister of State said it should be encouraged. We are saying that it can be offered, or it could be mandatory. If people wanted to take it up, they could do so. There is a fair amount of agreement on this area.

We had a discussion on setback distances. The Minister of State said research is being done on offshore energy, which needs to be accelerated. There is chaos in the wind farm industry, and we need to bring some order to it. The Bill proposes to put in place a planning and regulatory system to make sure we have orderly development and do not make the same mistakes as we have in other industries. We cannot just plough ahead.

I refer to the SEA process. It is good that tenders are proceeding.

The 4 km setback provision is not adequate, and I say that sincerely. We have shown that a lot of land is available. Our proposal is for 10 km and Fianna Fáil proposed a 6 km limit. We need to have a discussion.

Deputy Troy mentioned the community dividend. It is not good enough to allow major wind farm developers to sponsor a set of charities or local clubs. That is tokenism and is simply buying off communities. It is not real community participation. I referred to Templederry, with which I am sure the Minister is familiar. I am sure he will agree it is a shining example of community buy-in and ownership. We want real community participation.

I refer to climate action and what happened in Inishowen. I was in the area during a weekend and returned on Monday. On Tuesday morning, the heavens opened. I have been told that there has never been such serious flooding on the Inishowen peninsula. We have seen the damage done along the Shannon, something with which Deputy Dooley will be familiar given that he lives in a county which is on the banks of the Shannon, County Clare. There was significant flooding in the area. The same happened in County Roscommon, which is Deputy Fitzmaurice's county. There have been significant problems in my area of Laois-Offaly.

We have to deal with climate change. We have international obligations which Sinn Féin takes very seriously. I plead with the Minister of State and the Government to move on in terms of developing renewable sources of energy. I mentioned anaerobic digestion. It would be an opportunity to solve a problem in the agricultural sector and create jobs and wealth. It would reduce our greenhouse gas emissions.

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We all need to understand that the future will involve multiple sources of electricity supply. Wind, with a big bang, is not going to do it. We can no longer rely on oil, something other countries have copped on to, and we have to bring into play very quickly a suite of options, including solar energy. It is an area on which we are very slow to pick up. We must move ahead with solar power and connect panels to the grid. We must start putting them on top of new schools and large cattle sheds which are being built. Some cattle sheds cover an acre with south facing sloped roofs. All of them should have solar panels. Let us move ahead and agree on that point.

I hope the Minister of State will have a change of heart and let the Bill go to Committee Stage where we can have a debate and discuss amendments to improve it.

Question put.

**Acting Chairman (Deputy Eugene Murphy):** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 28 September 2017.

The Dáil adjourned at 7.40 p.m. until 2 p.m. on Tuesday, 26 September 2017.