



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Dé Céadaoin, 18 Deireadh Fómhair 2017*

*Wednesday, 18 October 2017*

Chuaigh an Leas-Cheann Comhairle i gceannas ar 10.30 a.m.

*Paidir.*

*Prayer.*

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### **Water Services Bill 2017: Second Stage (Resumed)**

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

**Deputy Michael Fitzmaurice:** Obstacles are being put in front of Irish Water such as in Lough Talt in Sligo where it is willing to put in a new system to upgrade the water quality because of the danger of trihalomethanes, THMs. Water has been extracted here for 30 or 40 years by Sligo County Council but now, because of new regulations and even though the same water is coming out today, the council will not give Irish Water an extraction licence, which is absolutely crazy.

Water pipes remained safe but if anything was learned from the storm in the last few days it was that there was a problem with electricity not being restored quickly. Obviously, reservoirs would not be big enough to keep many parts of the country going for a few days, especially in large urban areas. We were caught out in a few places. This should have been done years ago. It is not just about Irish Water in that the councils should have backup generators to ensure we were able to keep the flow of water going. This is one lesson that needs to be learned from the storm in certain areas. In fairness, however, people have been on the ball and things are up and running again in most regions. I believe it was an oversight.

Maintenance of the lines is also an issue. Down through the years it is the one thing that has not been done. Anybody who understands the water system will know that one must scour the lines. This is the cleaning of the lines from A to B to C right to the end of the pipe. Unfortunately, in Ireland we do not seem to have a proper programme for doing this. Many places appear to be understaffed; they are busy doing connections or making sure other problems are sorted. Line maintenance, however, does not seem to be done. This is why Deputies get calls from people telling us about dirty water or little molecules in their water. The lack of line maintenance is the reason for this. If it was done on a three-monthly basis, four times per year, we would have absolutely no problem in many cases. It has not been done down through the years; it is not only now. A proper programme needs to be set up.

I have worked in the water sector for many years and Ervia gives the impression that the paperwork seems to have multiplied by a thousand. From my understanding of the Bord Gáis Energy side of Ervia, they love paperwork also. The Department should make sure we address this situation. There are many smaller contractors in the State who, because of the recession, would not have had a big turnover in recent years. The money was not being spent. They then had to reach certain thresholds to tender for contracts. In so doing, we were cutting it down to just a few contractors. I believe this is by design. The small contractors covered all the group water schemes and the public schemes right around the State. There may have been ten in each county. These smaller contractors are now being sidelined and are being made into sub-contractors, because one big crowd has taken it over. This costs more money because everyone has to have a slice of the loaf. We should make sure that everybody is given an opportunity. We must remember the amount of work that has to be done and that it will give employment to areas. There are water pipes everywhere around the country and it will give employment to people in all regions but the culture of paperwork is an issue. When I worked in the water sector, I remember bringing pipes right around Ireland and I saw some of the biggest pipelines being laid. Nowadays, the volume of paperwork required to be completed before even a bucket is put in the ground is so unbelievable people are tearing their hair out over it. We need to look at how our processes can be simplified.

Another issue is the delay in the granting of permission to order equipment such as pumps and so on. While most small operations would have at least one spare pump and larger ones would often have two often by the time permission is granted to order a new one the spare one is also out of action and panic ensues. This is pure stupidity in terms of how the process operates.

I would like the Department, and in particular the Minister, to address a situation in the west. Decisions on group water schemes by Galway County Council have slowed down dramatically. I am not blaming the council for this. I understand that owing to absences due to illness and staff transferring to other areas of work within the council there is only a skeleton staff in Galway County Council. In one case involving an upgrade of a group water scheme, all of the paperwork is done, the contractor is in place and ready to go but three months on, the project still has not been given the go-ahead. This should not be happening and it must be addressed. In another scheme, a massive leak has been identified. This scheme is fed by a public scheme. A consultant was hired to complete all of the paperwork and everything is ready to go but the letter giving the go-ahead for this work is not forthcoming. The longer the delay the more water is wasted. In Ballyhard, which is just outside of Glenamaddy, a leak was identified almost nine months ago. The go-ahead for work to commence on the installation of valves in the roads where the leaks are occurring is still awaited. This needs to be addressed. What is happening is a disgrace. I accept that there will always be staffing issues in councils but we need to ensure that there is sufficient staff in place in all of our councils to deal with the group water scheme sector.

Another issue that I would like to be addressed by the Department, in respect of which it can work with the communities, is the provision of funding for sewerage systems in small towns. To be blunt, there is raw sewerage going into many of the rivers in our small towns. Communities will work with the council, including through the community involvement scheme. Communities are willing to work with the councils. This funding needs to be provided, such that we can focus on improving our water quality.

The delay in the Department of Communications, Climate Action and Environment making a decision on the slurry situation, which forced farmers to spread slurry on a plain of water, will

result in a worsening of water quality throughout Ireland. As a result of the rigamarole that went on in the Department around prioritisation for inspections and payments, many farmers would not even contact the Department. The Department will do everything in its own time, let us not cod ourselves about that. The slurry has to be spread but the manner in which the Department dealt with the matter was a disgrace.

The issue of upgrading group water schemes needs to be urgently addressed. I hope that the National Federation of Group Water Schemes will properly represent its members and ensure that what is good for the goose is good for the gander. In other words, it must ensure that people on the group water schemes are given the same hearing as the people on the public supply.

There is another situation emerging throughout the country in regard to septic tanks. A person whose septic tank is joined up to the main sewerage system is not charged for that pipe work. There is a grant system in place in regard to septic tanks in rural areas but let us be clear that the grant system pertains only to the 5% the EU wants us to look at. Outside of that, people are being screwed for €10,000 to €15,000, which in my opinion is disgraceful. We need to ensure that we alleviate the pressure and hardship on such people. I have met pensioners who are barely surviving yet they are being told they have to install fancy treatment plants and have other jobs carried out that cost €10,000 to €15,000. For a person living in Connemara, where one would have to bring in clay etc., the cost could be €20,000. If we are to be fair to all people, this must be addressed.

**Deputy Gino Kenny:** This month marks the third anniversary of the biggest mobilisation this country has ever seen. Over 150,000 people mobilised three years ago against water charges. I was one of those people. At that time the former Taoiseach, Deputy Kenny, said that this was about more than just water charges. He was right. The people of this country had had enough. They had reached breaking point. During the march, I knew something had changed dramatically in the psyche of working people. They had had enough of austerity. Water charges was the straw that broke the camel's back.

Defeat is contagious. If one is constantly defeated, one gets very down. However, in this case the contagion turned into resistance and a confidence in working people. Since then, there have been nine further anti-water charges marches, which have been fantastic. They brought hundreds of thousands of people onto the streets. This gave people confidence and a sense that they would not be constantly defeated. It was great to be involved. From my point of view it politicised, radicalised and mobilised people such that they were confident they could defeat the water charges, which was extremely important. In a parallel universe, had the Government side won and water charges had been introduced, this would have led to a sense of defeat among my generation and the next generation. It is hard to rid oneself of a sense of defeat. When one is constantly defeated one is crippled by the feeling that one cannot do anything or resist anything.

Overall, we have defeated water charges. I have no doubt about that. This Bill, more than anything else, is a face-saving exercise. What defeated the water charges was people power. People mobilised on the streets, in their communities and in their workplaces through many forms of resistance, including marching and blocking entrances to estates - in which I was involved along with other residents in Clondalkin - so that Irish Water could not install meters. This action and the boycott of water charges were key in defeating water charges. Fianna Fáil often makes the point that it was the catalyst in the defeat of the water charges, which is laughable, because it was people power that did so.

It is great that water charges have been defeated. However, this Bill leaves the door open for future water charges. There is no doubt about that. The Bill is deliberately vague on excessive use and could be open to change in the future. Over the past 35 years we have always been open to the idea that water charges would be introduced in some manner. The key thing is that they will be defeated. They have been defeated now and they will be defeated in the future, which is good.

During the water charges debate over the past four or five years, certain things stick out in people's heads. One of the major things was people power. Sticking out in my head - they probably come back to haunt Fine Gael - are the words of Phil Hogan when in May 2014 he very arrogantly said that people's water would be turned down to a trickle but it has not been. The great thing is that the Bill before us has turned the Government's water charges to a trickle. People power has defeated the water charges. In my eyes resistance is never futile.

**Deputy Ruth Coppinger:** It is strange that we are here on a quiet morning with very few people present for a debate on what was one of the most politically toxic issues in Ireland, the issue of the water charges. It must stick in the craw of the Taoiseach and a number of other people at the top of Fine Gael to have to refund people and effectively declare the end of water charges.

I will split my speech in two. We should deal with the scale of the victory and what has brought about this position. Three years ago the now Commissioner, Mr. Hogan, threatened that anyone who did not pay their water charges would have their water turned down to a trickle. The original proposal for water charges could have amounted to almost €900 for some families based on the original plan. People rebelled and revolted against that and the then Government was forced to make massive concessions.

Water charges came following a period of austerity when the establishment might have believed it would get away with it because there had not been that much opposition. Unlike in other countries, the trade union leadership did not put up much opposition to seven or eight years of austerity. The key factor in the water charges was that the people themselves had the power to withhold payment of the water charges. That was the decisive thing. People felt they had control over the issue and it was something on which they could make a stand. They did not have to wait for a signal from others. I pay tribute to the hundreds of thousands of people who took the decision to boycott - a word invented in this country - these charges as the most powerful way to get them abolished.

Then, of course, we had the mobilisations like we have not seen in at least a generation. The only comparable marches in history were the tax marches in 1979 and probably the anti-war marches in the early 2000s when huge numbers of people turned out on the streets. The scale of the marches against the water charges took the previous Government by surprise and shook it to its core.

The role of the Labour Party needs to be taken into account here. The Labour Party is obviously not in this Government, but shamefully it was central to the introduction of water charges in the previous one, having given a pre-election commitment that it would oppose water charges in the infamous "Tesco" advertisement that will be emblazoned on the tombstones of a number of Labour Party Ministers from that time. That kind of absolute lie aroused the anger of many people.

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The legislation before us abolishes the water charges, as they were, and abolishes any arrears people may face. The late-payment fees made in an attempt to force people to pay are gone. We now have refunds for elderly and other people who were bullied into feeling they had to pay. Those of us in Solidarity and People Before Profit along with a handful of others were the first to raise this and argue that refunds should be paid. This represents a very important victory for the anti-water charges movement given that the then Government was refusing to refund.

A big element in this debate, as reflected in Deputy Cowen's comments, is why it happened. This is completely and utterly down to the mass revolt that took place in Irish society on the water charges, forcing the political parties to change. Deputy Cowen shamefully made a comment about street thuggery; it is called democracy. People have a right to come out on the streets and vent their opposition to or support for a political issue. There was resistance and opposition to the imposition of meters. Crucially, there was organised non-payment with 73% refusing to pay in full.

One of the consequences was the shift in positions by Fianna Fáil, which having agreed this in a memorandum of agreement with the troika, was then forced to put up posters, including in my constituency, calling for Irish Water to be abolished. Its election manifesto clearly called for the abolition of water charges. That is how political parties are forced to change their positions and other people should take note regarding other social and political issues in society as to how it is done.

We do not have full and unambiguous victory because the Government has chosen to leave the door open on excessive water usage. Some might argue it is to give itself cover regarding the EU. Others would argue that this is something that will happen, just not right now because it is still politically toxic. The idea that the Government will suddenly reintroduce water charges in a year or two and face the type of opposition it did in the past three years is untenable. However, it leaves the way open in the future for a government to attempt to change the definition of excessive water usage. I am particularly amazed at how this could affect four-person families. The latest census indicated that between 400,000 and 500,000 young people under 30 are living with their parents. The number of four-person households has increased due to the horrific housing crisis which this Government and its predecessor inflicted on people.

How could that work? It means that a four-person household does not get the same allowance per person as a single individual. How is that discrimination allowed to take place? It is a bit like the original water charges proposal. It presumes a household with more people uses less water. Are people sharing baths and showers or what? It is just ridiculous. That is something that can hit many families, particularly those with students who are not earning money and living at home right up to their 30s. We will certainly table amendments on that on the next Stage.

According to the expert commission, the average water usage here is 125 l per person per day, compared with 140 l per person per day in Britain.

There are certainly water meters in England and Wales. Private water companies run the whole network in England, but the idea that water meters lead to reduced usage has not been proved. There are many similarities with Britain. Therefore, the excessive usage of water is not widespread here. Making that argument again is an attempt to make out that ordinary households are the problem when we all know that leakages are the problem. The national rate for

unaccounted for water of 40% is scandalous. In council areas where work has been done on this issue, particularly in some of the Dublin local authorities that have newer housing estates, the rate has been reduced to 26%. Obviously, we will never be able to reduce it to 0%. Where work has been done to reduce it, it works, yet the previous Government, in particular, rather than ensuring pipes were fixed, came out with a sledgehammer and tried to put the blame on ordinary householders. In the case of Fianna Fáil, we could have had it wiped out and eliminated completely. It could have made it an absolute political red line, but it chose not to do so. Therefore, it is simply not true to argue that the only people who will have to pay water charges will be water wasters.

I agree with Deputy Jan O'Sullivan that the timeframe for this measure is very suspicious. The fact that it will not take effect until July 2019 shows the reality. The Government is terrified of introducing anything to do with water charges before a general election. It has the figures for consumption and could introduce this measure tomorrow. However, it does not want to do so because, as was said, the issue of water charges is politically toxic and it will stay politically toxic for many years. Some 40% of homes have still not been metered. In those circumstances one has to question whether the Government will seriously go for this measure in another year and a half. If both it and Fianna Fáil do so, they should have no fear. They will be beaten again by a movement that has experienced victory on this issue and that movement can and will beat it again by using the same tactics and strategy it employed previously.

On some of the amendments the Solidarity group will bring forward on Committee Stage, we will propose that a new section be inserted into the Bill to abolish Irish Water. There is no need to have it as currently constituted. There could be a central organising entity, but certainly there is no need for company directors with bonuses, etc.

We will propose the insertion of a new subsection to provide for something like a swimming pool tax to be considered within six months of the Act coming into effect to levy a charge on the very few who use massive amounts of water. As there are no conservation measures proposed in the Bill, we will propose the undertaking of a public information campaign and an education programme in schools and third level institutions on the use and preservation of water resources. We will propose the deletion of any reference to excessive water usage which we believe potentially allows any future Government to reintroduce water charges.

We will propose the insertion of a provision to provide for investment in the pipes network and an upgrade of the network. We will also propose the establishment of a grant to allow domestic households to take part in water conservation measures such as the installation of dual flush systems, the conservation of water in containers, etc., when houses are being built.

We will propose that the membership of the water forum be completely transformed to allow for community and trade union representation and so on to enable people who use the water network to participate. We will also propose that its membership include a representative nominated by the trade union movement. This would ensure the protection of workers' rights and could act as a check and a brake on excessive bonus payments. The person concerned would be a representative of ordinary workers.

The Minister of State should listen, given that he refused to listen previously, to the arguments in favour of these amendments when they come up for consideration. We know that on previous occasions when water Bills were introduced, they were shoved through the Dáil. I remember being here and they led to massive problems and massive opposition. The Minister of

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State should take on board the amendments, wave the white flag on the issue of water charges, put it behind him, move on and let the people move on also.

**Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan):** I reassure the Deputy that I am listening. I was not in this position previously to not listen, but it is hard to listen to some of the jargon of 1970s Trotskyism which overhangs some of the commentary we heard from the two previous speakers. That is not to say, however, that some legitimate concerns have not been raised.

**Deputy Ruth Coppinger:** Opposition to water charges is Trotskyism.

**Deputy John Paul Phelan:** Interestingly, in her concluding remarks the Deputy said she was in favour of water charges for those who used water excessively. She mentioned the introduction of a swimming pool tax and that there should be a charge. That is the first time I have heard anybody in the Socialist Party say in this Chamber that there should be a charge for those who use water excessively.

**Deputy Ruth Coppinger:** For swimming pools. We have said it previously.

**Deputy John Paul Phelan:** That makes an interesting change.

I thank the staff of Irish Water and the local authorities who are working, have been working in the past few days and will be working for the next few days to restore water services, including wastewater treatment, to houses and businesses across the country that have been affected by Storm Ophelia. It is only when major events like this happen that they receive the praise they rightly deserve for the work they carry out.

I thank those who contributed to the debate. I was here for much of it. It took place for several days and there were many contributions. I will pick up on some of the issues raised by speakers earlier in the discussion.

On the possible holding of a constitutional referendum to enshrine the water system in public ownership, let me reiterate the Government's commitment to engage further with the Oireachtas Joint Committee on Housing, Planning and Local Government on the issue. I recognise that some members of the public and some Members of the Oireachtas have genuine concerns about the ownership of public water infrastructure. The Oireachtas Joint Committee on the Future Funding of Domestic Water Services acknowledged these concerns in its report, as did the Government in not opposing Deputy Niall Collins's Bill when it was brought before the House last November.

The Minister, Deputy Simon Coveney, appeared before the Oireachtas Joint Committee on Housing, Planning and Local Government in May to discuss the complexities of the wording of any constitutional amendment. The Department and its three Ministers are working with the Office of the Attorney General on the issues involved. Among the issues to be considered are the challenges of the wording, given the range of categories of infrastructure ownership - private boreholes, private group water schemes, private group water schemes that source water from the public network and water infrastructure located on privately owned land which is quite common throughout the country; achieving a balance between the principles reflected in the Constitution and more detailed policy which should be reflected in legislation; and addressing the risk of unintended consequences, which relates to possible impingement of individuals' rights to private property which are strongly protected in the Constitution. Once we and the Of-

office of the Attorney General have concluded our work on these issues, we will be able to engage further with the Oireachtas joint committee.

Several Deputies referred to the Oireachtas joint committee's recommended review of investment needs for the rural water sector. I am absolutely committed to holding this review to ensure the group water scheme sector will have a vibrant, sustainable future. The Minister, Deputy Eoghan Murphy, assured the National Federation of Group Water Schemes of this when he met it and also at the recent rural water services conference. The Department has held initial discussions with the sector about the review and I intend progressing this at the earliest opportunity.

Another issue raised was the levy on excessive use of water. The approach being taken is in line with the recommendations of the joint committee. The main point to emphasise is that the excessive usage provisions will apply to all households, not only households that have a meter. As recommended by the joint committee, wasteful water use should be monitored by using district water meters, existing infrastructure, which includes domestic water meters, and modern technologies. It is important to highlight that Irish Water will give customers six months to eliminate excessive usage. In the case of larger households and those where excessive water usage is caused by medical needs, the Bill provides an extra usage allowance for households of five persons or more and makes provision for households where excessive water usage is due to medical needs to apply for an exemption from the levy.

It is vital that we retain the incentive for households to conserve water. Approximately 8% of households, according to 2016 metering data, are consuming more than one third of all water supplied to domestic households. This is an astonishing statistic. This is primarily due to leakage, which is a waste of water all taxpayers will have to fund if we do not directly levy households responsible for this excess. Retaining this dissuasive incentive is critical to conserving this precious resource, reducing leakage and helping us to meet our obligations under the water framework directive.

As the Minister outlined in his opening statement, the objective of the Bill is to give funding certainty and clarity to Irish Water about how we fund domestic water services. There was criticism that the new funding model does not give multi-annual certainty to Irish Water. However, Deputies must recognise that there is an annual budgetary process and all allocations are subject to the annual Estimates process.

The new funding and policy framework will, however, give greater confidence to Irish Water to plan and deliver major projects such as the Cork lower harbour main drainage scheme to end the practice of discharging raw sewage into Cork's inner harbour area or the Stillorgan reservoir and Vartry water supply scheme projects, both of which involve modernisation of infrastructure that is more than 150 years old and each of which serves a population of more than 200,000 people.

Through the production of a national water services policy statement and Irish Water's strategic funding plan and within the context of the economic regulator's approved water charges plan, the Government will be well placed to allocate the appropriate level of funding to Irish Water. This will enable the company to continue to deliver important initiatives to improve water quality, protect water sources, reduce leakage and increase spare capacity, as well as address the major deficit in wastewater treatment capacity which resulted in raw sewage being discharged directly into local waters at 42 urban areas as at the end of last year.

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As Deputies will know, one of the key elements of the Bill is for refunds of domestic water charges to be paid to Irish Water customers. This important provision is in line with the recommendations of the joint committee relating to equity and fairness. While the Second Stage debate has taken place over a three-week period, which is perhaps somewhat longer than anticipated, I reassure the House that Irish Water will commence making refunds as soon as the Bill is enacted and the process will be administered as quickly as possible.

On water conservation and its role in the Government's water sector reforms, conservation has always been, and will continue to be, central to water sector reform. It was for this reason that we introduced a metering campaign, Irish Water rolled out a first fix programme which had delivered 89 million litres of water savings per day by the end of last year, and the utility is implementing a leakage reduction programme which will involve more than €500 million in investment in the four years to the end of 2021. Increased water conservation plays an important role in increasing security of supply. The leakage reduction and first fix programmes as well as other initiatives will continue to form part of the conservation agenda.

We need to provide funding clarity and certainty to the water services sector in order that it can deliver a public water system that provides a secure, safe supply to homes, communities, the water-intensive industries that sustain approximately 400,000 jobs and the wider economy. We need to provide funding certainty in order that we can address the major deficits in urban wastewater treatment so that public health and the aquatic environment are protected. This is vital to communities' quality of life and the future management of water.

By supporting the Bill, the House will support a strong funding and policy framework for water services and enable us to aspire with confidence to achieving a modern public water and wastewater system fit for a modern society and economy.

Question put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 18 October 2017.

### **Legal Metrology (Measuring Instruments) Bill 2017: Order for Report Stage**

**Minister of State at the Department of the Taoiseach (Deputy Helen McEntee):** I move: "That Report Stage be taken now."

Question put and agreed to.

### **Legal Metrology (Measuring Instruments) Bill 2017: Report and Final Stages**

Bill reported without amendment and received for final consideration.

Question proposed: "That the Bill do now pass."

**Deputy Maurice Quinlivan:** I thank the Minister of State for introducing the Bill. I will make only a brief comment as we discussed previously this short and unopposed technical Bill which transposes two sections of a directive to harmonise the laws of European Union member states relating to the making available on the market of measuring instruments. I have become

acutely aware of the importance of measurement instruments since the Bill was introduced. The everyday protections they provide range from ensuring tourists are protected by taxi meters when visiting the country to drivers paying for the exact amount of fuel they use when filling their cars to families being able to trust the figure for gas use displayed on their meters.

I commend the members of staff of the Library and Research section on the work they have done on this topic as their work allows Members to become informed on unfamiliar topics such as legal metrology.

I note the deadline for the transposition of the Bill is substantially overdue, although I appreciate the Minister of State was not responsible for this delay. I welcome the Bill and hope it will be passed.

Question put and agreed to.

### **Criminal Justice (Victims of Crime) Bill 2016: From the Seanad**

The Dáil went into Committee to consider amendments from the Seanad.

Seanad amendment No. 1:

Section 1: In page 5, line 21, to delete “provisions” and substitute the following:

“provisions; and, in particular, *paragraph (b)(ii)* and *paragraph (d)* of *section 29* may be brought into operation on different days for different courts and for different circuits and different district court districts”.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Seanad amendments Nos. 2 and 23 are related and will be discussed together. Is that agreed? Agreed.

Seanad amendment No. 2:

Section 6: In page 9, between lines 8 and 9, to insert the following:

#### **“Repeal of provisions of Criminal Law (Sexual Offences) Act 2017**

**6.** The following provisions of the Criminal Law (Sexual Offences) Act 2017 are repealed:

(a) section 36, save in so far as it inserts section 14C in the Criminal Evidence Act 1992;

(b) section 38.”.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Seanad amendments Nos. 3 to 8, inclusive, are related and will be discussed together. Is that agreed? Agreed.

Seanad amendment No. 3:

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Section 21: In page 25, line 2, after “understand” to insert “them”.

Seanad amendment agreed to.

Seanad amendment No. 4:

Section 21: In page 25, line 11, after “witness” to insert “or is giving evidence under section 5(3) of the Act of 1993”.

Seanad amendment agreed to.

Seanad amendment No. 5:

Section 21: In page 25, to delete line 16, and substitute the following:

“assistance to understand the proceedings, or to be understood, by way of—”.

Seanad amendment agreed to.

Seanad amendment No. 6:

Section 21: In page 25, to delete line 18 and substitute “witness or when giving evidence under section 5(3) of the Act of 1993, or”.

Seanad amendment agreed to.

*Sitting suspended at 11.22 a.m. and resumed at 11.30 a.m.*

Seanad amendment No. 7:

Section 21: In page 25, line 20, after “trial” to insert “or to a person giving evidence under section 5(3) of the Act of 1993”.

Seanad amendment agreed to.

Seanad amendment No. 8:

Section 22: In page 25, lines 38 and 39, and in page 26, lines 1 and 2, to delete all words from and including “that” in line 38 down to and including “or” in line 2 and substitute the following:

“that, during the course of an investigation of an alleged offence or any criminal proceedings relating to that offence, the victim does not require such assistance in order to understand them or to be understood, or”.

Seanad amendment agreed to.

Seanad amendment No. 9:

Section 29: In page 30, line 24, to delete “section 14B” and substitute “section 14AA”.

Seanad amendment agreed to.

Seanad amendment No. 10:

Section 29: In page 30, line 26, after “link.” to insert “and”.

Seanad amendment agreed to.

Seanad amendment No. 11:

Section 29: In page 30, line 27, to delete “and”.

Seanad amendment agreed to.

Seanad amendment No. 12:

Section 29: In page 30, to delete line 28.

Seanad amendment agreed to.

Seanad amendment No. 13:

Section 29: In page 30, line 33, to delete “Where” and substitute “Subject to section 14AA\*, where”.

Seanad amendment agreed to.

Seanad amendment No. 14:

Section 29: In page 30, lines 38 and 39, to delete all words from and including “satisfied” in line 38 down to and including “require” in line 39 and substitute “satisfied that the interests of justice require”.

Seanad amendment agreed to.

Seanad amendment No. 15:

Section 29: In page 31, line 5, to delete “sections” and substitute “section”.

Seanad amendment agreed to.

Seanad amendment No. 16:

Section 29: In page 31, line 6, to delete “**Evidence from behind a screen or other similar device**” and substitute “**Placement of screen etc. for giving of evidence**”.

Seanad amendment agreed to.

Seanad amendment No. 17:

Section 29: In page 31, lines 10 and 11, to delete all words from and including “that” in line 10 down to and including “accused” in line 11 and substitute the following:

“that a screen or other similar device be positioned, in an appropriate place, so as to prevent the witness from seeing the accused when giving evidence”.

Seanad amendment agreed to.

Seanad amendment No. 18:

Section 29: In page 31, line 14, to delete “Where” and substitute “Subject to section 14AA\*, where”.

Seanad amendment agreed to.

Seanad amendment No. 19:

Section 29: In page 31, line 19, to delete “is 18 years or more” and substitute “has attained the age of 18 years”.

Seanad amendment agreed to.

Seanad amendment No. 20:

Section 29: In page 31, to delete lines 23 to 26 and substitute the following:

“satisfied that the interests of justice so require, direct that a screen or other similar device be positioned, in an appropriate place, so as to prevent the victim from seeing the accused when giving evidence.”.

Seanad amendment agreed to.

Seanad amendment No. 21:

Section 29: In page 31, line 33, to delete “seen and”.

Seanad amendment agreed to.

Seanad amendment No. 22:

Section 29: In page 31, line 33, to delete “accused.” and substitute “accused.”.

Seanad amendment agreed to.

Seanad amendment No. 23:

Section 29: In page 31, to delete lines 34 to 41, and in page 32, to delete lines 1 to 18 and substitute the following:

“(e) by the insertion of the following section after section 14A:

**“Matters to be taken into account under sections 13, 14 and 14A regarding victims**

**14AA.** The court, in deciding—

(a) whether to grant leave under section 13(1A) for a victim to give evidence through a live television link,

(b) whether, under section 14(1A), the interests of justice require that it direct that questions be put to the victim through an intermediary,

or

(c) whether, under section 14A(2), the interests of justice require that it direct that a screen or other similar device be positioned, in an appropriate place, so as to prevent the victim from seeing the accused when giving evidence, shall have regard to the need to protect the victim from secondary and

repeat victimisation, intimidation or retaliation, taking into account—

- (i) the nature and circumstances of the case, and
- (ii) the personal characteristics of the victim.””.

**Deputy Clare Daly:** I move amendment No. 1 to Seanad amendment No. 23:

In section 29, in the inserted section 14AA proposed to be inserted by Seanad Amendment no. 23, to delete

- “(i) the nature and circumstances of the case, and
- (ii) the personal characteristics of the victim.””

and substitute the following:

- “(i) the type and nature of the offence;
- (ii) the circumstances of the commission of the offence;
- (iii) the severity of the offence having regard to any harm suffered by the victim;

(iv) the personal characteristics of the victim, including his or her age, gender, gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, communications difficulties, relationship to, or dependence on, the accused and any previous experience of crime;

(v) whether the offence appears to have been committed with a bias or discriminatory motive, which may be related to the personal characteristics of the victim including those referred to in paragraph (iv), and

(vi) where it is proposed that the victim give evidence through a live television link under section 13, whether or not the person is resident in the State.””.

As the Bill went through the Seanad the Government amended section 23, removing a number of details of the victim’s circumstances that have to be taken into account by the court in deciding whether to allow a victim to give evidence through a television link or from behind a screen etc. so as to prevent repeat victimisation. Our amendment is trying to reinsert those details. The version agreed by the Dáil was much more detailed and rightly focused on the various reasons a victim might need a special measure to assist them in court. It would be a shame to lose the helpful detail contained in the deleted subparagraphs, including whether the offence appears to have been committed with a discriminatory motive, the severity of the offence, the harm suffered by the victim and so on. The Government has amended the existing provision to the effect that only the nature and circumstances and the personal characteristics of the case will be taken into account, meaning these are the only two matters to which the court can have regard in making its decision. By contrast, Article 22.2 of the victims’ directive, which we are supposed to be transposing, outlines three aspects that should be considered, namely, the personal characteristics of the victim, the type or nature of the crime, and the circumstances of the crime.

The type of crime has not been included in section 14, amended by the Seanad and by the Government. It could be argued that the “nature” and “type” of a crime are the same but they

are not and the reason the European Commission saw fit to include both establishes that fact. It is very clear what the type of a crime is but the nature of a crime is a vaguer notion. Section 14AA states that the court shall have regard to the need to protect the victim from secondary and repeat victimisation, intimidation or retaliation, taking into account the nature and circumstances of the case, and the personal characteristics of the victim. We are seeking to list the aspects to which the court shall have regard when deciding whether or not to permit aids in providing evidence.

Article 22.3 of the victims' directive explains what is meant by the term "personal characteristics" of a victim and I have grave concerns that some of these may not be considered by the court if they are not included in the legislation. I have put them into the amendment to give the proper context and it is worth quoting the exact wording of Article 22.3 at this point:

In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable.

Section 14AA does not take into consideration the severity of the crime or the degree of harm. We are looking to reinsert something the Dáil has already agreed.

**Deputy Jim O'Callaghan:** I apologise to the Leas-Cheann Comhairle and the Minister for not being in the House but we were at a committee meeting on the Judicial Appointments Commission Bill 2017.

I had put my name to this amendment but, since doing so, I have been contacted by a helpful official in the Department of Justice and Equality, who made a number of points which I found compelling. The proposed amendment would require the court to take into account the type and nature of the offence, the circumstances of the commission of the offence and the severity of the offence. In order for a court to determine whether or not evidence should be given by television or video link, the court would need an assessment of the offence but the use of the words "nature of the offence, the circumstances of the commission of the offence and the severity of the offence" would make that task very difficult for the court. In effect, the court would have to hear evidence from the individual concerned to get information about the nature of the offence before it could reach a determination about whether video-link evidence was appropriate. The wording in the Seanad amendment is broader and allows the court to take into account the nature and circumstances of the case and the personal characteristics of the victim. The last thing anyone in this House wants to do is to put a victim through a traumatic experience in a court of law that would have the effect of aggravating the original crime. The purpose of the amendment, and the legislation, is to ensure that does not happen. We do not want to put in a provision that would make it even more complicated by requiring the court to assess the offence before invoking the procedures under the statutory provision. For this reason I withdraw my support for the amendment and I think we are better off removing it.

**Deputy Donnchadh Ó Laoghaire:** I support the amendment as there is a strong case for it. As we are transposing the victims of crime directive, it would be very valuable to have a facility such as this for people who are subject to horrific crimes and who could be at risk of revictimisation. Deputy Clare Daly rightly states that the provision in the Bill as first passed by the Dáil was broader and allowed a greater range of circumstances to be taken into account. This could

be required for a great many cases and should be considered in other circumstances too.

**Minister of State at the Department of Justice and Equality (Deputy David Stanton):** I thank the Deputy for his further input. We are anxious that this Bill be passed as soon as possible.

The new section 14AA sets out the factors which a court must take into account when considering whether a victim may give evidence through a live television link, with the use of a screen or through an intermediary. Its purpose has been to provide the court with some guidance in making its decision. In the Bill as published, this guidance is quite detailed in respect of the factors which are taken into account as part of an assessment of the victim. The amendment proposed by the Deputies seeks to retain this detailed list whereas Seanad amendment No. 23 proposes replacing it with just two factors: the nature and circumstances of the case and the personal characteristics of the victim.

Seanad amendment No. 23 was introduced following concerns raised by the Director of Public Prosecutions that the original wording would require elements of the offence to be proved before a victim could benefit from a special measure. Under the original wording, the court must take into account the type and nature of the offence, the severity of the offence and other particulars of the offence. In order to do so, the prosecution would have to call evidence of the nature, type and severity of the offence. These elements of the offence may need to be proved before the victim could be granted leave to give evidence via a video link or use of a screen or intermediary. Quite apart from the operational difficulties this would entail, in many cases it would not be possible without the evidence of the victim. In such cases, the victim would not be able to give evidence via video link, screen or intermediary.

To fix this problem, the wording was changed in the Seanad to refer to two broader factors, namely, the nature and circumstances of the case and the personal characteristics of the victim. This wording is wide enough to encompass all of the original criteria but general enough not to require evidential proof. It is already used in section 41 of the Criminal Procedures Act 1967, which has been on the Statute Book since 2001 and works well in that context. The original wording retained in the Deputies' amendment creates a barrier which the victim has to get over in order to access the special measure.

The aim of Seanad amendment No. 23 is to allow the court to consider the general nature of the case rather than the specifics of the offence. The court may also take into account any relevant personal characteristics of the victim. The amendment will make it possible for more victims to avail of the special measures.

I would ask the Deputies to seriously consider what I and Deputy O'Callaghan have said. They could actually be making things more difficult for the victim by pushing the amendment, as the victim could be called upon to give evidence. We are trying to avoid that. We want to make it easier for the victim to use the television, intermediary or screen. The amendment proposed by the Deputies would actually mean that a victim might have to come in to prove he or she would need to use the screen or special measures. That would be a self-defeating, catch-22 situation. I ask the Deputies to consider withdrawing the amendment to the Seanad amendment.

**Deputy Clare Daly:** It is interesting that the helpful official chose to telephone Deputy O'Callaghan and did not seem to try to telephone us. That might have assisted matters but we

know how new politics works.

**Deputy David Stanton:** I am informed that there was an effort made to contact Deputy Daly.

**Deputy Clare Daly:** I have an incredibly efficient office which I supervise diligently so I would find it incredible if that were the case - it would be an absolute first. In any case, I am joking slightly. I really do not mind that much, although it would have helped.

**Deputy Mick Wallace:** It might have been the day that they went to the pub.

**Deputy Clare Daly:** The Minister of State makes a very good argument. The amendment to the Seanad amendment was proposed in consultation with people who work with victims. Those from the Victims Rights Alliance, who were to the forefront of this matter, read it in the context of the Article. They viewed the changes as meaning that, for people who would previously have been included in the net to get the special measures, their circumstances would not be taken into account by the court, and that fewer people would benefit from that protection. The Minister of State's reply indicates that, in fact, the interpretation is that more people would benefit. It is very difficult to argue against that if it is the best advice available. I will accept the bona fides of what the Minister of State has put forward.

In return, if the Leas-Cheann Comhairle will indulge me, I will raise a slightly different point. The issue came up on Committee Stage that, contrary to the victims directive, the Bill we are about to ratify does not cover all the prosecuting authorities. The Minister of State said he might return to that issue as it was too broad for this Bill. In respect of other bodies under whose remit a death might actually come, such as the Food Safety Authority and the Health and Safety Authority, the victims of such crimes as are prosecuted by these bodies are not entitled to the same information and protections that are provided for under this Bill. On Committee Stage, the Minister of State said he would examine the matter. Has there been any progress in that regard?

**An Leas-Cheann Comhairle:** How stands the amendment?

**Deputy Clare Daly:** I will withdraw it.

Amendment No. 1 to Seanad amendment No. 23, by leave, withdrawn.

Seanad amendment No. 23 agreed to.

Seanad amendment No. 24:

Section 29: In page 32, to delete lines 19 and 20 and substitute the following:

“(f) by the insertion of the following section after section 14AA:

“**Wigs and gowns**

**14B.** Where a person who is under 18 years of age—”.

Seanad amendment agreed to.

Seanad amendment No. 25:

Section 29: In page 32, between lines 25 and 26, to insert the following:

“(g) in paragraph (a) of section 14C(1), by the substitution of “a relevant offence” for “an offence to which this Part applies”,”.

Seanad amendment agreed to.

Seanad amendment No. 26:

Section 29: In page 33, lines 3 and 4, to delete “through a live television link, by means of a videorecording or from behind a screen or other similar device” and substitute the following:

“through a live television link or by means of a videorecording or that a screen or other similar device be used in the giving of evidence”.

Seanad amendment agreed to.

Seanad amendment No. 27:

Section 29: In page 33, lines 12 and 13, to delete “or from behind a screen or other similar device pursuant to section 14A” and substitute “or using a screen or other similar device pursuant to section 14A”.

Seanad amendment agreed to.

Seanad amendment No. 28:

Section 29: In page 33, line 24, to delete “sections 13, 14, 14A, 14C, 15 and 16” and substitute “sections 14, 14B, 15 and 16”.

Seanad amendment agreed to.

Seanad amendment No. 29:

Section 31: In page 34, between lines 28 and 29, to insert the following:

**“Amendment of section 4 of Bail Act 1997**

**31.** Section 4 of the Bail Act 1997 is amended—

a) by the insertion of the following subsection after subsection (2):

“(2A) Subsection (2) is without prejudice to the right of—

(a) a parent, relative or friend of a person in respect of whom the offence is alleged to have been committed (in this subsection referred to as “the relevant person”), or

(b) a support worker chosen by the relevant person, to remain in court, where the relevant person gives evidence pursuant to section 9A, for the duration of such evidence.”.

(b) in subsection (5), by the insertion of the following definition:

“ ‘support worker’ means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of crime.”.”.

Seanad amendment agreed to.

Seanad amendment No. 30:

New section: In page 37, after line 32, to insert the following:

**“Reporting on training provided**

**36.** Within 60 days after the end of each calendar year those responsible for the training within An Garda Síochána, the Ombudsman Commission, the Director of Public Prosecutions, the Irish Prison Service, the Court Service, the Bar of Ireland, the Law Society of Ireland and the Judicial Studies Institute shall publish in written form a report of any general and specialist training which has been provided in accordance with the provisions of this Act and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.”.

**Deputy David Stanton:** I move:

That the Committee do not agree with the Seanad in amendment No. 30 to the Criminal Justice (Victims of Crime) Bill 2016.

The Government opposed this amendment in the Seanad. It requires a number of bodies, statutory and non-statutory, to report on training provided in accordance with the Bill and the EU directives. We agree that training is fundamental in delivering on the rights provided for in the Bill. However, I would consider the provision of training to be an operational matter rather than a legislative one. At present, training has been provided to all State solicitors, the staff of the Office of the Director of Public Prosecutions, both administrative and legal staff, An Garda Síochána and prosecutors nationwide. The Irish Prison Service and the Courts Service have also undergone training to enable greater support for victims of crime. Training has been given to a number of non-governmental organisations involved in assisting victims of crime, for example the victims of crime helpline, the Rape Crisis Centre, and Advic. These organisations are to receive further training from the Office of the DPP following the finalisation of this Bill. Furthermore, An Garda Síochána has specially trained personnel working in its victims service office in each division, and 474 trained family liaison officers working to support victims of crime.

Our opposition to the amendment in the Seanad was to the effect that we were concerned about the wording of the amendment. The amendment requires certain non-statutory bodies to report on training in accordance with the provisions of this Act and the EU directive. However, there are no such provisions in this Act and the provisions of the EU directive do not require such bodies to provide this training, so there is some discrepancy in the provision. There is also some question as to how appropriate it is to be legislating in this way for some of the bodies included, for example, the Bar Council, the Law Society and so on.

Question, “That Seanad amendment No. 30 be not agreed”, put and declared carried.

Disagreement to Seanad amendment reported.

Seanad amendment No. 31:

Title: In page 5, lines 10 and 11, to delete “the Criminal Justice Act 1993, the Courts Service Act 1998, the Children Act 2001 and the Criminal Justice (Female Genital Mutilation) Act 2012” and substitute the following:

“the Criminal Justice Act 1993, the Bail Act 1997, the Courts Service Act 1998, the Children Act 2001, the Criminal Justice (Female Genital Mutilation) Act 2012 and the Criminal Law (Sexual Offences) Act 2017”.

Seanad amendment agreed to.

**Deputy David Stanton:** I am very pleased to see this Bill finalised through the Houses. The rights provided for in this Bill will make a very real difference to the experiences of victims in the criminal justice process. The Bill has been drafted and improved upon with the assistance of many people and organisations. I would like to record my thanks and those of the Minister for Justice and Equality to all those working with victims who have contributed to the Bill before us. It is thanks to their active engagement that we have passed what I think is very good legislation. The views of Opposition Deputies were also taken on board whenever possible. I thank Members for their excellent contributions and the positive debate we have had. No legislation is ever perfect and the Bill will need careful monitoring to ensure it will deliver what it promises, but we have made a good start in recognising the role of victims of crime in the criminal justice system and ensuring they will be informed and supported throughout the process. I hope the majority of sections will be in force within weeks, with the entire Bill in force before the end of the year or early next year. I thank colleagues for their support and positive engagement. We will monitor the position and if something comes up that needs to be changed and improved on, we will try to do it, but we are all agreed that it is important that we support victims. I thank the Leas-Cheann Comhairle, Members and staff for their assistance in making this happen.

**Deputy Jim O’Callaghan:** I join the Minister of State in welcoming the passing of this important legislation. For too long victims have been the poor relations in the criminal justice system and the State and the criminal justice system have looked on the process in the courts as being about the determination of the guilt or innocence of an accused. While that is the primary function of the system, we have to recognise that during the process victims should be at the forefront and that they need to be protected. Many Members receive representations about the actions of the Director of Public Prosecutions. “Why has an individual not been prosecuted?” is a constant refrain from families who believe justice has not been done. It is welcome that under Part 2 of the Bill people will be able to seek a review from the Office of the Director of Public Prosecutions and information on the reasons a prosecution did or did not take place. It is a good day for the criminal justice system. It is important that we continue to adopt legislation that seeks to protect victims of crime. It is important that be recognised not just at the time of the criminal hearing but also throughout the process, even after a conviction or an acquittal has occurred.

**Deputy Mick Wallace:** The legislation is welcome. We are conscious that almost 320 cases were referred to the independent review mechanism. While they are historical and I acknowledge that the Bill will not deal with cases retrospectively, the lack of communication and information had a huge bearing on the displeasure of those involved. There was so little satisfaction in those cases and we are hopeful the legislation will ensure there will not be a repeat.

**Deputy Donnchadh Ó Laoghaire:** Like other Members, I welcome the legislation. The

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European directive is progressive and the legislation equally so. As Deputy Jim O'Callaghan said, it redresses to some extent the imbalance that might be perceived between the victims of crime and the primary purpose of a trial, that is, to determine the guilt or otherwise of the defendant.

Seanad amendments reported.

*Sitting suspended at 11.55 a.m. and resumed at 12 noon.*

### **Leaders' Questions**

**An Leas-Cheann Comhairle:** I gave a commitment yesterday and took a list of names of Deputies who did not get an opportunity to speak because of the vote. I will be calling anyone on the list first.

**Deputy Michael McGrath:** Work continues today on managing the fallout from Storm Ophelia, which hit the country on Monday. Those at the front line were rightly praised yesterday and continue to be praised for their outstanding efforts. They include the emergency services, local authorities, the ESB, Irish Water and many others. There are many issues that still need to be addressed but I think we can agree that the most pressing one for those affected is the lack of electricity and water. Today, there are still over 130,000 homes without power, some 48,000 homes are without water supply and another 50-odd thousand face the prospect of potentially losing their water. I acknowledge the extraordinary effort that is being put in by the ESB, which has already restored power to over a quarter of a million homes around the country, but I am sure the Taoiseach will agree that for those without power and in some cases, without power and water, it is an absolute nightmare, particularly for elderly people living alone and families with young children. Many of the affected homes are in County Cork and in several other counties around the country. People want to know when they will get their power and water supply restored. Can the Taoiseach reassure people that everything that can be done is being done? I am told by the ESB in the southern region that help is arriving from Northern Ireland, Wales, Scotland, France and even the Isle of Man and that is to be very much welcomed. Does the Taoiseach have an update on the number of homes the ESB expects to be in a position to restore power to over the course of today and tomorrow? The question is the same with regard to water.

The other issue I want to raise, which is very much related to the storm, is insurance. A greater effort is needed to provide information to consumers about their rights and what they can expect, for example, dealing with the myth that acts of God are not covered. There is no such exclusion clause, as the Taoiseach knows, in household and commercial insurance policies. Other measures include advising consumers to read in detail their policy documents and booklets, ensuring that adequate resources are provided by insurance companies to provide inspections, dealing with claims processing as quickly as possible and advising those who are hiring loss assessors, particularly for larger claims, to use the services of companies that are regulated by the Central Bank. When I looked at the website of the Competition and Consumer Protection Commission, I found no such information and no update from the commission as to what people should be doing in terms of taking photographic evidence and so on and what the rights and entitlements are so I ask the Taoiseach to address that point. I also ask him to give an assurance that Government will engage with the insurance industry to ensure that the claims arising from this storm are not used as cover for further hikes in premiums for both households

and businesses throughout the country.

**The Taoiseach:** I thank the Deputy for raising this important issue again today. I had the chance to visit parts of Meath and Kildare yesterday to witness some of the repair work that was underway and the excellent work of ESB staff who had been working 12 hours at that stage to reconnect people. I met some of the people affected by loss of power, including some young families. The children were delighted they got two days off school but aside from that, the householders were very much affected by the fact that they could not have normal day-to-day lives. I also met some people with disabilities who clearly had particular concerns. As things stand, 70% of people who lost power have now had their power restored. That is 255,000 homes and businesses. So far this morning, 11,000 homes and businesses have been reconnected. This leaves 125,000 without power. Work is continuing to restore power to those homes and businesses. Assistance is now coming in from Northern Ireland and Great Britain through Scottish Power and will come in from France in the coming days. It is anticipated that the vast majority of remaining homes and businesses will be connected in the next three days but there may be exceptions to that, particularly in some isolated areas. We know from Storm Darwin that it took about eight days to connect everyone and this storm was much worse than that one.

The number of households considered at risk of losing water is down by 80% from 260,000 to 56,000. Of those who have lost water, more than half have now had it restored. Irish Water is working with the ESB to restore supply and reduce risk. The key issue is connecting the water treatment plants to the power network. Where that cannot be done, generators will be installed in water treatment plants as a temporary fix while the power lines are reconnected. There are 3,000 local authority staff across many disciplines, including fire, road staff, engineers and health and safety officers, who are on the ground assisting with the cleanup and repair efforts. I particularly want to recognise the Defence Forces, which have deployed two Army chainsaw teams to clear roads. The Defence Forces will deploy a 10,000 l water tanker to assist Kilkenny County Council to provide emergency water services to people in Kilkenny. Water was restored this morning to Kilmaganny. The Defence Forces have also deployed Air Corps helicopters which are flying over the power lines carrying out reconnaissance for ESB Networks and informing it of where the faults occur. A total of 30 personnel from the Defence Forces have been deployed in support of the national response and a further 15 Defence Forces personnel and five vehicles were deployed to assist the gardaí in Galway. The Army is helping HSE staff get to their workplaces in Kilkenny and to clear routes in Kenmare and Tralee.

**Deputy Michael McGrath:** I would appreciate if the Taoiseach could deal with the issue of insurance, which I also raised, and the need for the State to provide information to consumers. Insurance Ireland, which is the insurance industry representative body, has provided information but that is the industry. I think the State's consumer watchdog should be front and centre in providing whatever information and reassurance people need about their rights and entitlements. We also need a commitment from Government that it will engage with the insurance industry to make sure that claims are dealt with efficiently and are settled as quickly as possible and that the cost of this storm in terms of insurance payouts will not be used unjustifiably as cover for increasing premiums for households and businesses around the country.

The concern people have about electricity and water is that progress will slow down. There are still 125,000 homes without power. Some are in urban centres in large housing estates; therefore, it is not only one-off houses which are still affected. I spoke to the ESB this morning about the need for it to update its website *powercheck.ie* because the houses that remain without power are not reflected on the website. It is welcome that it is now updating the estimated

restoration times around the country. That is the type of practical information consumers need to prepare and plan for the period until their power and water supplies are restored.

**The Taoiseach:** The Deputy has that commitment. The Government will engage with the insurance industry in the coming days. The Minister of State, Deputy Michael D'Arcy, will lead that process. I encourage business owners and householders to read their insurance policies as each policy is a little different. It is also important that they make contact with their insurer as soon as possible. Insurance companies ask people to do so in order to conduct a damage assessment. I will follow up on the matter of ensuring consumers and homeowners will be provided with better information by the ESB and the insurance industry.

The Government anticipates that this incident will be treated differently from flooding. When there is flooding as a result of severe weather, people often find themselves uninsured because they live on flood plains or in areas that have been flooded previously. As a consequence, they do not have insurance cover. We expect this incident to be treated differently because no one lives in the path of a hurricane which is different from a floodplain. We believe that in the vast majority of cases people will be covered, but the best thing they can do is to read their own policy and contact their insurer as soon as possible.

**Deputy Gerry Adams:** Last week the Taoiseach misled the Dáil on the health proposals contained in Sinn Féin's alternative budget. He also did this on the North in responding to questions from Teachta Mary Lou McDonald two weeks ago. Incidentally, he gave an entirely untruthful account of the Northern talks process in an interview with the *Irish Examiner* and in Government briefings for *The Irish Times* today. The substance of these issues and the reason he did it are matters for another time; I raise them now to illustrate my main point which is whether we believe the Taoiseach or whether we believe Fianna Fáil. Yesterday in this Chamber the Taoiseach said Fianna Fáil had not raised with him the need to reverse the unfair 2012 changes to the State pension which disproportionately impact on women. As he knows, tens of thousands of men and women are not receiving a full State pension. These are senior citizens who get up as early as the Taoiseach or me every morning if they are able, and many are losing as much as €30 every week.

Sinn Féin in its alternative budget, which the Taoiseach has said he has read, proposed to reverse this injustice, but the Government ignored this proposal, just as the previous Government did when we made the same proposal last year. Furthermore, in December Fine Gael and Fianna Fáil blocked a Sinn Féin motion which called for the 2012 changes to be reversed. There were a number of opportunities for the Government to deal with this issue, but it refused to do so. When the Taoiseach says Fianna Fáil did not raise this important issue with him, he might clarify that he means the Fianna Fáil leader, but despite not raising it with the Taoiseach, Deputy Mícheál Martin has now tabled a Dáil motion to achieve the very outcome his party blocked last December and which it did not see fit to raise with the Taoiseach during the negotiations on last week's budget. Is the Fianna Fáil leader in breach of the confidence and supply agreement? The reason Deputy Mícheál Martin did not raise the issue with the Taoiseach is he had signed off on the confidence and supply agreement which did not include a remedy for this discrimination against these pensioners. That is why he did not want it to be included in the budget. Last week the Government and Fianna Fáil concluded negotiations which led to the totally bonkers and unbelievable budget. Now, following justifiable outrage, Deputy Mícheál Martin has done a U-turn and wants to change an essential part of his agreement with the Government. It is very likely that the Government will lose the vote on the matter if Fianna Fáil continues with its U-turn. Will the Taoiseach say where the confidence and supply agreement will stand in that case?

Will the Social Welfare Bill remedy this issue? When will these pensioners get their money?

**The Taoiseach:** I did not mislead the Dáil last week on Sinn Féin's health policies. Deputy Gerry Adams is the great misleader in Irish politics, and let nobody be in doubt about that. Last week he claimed it would cost €691 billion alone for the health service to stand still. He also claimed that his budget proposals which would have provided an extra €450 million were on top of this. I have read Sinn Féin's budget proposal again and that is not what it states. I invite anyone who is independent on these matters to scrutinise it as it demonstrates once again that Sinn Féin's policy is like asking people to buy a pig in a poke. When one goes through it, the figures simply do not add up. I will not mention the €2 billion of tax increases Sinn Féin proposed imposing on people, with 14 different tax increases on everything from betting, inheritances, pensions and employment.

It is important to understand there are different types of pensions paid by the State: there is the public service pension paid to public servants, the non-contributory State pension which is means-tested and the contributory State pension. This issue relates only to one of them, the contributory State pension. It works like any other contributory pension such as the pensions Deputies are paid, as well as people across the public and private sectors. The amount of pension is related to the number of contributions one has made. It is normal in workplaces for someone to have to work for 40 years to qualify for a full pension or, in some cases, 30 years and to make contributions into the pension fund for each of those years. That is how a contributory pension works.

Sinn Féin's pre-budget document proposed to reverse one set of changes, namely, the ones made in 2012. However, if one were to reverse those changes, it would not give the people in question a full pension either because even before 2012, contributions were banded in a particular way, which gave people with fewer than 48 contributions on average less than a full pension. As is so often the case when we discuss this issue, it is not as straightforward as people want to make it out to be. It is very complicated. If we are to make changes, they should not be piecemeal. We should understand what they are, how much they would cost, how they would affect individuals and different groups in society and the knock-on effects they might have. To help with a rational discussion of this the Minister, Deputy Regina Doherty, will publish the actuarial review of the PRSI or Social Insurance Fund which will help to inform the debate. If we care about the pensioners of today and the future, it is most important that we ensure the Social Insurance Fund does not become bankrupt. It was in deficit for years. When I became Minister for Social Protection, because of the recovery in the economy it went back into surplus but the actuarial analysis shows that it will return to being in deficit again in coming years. We will do nothing for any pensioner if we make changes now or in the future that will bankrupt the fund. We must ensure the amount of money coming in from contributions from people paying PRSI today will be enough to match what the State pays out in pensions and other benefits.

**Deputy Gerry Adams:** The core matter is the reversal of the cut made in 2012. Does the Taoiseach accept that the 2012 cut is unjust? Does he accept that these people are entitled to a full pension? Does he accept that they cannot afford the cut? Thirty euro is a bottle of wine or some such little ornamentation for members of the Cabinet----

*(Interruptions).*

**An Leas-Cheann Comhairle:** Please allow Deputy Gerry Adams to continue, without interruption.

18 October 2017

**Deputy Barry Cowen:** Where does the Deputy buy his wine?

**A Deputy:** That is good wine. You have very expensive tastes there, Gerry.

**An Leas-Cheann Comhairle:** Deputy Gerry Adams without interruption.

**Deputy Gerry Adams:** What I said - the Government and Fianna Fáil Deputies heard me - was “for the Cabinet”.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputies should act responsibly. I will give Deputy Gerry Adams injury time.

**Deputy Barry Cowen:** It takes years to ferment, of course.

**Deputy Gerry Adams:** I am sure the pensioners who will be watching “Oireachtas Report” will see the unity between Fianna Fáil and Fine Gael on this issue.

**An Leas-Cheann Comhairle:** The clock is running.

**Deputy Gerry Adams:** Our alternative budget provided for the reversal of this cut.

**Deputy Barry Cowen:** He is sipping his glass of wine watching “Oireachtas Report”.

**An Leas-Cheann Comhairle:** Deputies are depriving other Members of time to ask questions later.

**Deputy Barry Cowen:** He is not adhering to his own rules on pay.

**Deputy Gerry Adams:** I will repeat myself. Our alternative budget proposal provided the means to reverse this cut and costed it at €70 million. The Taoiseach has not contradicted that or challenged it. Neither has he challenged the fact that Fine Gael and Fianna Fáil can, between them, reverse this cut. The root of the problem is they decided not to. They decided in their confidence and supply agreement and in their budget last week that they would not include this. It was not included in the budget priorities.

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

**Deputy Gerry Adams:** It was not included by their spokespersons in any of their Dáil or budget speeches.

**An Leas-Cheann Comhairle:** The Taoiseach to respond.

**Deputy Gerry Adams:** I ask again, when will these pensioners get their money?

**An Leas-Cheann Comhairle:** The Taoiseach to respond and he has one minute.

**Deputy Gerry Adams:** I will repeat my point.

**An Leas-Cheann Comhairle:** Deputy Adams got injury time. I have been very reasonable.

**Deputy Gerry Adams:** It is a little amount of money for the people in the Cabinet. It is a huge amount of money for pensioners who are deprived of it. The Taoiseach should reverse it quickly and speedily.

**The Taoiseach:** Every time I listen to Deputy Adams speak it is so evident that he does not fully understand the detail of the issue he is raising, nor does he understand, once again, his own party's proposal. His party's proposal is to reverse the changes made in 2012. That still does not give any of those people a full pension. It might give them something approaching a 98% pension rather than a 71% one or an 80% one.

**Deputy Gerry Adams:** The difference is €30.

**The Taoiseach:** It is remarkable that every time Deputy Adams stands up in this Parliament it is so evident that he neither understands the policy issues the Government is grappling with nor does he understand his own party's proposals. It is extraordinary, I have to say, the level of-----

**Deputy Gerry Adams:** Arrogance on your part.

**The Taoiseach:** -----lack of knowledge and understanding from Deputy Adams again and again.

**An Leas-Cheann Comhairle:** The Taoiseach without interruption.

**The Taoiseach:** It is not surprising that he thinks a bottle of wine costs €30 in that context.

**Deputy Barry Cowen:** That is why we never see him hanging around the bar here.

**The Taoiseach:** I know Deputy Adams likes to travel first class whenever he can find someone to pay for him, but I am not sure who is buying his bottles of wine for him. It is some bottle of wine that costs €30.

**Deputy Mattie McGrath:** Smoked salmon.

**The Taoiseach:** With regard to Fianna Fáil and Fine Gael, the matter was not raised with me personally but I can confirm the matter was raised briefly in discussions between spokespeople in the run-up to the budget.

**Deputy Barry Cowen:** Thanks for that clarification, at least.

**Deputy Thomas Byrne:** Now, Regina.

**The Taoiseach:** It was raised by Fianna Fáil spokespeople with Ministers.

**An Leas-Cheann Comhairle:** We have to observe the time limits.

**The Taoiseach:** However, it was not put down as a priority measure because the priority for parties was the €5 increase across the board-----

**An Leas-Cheann Comhairle:** We have to observe the time limits.

**The Taoiseach:** -----for disabled people, carers, blind people, widows, pensioners and unemployed people.

**An Leas-Cheann Comhairle:** There will be other opportunities.

**The Taoiseach:** In any budget we have to prioritise. There is only a certain amount of money. The other priority, particularly on this side of the House-----

**An Leas-Cheann Comhairle:** Taoiseach, please co-operate.

**The Taoiseach:** -----was to make sure we did something on children and increasing the family income supplement, which we did, increasing the qualified child payment for the first time in eight years.

**An Leas-Cheann Comhairle:** The Taoiseach will get another opportunity.

**The Taoiseach:** The priority in terms of the parties that are party to the confidence and supply agreement was increases across the board and targeting poverty, and that is what was done. In that sense, the confidence and supply agreement was honoured.

**An Leas-Cheann Comhairle:** I would like all Members, Ministers and Deputies to observe and keep an eye on the time because we are depriving others at a later stage. I call Deputy Brendan Howlin.

**Deputy Brendan Howlin:** The Leas-Cheann Comhairle knows I am always disciplined on time.

**An Leas-Cheann Comhairle:** The Deputy is, yes.

**Deputy Brendan Howlin:** The tracker mortgage scandal has now affected 13,000 customers, with that number expected to rise. A total of 102 houses and apartments were repossessed as a fallout from the scandal. A total of 23 of these were family homes and a further 79 were buy-to-let properties. Put simply, 23 families were put out of their homes as a result of what can only reasonably be described as malpractice on the part of the banks. As the Central Bank has made clear, only 25% of those have received redress or compensation.

The Central Bank wants all banks to start their compensation programmes at the end of the year. Only three banks have even done anything to date. This problem started with PTSB, but it is now clear there was a sector-wide approach across the banks that disadvantaged mortgage holders. The Central Bank says it has no choice but to move slowly on this issue, but that is clearly not good enough when we see the level of real harm done to families. It is not good enough for the thousands of families who have been ripped off to the tune of thousands of euro, and it is certainly not good enough for those who have been put out of their homes.

We now know that two banks are being pursued by the Central Bank for ongoing failure to identify customers caught up in the scandal. In the name of public accountability, will the Taoiseach write to the Central Bank and make the names of these banks public? The Central Bank has said that legislation giving it power to compel banks to give a certain level of compensation can only be applied in cases occurring after August 2013. We know some of these cases go back to 2008. Has the Taoiseach considered amending legislation to require all banks to pay a set level of compensation where they have ignored contractual obligations to mortgage holders? Will the Taoiseach give us a definitive timeline as to when all impacted customers - and some as I have said were grievously impacted - will be identified, when the ongoing harm to them, their families and their well-being will be stopped, and when all affected customers can be expected to be given proper redress and compensation?

**The Taoiseach:** The Government believes the behaviour of the banks in regard to removing people from tracker mortgages was scandalous. We also believe the banks have been dragging their feet in solving this problem at a real human cost. Some people have lost their homes.

Others have lost investment properties. Aside from the financial cost, there is, of course, the impact on people's mental health and well-being. It is our view that people affected should have had their tracker mortgages restored and should have been fully compensated by now. As a Government, we have lost patience. Consequently, the Minister for Finance has arranged to meet the CEOs of the main banks, Bank of Ireland, AIB, Ulster Bank, PTSB and KBC, on Monday and Wednesday next week, and he will admonish them for their conduct on behalf of the Government.

**Deputy Pearse Doherty:** Three years on.

**The Taoiseach:** He will also seek a detailed explanation from the banks as to why the process has been so slow and their plans for resolving it quickly.

While the Central Bank is fully independent as a regulator, the Minister, Deputy Donohoe, is also contacting the Central Bank to ensure it has sufficient powers and resources to ensure the banks resolve this problem. The Government will take further action if we do not see further progress much more quickly, whether this is through enhanced powers for the Central Bank or increased taxation imposed on the banks by the Government. It is very much in the interests of the banks, their shareholders, management and staff to fix this situation and to do so quickly.

The Central Bank yesterday published its latest update on its industry-wide examination of tracker mortgages, which was commenced in 2015. Approximately 13,000 impacted accounts have been identified by lenders as of the end of September, an increase of 3,100 since the March report. The Central Bank is currently pursuing enforcement investigations on tracker mortgage-related issues arising in Permanent TSB and Ulster Bank Ireland, and two further enforcement investigations into other lenders are now in train. It is anticipated that more enforcement investigations will follow.

The Central Bank is not making the names of the two lenders known while the process is ongoing. As a result of the Central Bank's challenges, the two lenders are reconsidering certain outcomes of their reviews and are due to revert to the Central Bank by the end of October. If the Central Bank is not satisfied with the response from those two lenders by the end of October, at that point the Central Bank will name those two lenders. As of the end of September, lenders had rectified the interest rates applied to approximately 98% of the customers who were affected, so in 98% of cases people are now back on the interest rate they were supposed to be on. However, redress has been much slower and the initial proposals fall short of the Central Bank's expectations. So far, only 3,300 account-holder homeowners have received redress and compensation, and the Central Bank now expects that all lenders must have commenced providing redress and compensation by the end of this calendar year.

**Deputy Brendan Howlin:** More than two years have now passed since the courts found that PTSB had mismanaged a mortgage. More than two years have passed since the Central Bank began its enforcement investigation, yet only a quarter of those affected have received any redress. I do not think that is acceptable and I do not think the House believes it is acceptable. I do not understand why the two banks concerned cannot be named here. That would be a start in the process. It is imperative that we set out a clear timeframe for compensating all affected customers and, in so far as it is possible, righting a terrible wrong that was done to them. We talked about other issues in terms of needing to have a clear timeline in which to have things done. In this case, banks have clearly abused their own customers. In my judgment, the activity of the banks, which have really benefited from the extraordinary support and benevolence

of the taxpayers of this State, is a gross act of betrayal. Does the Taoiseach agree with me that we now need a clear timeline as to when all affected customers will be fully compensated for their losses?

**The Taoiseach:** As the Deputy will appreciate, I cannot speak on behalf of the Central Bank. It is independent. It is very important, given the office I hold, that I respect that. The Central Bank said to me in the briefings I have been given that it wants to give the two lenders concerned a little more time to get their act together. It is indicating that it is expecting a reply from the two lenders by the end of October, which is only a few weeks away. I expect, or suspect, that if the Central Bank remains dissatisfied after that, we will know the names of the two financial institutions.

I absolutely agree with Deputy Howlin that we need a clear timeline for compensation and redress. As the Deputy knows, 98% of people are already back on the interest rate they should have been on in the first place, but really only between one quarter and one third of people have been compensated. The Central Bank is expecting redress and insisting that it be under way in all cases by the end of the year. There may be difficulties in individual cases, as is often the case, but we certainly expect to see the vast majority of people receiving redress before the end of the year.

It is important to point out the law has been changed in this regard. It was changed under the Central Bank (Supervision and Enforcement) Act 2013. That is legislation that was brought in under the previous Government, the Fine Gael-Labour Government. Unfortunately, most of the activity in question took place prior to the introduction of that legislation, and legislation is not retrospective in Ireland. To a certain extent, the people here are very much victims of the light-touch regulation that existed prior to 2013.

**Deputy Catherine Connolly:** Almost four months ago to the day, I used my time during Leaders' Questions to raise the very serious issue of domestic violence. More specifically, I raised the failure of the Government to provide funding of approximately €1 million to review the groundbreaking study that was carried out in 2002, indicating over 3,000 victims of violence generally. This confirmed the extraordinary prevalence of violence in Irish society. Since then, the Taoiseach has presided over a budget that utterly failed and fails to grasp the seriousness of the issue or make any provision to deal with the extent of domestic violence and its pervasive and detrimental effect not only on women and children but also on society at every level. Simultaneously, the Taoiseach has provided €5 million for a strategic communications unit. He did so notwithstanding the urgent representations from SAFE Ireland, which represents over 30 organisations on the ground that are more than familiar with the catastrophe owing to violence generally, particularly domestic violence. It pointed out that 4,831 requests for a safe place or refuge - a massive number - were refused last year. It pointed out that we are dealing with the tip of the iceberg, and that 79% of women do not report abuse. It pointed out that there is no such thing as a typical victim. Domestic violence affects those of every social class, age and level of education. It pointed out that domestic violence is rarely a once-off event. One in every three women experiences severe psychological violence, and over 12,500, comprising almost 10,000 women and approximately 3,000 plus children, attended for a safe refuge. The organisation also pointed out that there is a serious lack of safe havens.

I would really appreciate it if the Taoiseach listened because he accuses the Opposition of interrupting him and giving false facts. I am confining my remarks to outlining the facts of the experts on the ground. Where is the Cabinet sub-committee that the Taoiseach's colleague and

former Taoiseach promised to set up? Where is the leadership in respect of this issue, which is costing the economy a minimum of €2.5 billion per year? Where is the Taoiseach's leadership in helping people to avail themselves of the benefits of his so-called "Republic of opportunities"? If the Taoiseach does not have an answer and comes back to me, I will respect that, but he should not give me sanctimonious rhetoric in regard to this matter. He should clarify why there is no Cabinet sub-committee and how he can stand over giving €5 million for a spin unit and not giving €1 million to review a report on sexual abuse and violence in Ireland. He should please tell me he will read SAFE Ireland's findings, work with it and come back here with a plan and timescale.

**The Taoiseach:** I assure the Deputy that domestic violence is an issue the Government takes very seriously. It is one we are determined to tackle and reduce as best we can through a suite of measures. It affects both men and women but it is very specifically dealt with in regard to women in the recently published Government strategy on women and girls. In addition, the Domestic Violence Bill has been published and is at Committee Stage. I ask the House to work together on an all-party basis to ensure that important legislation will go through.

On the question on the Cabinet sub-committee, domestic violence is covered by Cabinet sub-committee B. I have adopted a different approach to Cabinet sub-committees. In the past, there might have been 15 or 20 dealing with any issue deemed important, ranging from the Irish language to climate change - the list goes on - but the approach I have adopted is different. Just because something does not have a dedicated Cabinet sub-committee does not mean it is not important to the Government. We have a much smaller number of Cabinet sub-committees, each of which deals with very important issues, including domestic violence, which will be dealt with by Cabinet sub-committee B.

I did not receive notice of this question so I do not have an up-to-date note on it. I will endeavour to get back to the Deputy with a more detailed answer once I have it. Budgets across Departments have been increased very significantly. There was a €650 million increase in the health budget, and there was a 48% increase in the budget for housing. There was a substantial increase in the budget for the Department of Justice and Equality. Therefore, the budgetary increases for the Departments that deal with domestic violence – the Department of Justice and Equality, the Department of Health, and the Department of Housing, Planning and Local Government – have been very substantial indeed. I am sure some of the additional resources will be dedicated to addressing the issues related to domestic violence.

With regard to whether we will spend another €1 million commissioning another report, or another statistical or academic study, on domestic violence is a matter that will have to be considered by Ministers. Departments up to this date have said they are satisfied with the statistics and information they have. Rather than spending €1 million on another study or statistical report, they would prefer to spend it on other things, such as services or additional shelters and housing. It is, however, a matter on which I absolutely have an open mind. If the people within the Departments believe expenditure on an academic analysis or statistical report should be prioritised over alternatives, I will be happy to consider it.

**Deputy Catherine Connolly:** I welcome the fact that the Taoiseach has an open mind on it. I am not reassured, however. He referred to Cabinet sub-committee B. It is unfortunate that it is a B committee rather than an A committee. Leaving that aside, the Taoiseach has not explained why he changed a Cabinet sub-committee that was formed as a result of the previous Taoiseach highlighting the importance of leadership, the need for something to drive the reduc-

tion and prevention of domestic violence, and the role of education in its prevention. He has not explained how he could allocate €5 million for spin and he has not explained the position on the €1 million. It is not academic research that SAFE Ireland is requesting. If the Taoiseach reads the documentation he will see that, after the research of 2002, those concerned followed up with qualitative research and found out the actual study helped the victims in coming forward. It is beyond Cabinet B committees. It is time for leadership. It is time for the Taoiseach to come back and say he is setting a date and a timescale; that he is setting up a Cabinet committee that will drive the issue and that he is going to work with the organisations on the ground. Homelessness, for victims of domestic violence, has not been captured in the figures. Such victims have no place to go. I appeal to the men in suits that if it does not get them on the level of emotion and psychology, perhaps it might get to them on the level of the €2.5 billion cost to the economy per year. It makes sense to deal with it.

**The Taoiseach:** I again thank the Deputy. Among the actions being considered by the Minister for Justice and Equality, Deputy Charles Flanagan, is the provision of free legal aid for victims of alleged domestic abuse. That is one of the things he is considering and prioritising in his budget. It is not a decision I will make personally, but four of the Ministers who are involved in our struggle against the heinous crime that is domestic violence will have to consider what the priorities are. I understand a real priority for the Minister for Justice and Equality is providing free legal aid for individuals who are victims of domestic violence. Deputy Catherine Connolly would also like us to prioritise the allocation of €1 million for further research and studies. I am not ruling that out by any means; I am just saying that no matter what budget one has, one has to prioritise within it.

In terms of the communications function within my Department, as I explained on many occasions, it is cost-neutral. My Department is one of the few that had its budget cut for 2018 because we will meet the cost entirely from reductions in spending in other areas within the Department. If the Deputy read the *Irish Independent* today, she will have seen the effect the unit has already had in getting the message out and warning people about Hurricane Ophelia. Communications are not a waste of time. It may cost money, but it can also save money and good communications can also save lives. Good communications on domestic violence can also save lives; therefore, I do not think it is something that should be dismissed in the way it has been.

I have explained on a number of occasions that my approach to Cabinet committees is different from that of the former Taoiseach. He took a view that if there was an important issue, one of the first actions should be to set up a new committee. As a result we had 20 or more Cabinet sub-committees.

**An Leas-Cheann Comhairle:** I have been more than reasonable with the Taoiseach.

**The Taoiseach:** I have a different approach. I do not think the best way to solve a problem is to set up a Cabinet sub-committee. The best way is to take specific actions.

**An Leas-Cheann Comhairle:** I will say no more. That completes Leaders' Questions.

### Questions on Promised Legislation

**An Leas-Cheann Comhairle:** We have 30 minutes for questions on promised legislation. I ask Members to consider their colleagues, not me, because the time will be up in 30 minutes.

We have a long list of speakers from yesterday to whom I have given a commitment and again today. I urge Members to preface their remarks with a reference to the item of promised legislation or aspect of the programme for Government they wish to raise.

**Deputy Michael McGrath:** I wish to ask the Taoiseach about the Finance Bill which I understand is due to be published tomorrow. I understand the Cabinet considered it today. One issue which has drawn quite an amount of attention is the increase in the rate of non-residential stamp duty from 2% to 6% and concerns about its impact on the farming community and farm transfers, in particular, within a family. Issues have been raised about consanguinity relief and also about the young trained farmer's exemption. Will the Taoiseach confirm whether the Bill to be published tomorrow will address any of these concerns and provide for changes to what was announced on budget day?

**Deputy Pearse Doherty:** We had a vote on budget night and Deputy Michael McGrath voted against.

**The Taoiseach:** The Cabinet met this morning and approved the publication-----

**Deputy Pearse Doherty:** It is another case of brass neck.

**Deputy Barry Cowen:** We did not vote on the issue at all. The Deputy must have been on the wine.

**Deputy Mary Mitchell O'Connor:** Stop, boys.

**An Leas-Cheann Comhairle:** Members should, please, be quiet. This question is to be answered by the Taoiseach.

**The Taoiseach:** The Cabinet met this morning and agreed to the Finance Bill which will be published tomorrow. It was agreed to make a further change to taxation for farmers on consanguinity relief, to remove the age limit for a period of time to encourage and facilitate the inter-generational transfer of land within families from older to younger farmers. That was agreed to this morning and the Bill will be published tomorrow.

**Deputy Gerry Adams:** I wish to refer to the Criminal Justice (Victims of Crime) Bill which was passed this morning and, in that context, to the Government's commitment to support victims. Two years ago this month Garda Tony Golden was murdered in Omeath. Siobhán Phillips was grievously wounded and Crevan Mackin took his own life. I wrote to the then Taoiseach, Deputy Enda Kenny, four times. I also spoke to him a number of times about the case. I wrote eight times to the Tánaiste, who was Minister for Justice and Equality at the time. I also spoke to her on many occasions. I gave information to the senior Garda officer who was investigating the case. I also wrote to GSOC. I wrote to the Taoiseach in July about the concerns of the Phillips family about the response of the Government to its demand for a public inquiry, but I received no reply. I wrote again two weeks ago and also received no reply. Seán Phillips, father of Siobhán, will be in the AV room today at 4.30 p.m. to brief Oireachtas Members on the case. In the context of victims and their treatment by the State, I urge Teachtaí to attend. When does the Taoiseach expect the Criminal Justice (Victims of Crime) Bill to be commenced and when will he answer my letters?

**Minister for Justice and Equality (Deputy Charles Flanagan):** I might be of help to the Deputy in this case. I acknowledge receipt of his correspondence which will be replied to at

the earliest opportunity. He is aware that two independent investigations are under way, one in the Garda Síochána Ombudsman Commission. I assure him there will be no delay in having the investigations completed. I expect to receive an early report on completion of the investigations and we will then see what action is warranted in the circumstances. I acknowledge the seriousness of certain matters surrounding the issue. I again assure the Deputy that there will be no delay in having the matters investigated and reaching a satisfactory conclusion. As far as the victims of crime legislation is concerned, it was under deliberation prior to Leaders' Questions at 12 noon. Amendments made in the Seanad have been approved by the Dáil and the Bill has been returned to the Seanad for a brief debate. With the co-operation of all parties in this House, I expect to have the legislation completed in a matter of days and duly commenced at the earliest opportunity.

**Deputy Gerry Adams:** What about the failure to answer letters?

**An Leas-Cheann Comhairle:** That question is to the Taoiseach, not the Minister for Justice and Equality.

**Deputy Charles Flanagan:** I assure Deputy Gerry Adams that the subject matter of his correspondence is being fully addressed.

**Deputy Gerry Adams:** I am asking about the letters to the Taoiseach.

**The Taoiseach:** I will ensure the Deputy will receive a reply.

**Deputy Brendan Howlin:** More than a year has passed since the Dáil accepted on Second Stage my Bill to outlaw rogue crisis pregnancy agencies. In March 2017 officials of the Department of Health met representatives of the Labour Party and gave a firm commitment to consider an alternative approach, namely, the regulation of all counsellors giving advice on pregnancies. The regulations were to be placed before the Dáil before the summer recess, but nothing has happened since. I have raised this matter on a couple of occasions in the meantime and it has been referred to the Minister for Health, but nothing concrete has happened. Last week the Oireachtas Joint Committee on the Eighth Amendment heard further evidence of the ongoing abuse by some individuals purporting to give independent counselling advice. When will this matter be addressed and when will we see the regulations that we were promised?

**The Taoiseach:** I know that this issue is of real importance to the Deputy and that he has raised it on a number of occasions. Unfortunately, I do not have an update for him since he last raised the issue, but I will ask the Minister for Health to provide an update for both of us. I think everyone in the House agrees that we want to ensure women who are experiencing a crisis pregnancy will receive the best possible counselling available, that it will come from proper counsellors and that it will be non-directive in nature.

**Deputy Danny Healy-Rae:** Road safety for all users is an important part of the programme for Government. However, trees are growing out of control along every roadside and leaves are falling into and blocking drains. Landowners and farmers should get assistance to clear these trees because clearly it is not safe for anyone to go out on the road to cut trees or clear the sides of the roads.

**An Leas-Cheann Comhairle:** What is the relevant promised legislation?

**Deputy Danny Healy-Rae:** It is in the programme for Government. It relates to safety for

all road users, and we cannot achieve that. We saw what happened last Monday. Moreover, whole rivers are flowing onto roads in times of flood because the rivers have not been cleaned out. I call on the Taoiseach to address these important road safety issues to ensure the safety of all our road users.

**An Leas-Cheann Comhairle:** Taoiseach, please respond if the issues are in the programme for Government.

**The Taoiseach:** This is an important issue but it is principally an issue for local authorities, or councils. As I indicated yesterday, I will ask the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, to take it up with county and city chief executives as part of his regular engagement with them to see what can be done to remove potentially dangerous trees.

**Deputy Frank O'Rourke:** The programme for Government commits to the next generation protecting and enriching our young people. Bearing this in mind, I raised this issue with the Taoiseach last year when he was Minister for Social Protection. I wonder whether the Taoiseach can commit to extending child benefit to children who are over 17 years of age and who remain in full-time second level education. This is a big issue for families. It is an expensive year – it is normally leaving certificate year. Obviously, it would be very positive if child benefit could be extended to children who are over 17 years of age while they remain in full-time second level education.

**The Taoiseach:** I have spoken to the Deputy about this before. I think it would be something that would be nice to do. It would be nice to extend child benefit to people who are 18 years of age and still in education. However, when it comes to the social protection budget, we have to prioritise. Obviously, providing another year or two years of child benefit to people who are 18 or 19 years of age would be extremely costly. We have to prioritise. When it comes to supporting children and young adults, the major ways to do this include ensuring that there is no increase in college registration fees and targeted measures, such as increasing the family income supplement and the dependent child payment, which we have done in this budget. It is like many things: it is something that would be really nice to do, but there are other priorities at the moment.

**Deputy Michael Collins:** I would like to start by thanking the emergency services, the councils and the ESB.

**An Leas-Cheann Comhairle:** We are dealing with the programme for Government.

**Deputy Michael Collins:** It would be under health and safety, I suppose. I thank them all for their excellent work in recent days.

In west Cork along the coastline we had a storm with winds reaching a peak of 190 km/h and waves at 50 ft high. Fishing equipment has been severely damaged and lost, such as pots and so on. It cannot be insured. Will there be a replacement compensation package put in place for these fishermen, who have lost equipment worth tens of thousands of euro?

**An Leas-Cheann Comhairle:** Is it in the programme for Government or promised legislation?

**The Taoiseach:** I would have to ask the line Minister to come back to the Deputy on that.

There is nothing promised in legislation or the programme for Government.

**Deputy Thomas Byrne:** The programme for Government refers to road projects being done. It also refers to Transport Infrastructure Ireland being encouraged to plan other road projects to complement the national Action Plan for Jobs. Is there any plan to upgrade the N2? There was always a plan to build a dual carriageway between Dublin and Donegal going through the Border and which would include the Slane bypass. In my constituency of Meath East, in particular, there are severe traffic problems every morning for commuters getting into Dublin. This is leading to dangerous rat runs on other roads and causing danger to schools. Is the N2 on the Government list for the capital plan? Is TII working on any other road projects like the N2, as is referenced in the programme for Government?

**The Taoiseach:** These are really matters for the ten-year capital plan, which we hope to have published by the end of the year.

**Deputy John Brady:** On Monday night the Spanish high court jailed without bail two Catalan civil society leaders. They are being prosecuted for organising peaceful demonstrations in the run-up to the 1 October independence referendum. This is totally reprehensible and a serious escalation of the Spanish state's clampdown on the Catalan people. As the Bills that had been scheduled for today have been cleared, I call on the Government to make provision for a debate. Sinn Féin has written to the Business Committee asking for statements to be allowed on this serious and escalating matter to be held this evening. I appeal to the Government to make provision for such a debate this evening. I am also seeking a response from the Taoiseach as to whether he will condemn these actions by the Spanish state.

**Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** The Government view on this is that the way in which issues in respect of Catalonia are being dealt with by the Spanish Government must happen within the law, within Spanish law. While there is significant tension in respect of these issues, we have repeatedly said that we want to encourage sides towards dialogue to reduce tension. That is where the focus should be. This is primarily an issue for a sovereign member state within the European Union to behave within the law and the Spanish Constitution. This is the approach we have taken and we will stick with it.

**Deputy Michael Healy-Rae:** My question relates to the programme for Government. As the Taoiseach knows, phenylketonuria is where sufferers carry a gene that inhibits them from breaking down the protein. The inability to break down the protein and the resulting build-up of it in the brain to toxic levels can lead to brain damage, seizures and behavioural problems. Kuvan is the only treatment available for PKU, but it was recently rejected as a candidate for funding by the National Centre for Pharmacoeconomics. In *The Kerryman* today, I read about the Quilter family from Lixnaw, County Kerry. The daughter, Maeve, who is only 11 years of age, is a PKU sufferer. This drug would help her and many more. What does the Taoiseach propose to do to help those who are suffering from this rare disorder, especially the young children?

**Deputy Marc MacSharry:** The programme for Government refers to breakthrough treatments, the availability of new drugs and their cost. The previous Deputy mentioned that Kuvan is the only treatment for PKU, a disease that is prevalent in Ireland. Ireland has the highest incidence in the world at one in 4,500. Many countries throughout Europe have already approved this drug for supply. We have not done it here because it has failed the NCPE test on two occasions, in 2009 and 2017. This is largely because for orphan drugs and rare diseases our system is in effect, or would appear to be, designed to fail and such drugs have no chance.

Will the Government approve the provision of Kuvan for sufferers of PKU? Will the Government immediately reform the approach taken by the State to rare diseases? Will the Government amend the current assessment processes? They would appear to be designed to fail and do not take adequate cognisance of the benefits of these important treatments for patients.

**The Taoiseach:** The Government does not decide which medicines are reimbursed and which ones are not. There is a process in place to do that involving the National Centre for Pharmacoeconomics and the HSE. The decisions are based on objective criteria. To date, there have been two applications for reimbursement. It was determined by the medical, clinical and economic experts that this particular medicine was not sufficiently effective at the cost proposed.

**Deputy John Brassil:** In the programme for Government a specific commitment was given to support small and medium-sized enterprises in Ireland. The volume of imported cars from the UK has risen from 45,000 in 2015 to 69,000 in 2016 and will reach a projected 92,000 in 2017. In other words, there has been a 100% increase from 2015 to 2017. This is having a significant effect on the second-hand car market and a knock-on effect on the new car market. What are the Taoiseach and, in particular, the Minister for Business, Enterprise and Innovation, Deputy Frances Fitzgerald, doing to combat this serious issue?

**The Taoiseach:** This largely relates to current currency fluctuations. That is why more people are importing cars from the UK rather than purchasing them here in Ireland. We have no specific proposals to deal with it at present. Currency fluctuations between sterling and euro, unfortunately, are beyond the control of Government.

If the Deputy or the motor industry have specific proposals in mind, we would be happy to examine them.

**Deputy Carol Nolan:** As the Taoiseach is aware, page 42 of the programme for Government commits to work with local authorities, local action groups and local communities to ensure that Leader funding delivers the maximum possible potential and indeed benefits for the communities. A main concern with the new programme designed for Leader is its bureaucratic nature. Groups find it very difficult to access funding and I am sure the Taoiseach is aware of this. Recent figures from the Department show that just 335 approvals for projects have been given so far, compared with 2,800 projects approved under the previous programme. There is clearly a problem with the process. Only €8.25 million of the Leader budget of €250 million has been approved for funding. There are difficulties. How will the Taoiseach address this and does he acknowledge that there are problems with this new system?

**The Taoiseach:** I may have to ask the Minister for Rural and Community Development, Deputy Michael Ring, to reply to the Deputy in more detail. I have heard from people around the country that there are delays in administering Leader grants. There has been a meeting at ministerial level with all of the Leader companies about this specific issue and an outcome of that was a decision to streamline the process and ensure that payments are made more quickly. I am not sure if that has been effective yet but I will ask the Minister, Deputy Ring, to engage with Deputy Nolan on it directly.

**Deputy Martin Kenny:** As the Taoiseach is aware, there is a commitment in the programme for Government to deal with the issue of tax evasion and to resource the Revenue Commission-

ers appropriately for that. I raise that issue in the context of an incident in Malta this week where a journalist, a woman named Daphne Caruana Galizia, was killed in a bomb explosion. She was instrumental in the release of the Panama papers, which exposed a number of very wealthy individuals living in Ireland and others who have business interests in Ireland using this mechanism to hide their vast profits away from the tax collectors of not just Ireland but many places in the world. The death of this person is an attack on ordinary taxpaying people everywhere in the world and this Government and every government has a responsibility to do something about this. While we are not in a position to do anything about her death, we are in a position to do something about the issues raised in the Panama papers.

Will the Taoiseach assure the House that the Revenue Commissioners are pursuing those named in the Panama papers and give us a report, if not now then sometime in the future, on the progress on that? Will he also give us a report on the fourth EU anti-money laundering directive, which is instrumental in trying to tackle this particular issue? Will he outline why the Government has not implemented it and if it intends to implement it shortly?

**The Taoiseach:** The Deputy will be pleased to know that the budget and resources for the Revenue Commissioners were increased again in the budget for 2018. The Finance Bill, which was agreed by Cabinet this morning and will be published tomorrow, will involve further actions to close tax loopholes, crack down on tax evasion and implement our commitments to the OECD on tax transparency. On the specific matters raised by the Deputy, I suggest he might put them as a parliamentary question to the Minister for Finance.

**Deputy Charles Flanagan:** On the matter of money laundering, I expect the legislation will be submitted to Government for approval in the next couple of weeks, after which it will be published at the earliest opportunity. We will seek full co-operation from Deputy Martin Kenny and his party on all aspects of terrorist financing and money laundering.

**Deputy Dessie Ellis:** There are plans to close the post office covering Glasnevin and Finglas East at the end of November due to the retirement of a postmistress.

**An Leas-Cheann Comhairle:** The Deputy should address the programme for Government.

**Deputy Dessie Ellis:** This fully fitted post office and Spar shop have a footfall of 8,000 to 10,000 people per week. Over 20 people are employed in them and there are almost 30 other businesses locally. There is no shortage of business people to run it.

**An Leas-Cheann Comhairle:** The Deputy should address the programme for Government.

**Deputy Dessie Ellis:** I am coming to that. An Post has made a decision solely because it wants a number of post offices closed across the country. It has nothing to do with their viability. The programme for Government states that the Government would actively encourage payments at post offices and enhance the role of services in post offices, which would deliver a wide range of services. When will the Taoiseach do this? Would he and the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, intervene and ask what the rationale is for closing a viable post office?

**The Taoiseach:** Post offices are not closed by Government decision. When they close, it is generally because somebody retires, as the Deputy mentioned, and the company is unable to find somebody who wants to take up the role.

**Deputy Dessie Ellis:** It has somebody.

**An Leas-Cheann Comhairle:** The Taoiseach is answering.

**The Taoiseach:** It is not an issue I know about in great detail but I know that Deputy Noel Rock held a very successful public meeting on the matter in Finglas-----

*(Interruptions).*

**The Taoiseach:** -----and I will ask Deputy Rock to keep Deputy Ellis informed of his work-----

**Deputy Pearse Doherty:** It is going to be successful.

**The Taoiseach:** -----on the matter.

**Deputy Declan Breathnach:** The Taoiseach knows that valuation orders were signed for the ratings authorities of Cavan, Fingal, Louth, Meath, Monaghan, Tipperary, Wexford and Wicklow county councils this month. Ratepayers are looking for equity and we have the Commercial Rates Bill which has not even gone to pre-legislative scrutiny. Ratepayers in this country are chomping at the bit looking for equity, modernisation and a proper rates system. When will we have a timeline for when this issue will be resolved?

**Deputy Charles Flanagan:** The Deputy's question on the matter of promised legislation relates to a Bill to merge a number of agencies currently under my Department, one of which is the Valuation Office. I would expect that the drafting is at an advanced stage and hope to be in a position to have publication, having been approved by Government, by the end of the year. I would be happy to keep the Deputy informed.

**Deputy Eamon Scanlon:** Page 108 in the programme for Government deals with agriculture and the aims of the Food Wise programme for the period 2020 to 2025, which are to increase the value of exports by 85% to €19 billion, increase value-added product by 70% to €13 billion, increase the value of primary production by 65% to €10 billion and support the creation of 23,000 jobs in the agrifood sector. In 2015, a young farmer scheme was introduced with funding of €25 million. Based on that, there are thousands of young farmers who have rented land at a very expensive cost who are tied in for six-year leases. In 2016, there was no funding and we have €5 million in 2017. That is an 80% decrease in support for farmers.

**An Leas-Cheann Comhairle:** The Deputy should address the programme for Government.

**Deputy Eamon Scanlon:** It is about the programme for Government. Many people are struggling and something should be done. I understand unspent funding is available in the rural development programme for 2014 to 2020. Will the Taoiseach confirm to me that money is available in that fund? If it is, could it be put towards young farmers? Otherwise, we will have thousands of bankrupt young farmers by 2020.

**The Taoiseach:** Quite favourable tax reliefs are in place in these situations. I do not know the detail of the funds that the Deputy is referring to but I suggest that the best way to get a swift, detailed answer would be by means of a parliamentary question to the Minister for Agriculture, Food and the Marine.

**Deputy Pearse Doherty:** I welcome that the Minister for Finance is finally going to bring

in the CEOs of the banks. It is ten months after I called on the Government to do that on the Order of Business. Today, I want to ask about the scandal of the victims of Setanta Insurance, which collapsed in 2014. They have been painstakingly through the courts process. There are over 1,500 active claimants. Is the Taoiseach aware that the legal representatives of the insurance compensation fund had been allowed time by the court to seek assurance from the Government that people who were insured by Setanta Insurance would not, in theory, be liable to be sued as a result of the excess amount that the claimant will not get?

I understand that all cases have now been paused in the courts, which is ridiculous. People are seriously injured and some have life-limiting conditions as a result of their injuries and, because of the Government's assurance, we have a pause in the situation. Will the insurance (amendment) Bill deal with this issue? There is legislation tabled by Sinn Féin and the Government's own Bill. The Taoiseach should do the right thing and say to the victims of Setanta Insurance and those people who were legally covered that their complaints will be met entirely and that those insurance policyholders will not be liable to be sued through the courts.

**The Taoiseach:** The insurance (amendment) Bill is prepared and is on the list for publication in this session. Needless to say, I will not be in a position to answer questions on anything involving an ongoing court case or an investigation.

**An Leas-Cheann Comhairle:** The next three are Deputies O'Loughlin, Murphy O'Mahony and Michael Moynihan.

**Deputy Fiona O'Loughlin:** Ireland has one of the highest birth rates in the world and yet there has been much neglect in maternity services. Geographically, there is certainly inequity, given that 25% of the hospitals do not have scans and the perinatal mental health services for mild-to-moderate issues are practically non-existent. When the Taoiseach was Minister for Health he created the National Maternity Strategy, which was very much welcomed, and stated that he would do everything in his power to ensure implementation. What has been achieved in relation to the recommendations and when can we expect the remaining recommendations to be implemented?

**The Taoiseach:** I was pleased to be associated with and involved in the development of the new National Maternity Strategy, which was published when I was Minister for Health. If I recall correctly, it is a seven-year strategy.

**Deputy Fiona O'Loughlin:** Ten-year.

**The Taoiseach:** Of course, the nature of a seven-year strategy is that it gets implemented incrementally over seven years. I will ask the Minister for Health to provide the Deputy with detail on what is implemented to date and progress on other matters.

I would point out though that while we have a high birth rate in Ireland, it is falling, and notwithstanding the fact that we have a falling birth rate, we now have more midwives than we have ever had before, and more consultant obstetricians and gynaecologists than we have ever had before. I am pleased to note that An Bord Pleanála has granted planning permission for a new national maternity hospital which can now be built. It will be the first new maternity hospital built since Cork University Maternity Hospital a number of years ago.

**An Leas-Cheann Comhairle:** The time is nearly up and I am calling for brevity.

**Deputy Margaret Murphy O'Mahony:** I want to ask the Taoiseach about the official languages (amendment) Bill. As he will be aware, this gives effect to amendments arising from the review of the Official Languages Act 2003. I believe we are at pre-legislative scrutiny phase and I merely want an update.

**An Leas-Cheann Comhairle:** I thank the Deputy for her brevity. I call the Taoiseach or-

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**The Taoiseach:** An tAire Stáit, an Teachta McHugh.

**Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Joe McHugh):** The drafters are working hard on it. There is consultation with the relevant committee. It will not be published before Christmas but we are looking to have it early in the new year.

**Deputy Michael Moynihan:** Under the programme for Government, much was made about providing State services and information about State services and entitlements to citizens but in recent weeks, the Department of Employment Affairs and Social Protection has taken the unusual step of writing back to those who have written in for their records to determine their eligibility for the State pension stating that they will have to go online to get their records now. This is a retrograde step. We have letters received back from constituents stating that the Department will not send out a paper record of one's contributions over the years to determine eligibility for a pension and one will have to go online for this. This is the cohort who are reaching pension age who are least likely to have access to online facilities and computers. Also, the Taoiseach should bear in mind that there are many who have no broadband, good, bad or indifferent, and have no access to this. This is disgraceful. I have had lengthy conversations with the Department of Employment Affairs and Social Protection officials over the past couple of weeks and got no solace in this regard. The Taoiseach should rescind this if he is to hold true to his word on having the State services accessible to the citizens as readily as he has said on many occasions.

**The Taoiseach:** I am aware of this issue. I have discussed it already with the Minister, Deputy Regina Doherty, who will examine it. I expect that the Department of Employment Affairs and Social Protection will provide a mechanism by which people can get their social insurance record without only having to get it online. It is incumbent on the Department to come up with a solution.

**An Leas-Cheann Comhairle:** The next three are Deputies Lawless, Munster and Neville.

**Deputy James Lawless:** The programme for Government makes multiple references to public transport. It also alludes to industrial relations machinery where appropriate. I want to raise the ongoing disruption to bus services in north Kildare. I believe it also affects south Meath. In north Kildare, in particular, places such as Kilcock, Clane and Prosperous, buses are literally not turning up in the morning to collect people. When they do turn up they are delayed, but people are being left stranded at the bus stop. I have engaged with the stakeholders, the National Transport Authority, Bus Éireann and other authoritative sources. There appears to be an unofficial industrial dispute, a form of blue flu, among the drivers. I put it to the Minister for Transport, Tourism and Sport via parliamentary question. I put it as a Topical Issue, and the answer has been to fob it off to somebody else, that the NTA can deal with it or somebody else can get involved. These are the people who get up early in the mornings and they are being left

stranded by the Minister at the side of the road. Can the Taoiseach direct the Minister to take action and show leadership in this crisis?

**The Taoiseach:** I will certainly discuss the matter with the Minister, Deputy Ross. However, if, as the Deputy claims, it is an industrial relations matter, I imagine that would be dealt with in the normal way.

**Deputy Imelda Munster:** Under the programme for Government, developing an enhanced primary care system and improving waiting times, what effort has been made to recruit paediatric occupational therapists for primary care services in County Louth? Currently, we have only one part-time occupational therapist and in order to clear the sheer backlog that is there at present we would need eight full-time occupational therapists, and just to run a normal service we would require four. Letters were sent out to parents across County Louth from the HSE stating that there would be a minimum 24-month waiting time before a child could be seen. A child has to wait over two years before he or she gets to receive occupational therapy. That is a shameful record for any Government but particularly a Government that has been in power for over seven years. What plans or active steps has the Taoiseach to rectify the shameful record of waiting times?

**The Taoiseach:** I have no doubt of the need for a good paediatric occupational therapy service in County Louth and I understand the concerns of parents who may have children who are waiting for those services. The Deputy will, of course, be aware that I am not involved personally in recruiting paediatric occupational therapists in County Louth or any other county and the best way to get a substantive answer to her question would be by contacting the HSE directly or a parliamentary question to the Minister for Health.

**Deputy Tom Neville:** On page 79 of the programme for Government regarding the capital plan for new and refurbished Garda stations, I welcome the addition of Newcastle West Garda station in County Limerick in that plan. In reply to a number of parliamentary questions that I have put down, the OPW has stated that it is progressing the appointment of a design team and that construction will take 18 months. What I am looking for is a timeline as to when that design team will be put in place and how long the design process will take so that we can deduce exactly a start date of construction.

**An Leas-Cheann Comhairle:** Does the Taoiseach have the information?

**The Taoiseach:** The Deputy has been pursuing the matter of the Garda station in Newcastle West for quite some time. We are keen to get the work done. I am unable to give the Deputy the timeline but I will ask the Minister of State, Deputy Moran, to contact him as a priority and provide any information that he can.

**Deputy Joe Carey:** I want to ask the Taoiseach about the status of the health (transport support) Bill. Slow progress has been made on this legislation. I would like to ask the Taoiseach to outline its current status, when it will come before the House and when he expects the provisions contained therein will come into operation.

**The Taoiseach:** The Bill is currently being drafted and the Department of Health expects to publish it next year.

**An Leas-Cheann Comhairle:** The final two are Deputies Eugene Murphy and Alyward.

**Deputy Eugene Murphy:** In the programme for Government, there was considerable hope given to those of us who were speaking about the development and upgrading of the national primary routes. I refer to the national primary routes, the N4, which the Leas-Cheann Comhairle, Deputy Scanlon, myself and others have spoken about, and the N5. Both of those are in a deplorable state and they need to be upgraded. Those are two vital organs, east to west. As the Taoiseach probably will be aware, many of the businesses in the west are complaining about the state of the N5. We heard a lot of talk in recent days about the Dublin metro plan being brought forward, which is a €2.5 billion plan. We have to keep developing the infrastructure in Dublin, but I want to know from the Taoiseach today - he spoke in the leadership battle about developing these networks and getting them upgraded - if the N5 and the N4 are included in the capital plan.

**The Taoiseach:** The upgrading of the N4 and the N5 are included in the capital plan. We are very keen as a Government to see both roads upgraded as soon as possible because access to Sligo and Mayo in particular, and to Roscommon, is essential. It is one of the few parts of the country that is still quite remote from the motorway network. It is intended to bring these projects forward but I am not in a position to give the Deputy a timeline today. The Minister for Transport, Tourism and Sport, Deputy Ross, and Transport Infrastructure Ireland, TII, will do that as soon as they have the profiling done.

**An Leas-Cheann Comhairle:** One final question from Deputy Aylward.

**Deputy Bobby Aylward:** Page 108 of the programme for Government states that the “next generation of farmers must be supported, to generate farm income, while positioning Ireland as the highest quality food producing nation in the world”. There is huge concern in Kilkenny and elsewhere that the six remaining veterinary laboratories may be under threat of closure by the Department of Agriculture, Food and the Marine. This is a question that I have been asking the Minister for more than 12 months. We have a laboratory in Kilkenny that serves the whole of the south east down as far as Waterford, taking in Wexford, Carlow, Kilkenny, Tipperary, Laois and south Kildare. We have been awaiting a report on the matter for over 12 months. There is a shadow hanging over the laboratory and the people working in it. These laboratories provide an essential service for the farmers of this country and must be retained. Why is the Minister dragging his feet on this? Why is he not publishing the report and putting the matter to bed for once and for all? It is an essential service that must be retained in Kilkenny to serve the area to which I referred.

**An Leas-Cheann Comhairle:** Deputy Tony McLoughlin has a similar question.

**Deputy Tony McLoughlin:** I support the points made by the previous speaker. I am concerned about the veterinary laboratory in Sligo. It is the only such facility in the north west and the only laboratory north of the line from Dublin to Galway. It is vitally important that we secure that facility and I would welcome clarification in that regard.

**An Leas-Cheann Comhairle:** I ask the Taoiseach to answer that if he can.

**The Taoiseach:** I am afraid I cannot answer it but I will ask the Minister for Agriculture, Food and the Marine, Deputy Creed, to contact the Deputies and to provide them with some information.

## **Ceisteanna - Questions**

## Departmental Communications

1. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his Department's plans to conduct market research. [41633/17]

2. **Deputy Micheál Martin** asked the Taoiseach if he will report on changes to his Department's website; and if changes are being made to merrionstreet.ie. [41863/17]

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on plans in his Department to conduct market research. [42741/17]

4. **Deputy Brendan Howlin** asked the Taoiseach if he will report on the advertising undertaken by his Department. [43749/17]

5. **Deputy Gerry Adams** asked the Taoiseach if he will report on changes to his Department's website; and if changes are planned in respect of the website of the Government Information Service, merrionstreet.ie. [43823/17]

6. **Deputy Micheál Martin** asked the Taoiseach the status of the commitment in his own Department's strategy statement to examine the balance of power and responsibility between the Government and the Civil Service. [43829/17]

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

The strategic communications unit in my Department represents a step change in how we as a Government communicate with our people. It is about informing people of the work of Government in a co-ordinated, focused and cross-governmental way so that it becomes easier for people to understand what the Government is doing and the full range of State services, benefits and entitlements available to people, both new and current. It is citizen-centred, will represent value for money and will, over time, reduce overall costs in line with international best practice. It is the first time in the history of the State that there will be a whole-of-Government approach in how we communicate with people in a sustained and systemic way. The strategic communications unit will be integrated within the Civil Service structures in my Department, with the director of the unit reporting to the Secretary General of the Department.

The Civil Service Management Board, CSMB, has decided to establish a subgroup which will act as a high-level working group and will be chaired by the Secretary General to the Government. Its membership will be finalised shortly. In addition, responsibility for communications will be assigned to an assistant secretary in every Government Department who will work collectively to ensure cross-Government co-operation and co-ordination.

This initiative will be progressed as part of the Civil Service renewal programme. This oversight is in line with my Department's strategy statement, its core values being a deep-rooted public service ethos of independence, integrity, impartiality, equality, fairness and respect and a culture of accountability, efficiency and value for money. These core principles will inform how the unit will conduct its business. Its task will be to simplify Government communications and to increase efficiencies across the public sector when dealing with the Irish public. It will achieve this by streamlining communications to citizens, developing and delivering major cross-Government communication campaigns and improving communications capacity across Government.

My Department, working with the Office of Government Procurement, has invited tenders for a research survey to help us learn more about public awareness and understanding of Government services. The research will explore the public's view of Government, their perception of services provided by Government, their knowledge of the range and quality of those services and what the role of Government should be in their lives with a view to helping us communicate more effectively with citizens. I expect the contract to be awarded shortly and the research will be published when completed. This work will inform the future output of Government communications. This kind of approach is in line with international best practice. Other Governments that have undertaken this kind of work include those in the UK, the Netherlands and New Zealand.

I have no plans at present to make changes to *merrionstreet.ie*. However, as part of an audit being conducted of the many Government Department websites and online services, these may undergo a rationalisation process in order to maximise cost effectiveness, reduce confusion and fragmentation and improve usefulness for users. My Department has undertaken four information campaigns to date which incorporate advertising, namely the Data Summit, the Back to School campaign, Ireland's Rugby World Cup bid and budget 2018.

**Deputy Brendan Howlin:** The Taoiseach has acknowledged that a tender worth €130,000, excluding VAT, was issued to conduct polling on attitudes towards Government, along with a six-month rolling tracker poll. Who commissioned that research and who designed it for Government? In terms of Question No. 4, last week there was a series of sponsored advertisements on Facebook promoting the budget, with prime positions for the Taoiseach and the Minister for Finance, along with promoted tweets. That was the first time we have actually seen bought advertising promoting a Government and particular Ministers. How much was spent on this political promotion? Is it co-ordinated by the new strategic communications unit? Will this now be an ongoing feature, with paid-for advertising, rather than the use of *merrionstreet.ie* in the normal way, showing shots of the Minister for Finance at budget time? Will we see more of this paid advertising targeted at individual Facebook and other social media users?

In his response today, the Taoiseach said that an assistant secretary in each Department will now be put in charge of communications. I take it that this is not an exclusive role for an assistant secretary. Can I presume this will simply be an added role for an existing cohort of assistant secretaries?

**Deputy Michael McGrath:** Following on from what Deputy Howlin has just said, I seek clarity on a few points. I am trying to get my own head around this. I would have understood that each Department had its own press function and that the central co-ordinating press service was the Government Information Service, GIS. I find it difficult to understand the need for another layer in the form of a strategic communications unit. I ask the Taoiseach to clarify the relationship between GIS and the new unit. What platform will the strategic communications unit be using? Is it social media only or does it also use *merrionstreet.ie*? Is *merrionstreet.ie* still the preserve and under the control of GIS?

In terms of funding, the Taoiseach said the unit is cost-neutral. When I look at the budget documentation, I see a new budget measure providing €5 million within the Taoiseach's Department for the establishment of the strategic communications unit but I do not see the corresponding reduction, that is, where that €5 million is coming from. I would have thought, in order to be transparent, that the Taoiseach would spell out exactly the source of the €5 million saving. If one takes taxation, for example, if there is a new budget measure, favourable or

otherwise, that detail is set out in the budget documentation. I do not see that transparency in terms of how this particular proposal is going to be cost-neutral. What I do see is a new budget measure providing €5 million.

**Deputy Gerry Adams:** I would have thought that Teachta McGrath would have been across that detail, given that his party facilitated the budget. That said, to go back to the issues raised, the Taoiseach published this tender for the production of tracking polls, amounting to €130,000 plus VAT every year. That is a substantial amount of public money. I ask the Taoiseach to provide examples and to clarify precisely the purpose of these polls. Who will be responsible for determining which issues will form part of the tracking process? If I understood him correctly, the Taoiseach said the poll results would be published. When he announced the establishment of the strategic communications unit, he said it would be cost-neutral. An additional €5 million has now been set to one side for it. As I am sure the Taoiseach will agree, that is hardly cost-neutral. Is the cost of the tender for the production of tracking polls included in the €5 million? The Taoiseach has said the public has a right to know what the Government does and how taxes are spent. I absolutely agree with him. Will he now give the Dáil the overall annual cost to the public purse of the strategic communications unit? How much will the Department of the Taoiseach pay overall for publicity and communications staff?

**An Leas-Cheann Comhairle:** I ask the Taoiseach to deal with all of the questions asked.

**The Taoiseach:** Most of the questions were very detailed and would really be more for a civil servant than a politician to answer. However, I will answer them as far as I can.

I do not know who commissioned and designed the research, but I assume it was the director of the unit. The thinking behind the unit is very simple, one I hope most Members of the House will understand, namely, that if we do not measure, we cannot improve. If we want to improve something, we have to be able to measure it. One example is Ireland's first ever patient experience survey carried out not by the strategic communications unit but by the Department of Health. We are all aware of the public perception of the health service. Sometimes it is very good-----

**Deputy Brendan Howlin:** The strategic communications unit is doing it?

**The Taoiseach:** No. As I said, I am giving the House an example of the concept involved.

**Deputy Brendan Howlin:** That has nothing to do with the strategic communications unit.

**The Taoiseach:** That is correct. It was done separately. I am doing my best to answer the Deputy's question, with all of the others. The concept behind it, as used by governments across the world, is that when it comes to research, one cannot improve something, unless one can measure it. Separate from the strategic communications unit, the Department of Health has for the first time commissioned a patient experience survey. The results of the survey will inform us about people's experiences of the health service and how they compare from service to service and hospital to hospital. This will allow the Department to improve the service and see if the public agrees with the improvements made. That is exactly the approach the Government should take. We need to ask citizens and customers what they think of the services we are providing, look to see where there may be deficiencies, make changes and then see if they have actually worked. The only way we can know if they have worked is by again asking people after the changes have been made whether their perceptions have improved. The basic concept for a very long time has been measure it, improve it, measure it again, and see if the improve-

ments have made a difference. What matters most is what citizens think, not what politicians think, be they on these benches or elsewhere.

In response to the question on advertising bought by Departments, they have bought advertising for all sorts of information campaign for as long as I can remember. What is slightly different this time is that much more of the advertising is being carried online through Twitter, Facebook and so forth. This is 2017 and communications have changed. I look back with a degree of amusement at the controversy when Fianna Fáil was in government and set up *www.merrionstreet.ie*. My own party and the Labour Party for that matter made much the same criticisms at the time that the Opposition is making today. It was felt that it was terrible for the Government to set up a website and people wondered what the whole thing was about. All Fianna Fáil's setting up of *www.merrionstreet.ie* amounted to was a move towards modern communications and the Government having a website, although there was a big fuss about it at the time. What we are doing now also embraces modern communications, involving Twitter, Facebook, videos and that manner of modern technology.

On the issue of assistant secretaries in each Department, Deputy Brendan Howlin is correct in saying it will not be a dedicated post but rather a position included among their existing responsibilities. This position already exists in many Departments but not in others.

While I said the strategic communications unit would be cost-neutral, I never said it would cost nothing. Any unit with employees and that will be involved in information campaigns will, of course, cost something. I said it would be cost-neutral. If anyone looks at the Department of the Taoiseach's Vote in the budget book, he or she will see that the overall budget for my Department is down by approximately €1 million. The savings made in each section are explained in detail, line by line.

With regard to the former Government Information Service, GIS, its former functions in respect of *www.merrionstreet.ie* will be integrated into the new structure, while the Government Press Office will continue to operate as before, dealing with day-to-day media queries under the direction of the Government Press Secretary.

**Deputy Brendan Howlin:** I thank the Taoiseach for his detailed reply. I am concerned, however, about the new move into paid political advertising. The Taoiseach will know that political promotional ads cannot be paid for from the public purse. The issue of the allocation of moneys to parties in opposition arises because we cannot spend money in promoting our parties or party policies in an overt way. We have to raise our own money for campaigning, while we receive State moneys to run the party *simpliciter*. The Taoiseach has confirmed to the House that any advertising paid for will be conducted in the normal way in promoting Government schemes and making people aware of policies determined by the Houses rather than take the form of political advertising to promote the interests of the parties which make up the Government.

**Deputy Gerry Adams:** I have no problem with the Government using modern technology and the modern methods available to us. That is very sensible and appropriate. I return, however, to the Taoiseach's claim that the strategic communications unit will be cost-neutral. Will he explain it to us, given that there has been the allocation of an additional €5 million for the unit? He did not do that in his initial response to the question.

**Deputy Michael McGrath:** The Taoiseach has not explained that point. He has included

a new budgetary measure of €5 million without showing where the corresponding savings are being made on the expenditure side in order for the unit to be cost-neutral. Nobody is suggesting it is cost-free, but the Taoiseach did say it was cost-neutral and the onus is now on him to demonstrate this. However, I do not see it in the documentation. Will the Taoiseach also clarify the role between the Government Information Service and the strategic communications unit? Might a situation arise where political appointees and advisers could be involved in meetings with the strategic communications unit, formulating strategy and selecting the particular messages Fine Gael wants to convey and the campaigns it wants to run, as part of the Government and as a party?

**The Taoiseach:** There will be no political advertising and no promotion of political parties. The Civil Service and public sector code will continue to apply in that regard.

On the issue of costings, I cannot explain it any better. Something being cost-neutral is not the same as it costing nothing. The money is being found within my Department and my departmental budget is, in fact, being reduced. The unit will actually save money over time, just as similar units did in other jurisdictions. Looking at the plethora of logos, communications functions, websites and press functions across Departments and agencies, any rational person will see that co-ordinating and pulling all of this activity together over time will actually save a substantial amount of money for the taxpayer.

On the issue of political advisers, they are departmental employees and it is normal for them to engage with civil servants all the time. They will continue to do so, but there will certainly be no engagement with party officials or party press officers.

### **Cabinet Committee Meetings**

7. **Deputy Micheál Martin** asked the Taoiseach when Cabinet Committee A (Economy) last met. [41642/17]

8. **Deputy Gerry Adams** asked the Taoiseach when Cabinet Committee A (Economy) last met; and when it is scheduled to meet again. [42742/17]

9. **Deputy Brendan Howlin** asked the Taoiseach when Cabinet Committee A (Economy) last met. [43751/17]

10. **Deputy Richard Boyd Barrett** asked the Taoiseach when Cabinet Committee A (Economy) will next meet. [43786/17]

**The Taoiseach:** I propose to take Questions Nos. 7 to 10, inclusive, together.

Cabinet Committee A held its first meeting on 12 September. Its focus is on economic issues, including implementation of the Action Plan for Jobs 2017 and preparation of a new, more focused action plan for next year; labour market policies, including implementation of Pathways to Work and responding to emerging skills pressures; competitiveness and productivity challenges for businesses, including pressures from recent currency movements; rural affairs and implementation of the Action Plan for Rural Development; and also the development of a pensions reform roadmap. I expect to see further progress in all of these areas in the coming months, building on the measures included in budget 2018.

The next meeting of Cabinet Committee A is scheduled for 23 November.

**Deputy Michael McGrath:** I thank the Taoiseach for that information. The committee has met once and another meeting is scheduled. The Taoiseach has given an outline of the issues it will cover as part of its deliberations. Will he clarify whether the capital investment plan forms part of its work, or is that the responsibility of another Cabinet committee? Will he confirm when the capital plan will be published? Rather than listing every project for the sake of it, the plan should contain meaningful information on the prioritised projects, including timelines and indicative budgets. This can be done without compromising the commerciality of what will need to be done in that respect.

Will this Cabinet committee deal with the issue of corporation tax? There have been renewed attacks on Ireland's sovereignty in the corporation tax area. The common consolidated corporate tax base proposal has been brought forward by the European Commission again. Proposals have been made for new taxation mechanisms in respect of digital companies. President Juncker has done more than float his idea about the vetoing of corporate tax decisions. He has said he would like the veto to be removed. Will this committee deal with that issue? Does the Taoiseach have any views on the issues I have raised?

**Deputy Gerry Adams:** Will the Taoiseach advise if the tracker mortgage scandal has been discussed by Cabinet committee A? He said earlier that the Government has lost patience with the banks that have prevented people who were paying tracker mortgages from continuing with those mortgages and have forced such people to pay higher charges. The Central Bank has said that just one in four of those who have faced these higher charges - this figure covers only the customers we know about - has received compensation. We know that as a result of the decisions of the banks, at least 23 families have lost their homes and 79 other people have lost properties. It is acknowledged that this scandal may have had an impact on more than 20,000 house owners. The Taoiseach has described this behaviour as scandalous and spoken about the need for a clear timeline for redress and compensation. At the same time, the Central Bank has said it can do little for those who were affected by the unscrupulous actions of the banks before 2013. In accordance with the Taoiseach's comments about losing patience on foot of this scandalous behaviour and about the need for a clear timeline for redress and compensation, does the Government intend to give the Central Bank additional powers to force the banks that are responsible for this scandal to face up to their responsibilities and deal properly with the home owners involved?

**Deputy Brendan Howlin:** Is the capital plan being discussed by this Cabinet subcommittee or by the Cabinet as a whole? It will affect every area of Government and every Department of State. Will this House be able to make an input into the plan before it is determined by the full Cabinet?

We are all mindful of the damage that has been done in this country in recent days. The mitigation of the effects of climate change on our built infrastructure is an ongoing issue. What are we going to do about it? We need to look at all elements of it, including the prevention of flooding and coastal protection. The need to look at specific areas, such as the island of Cobh, has become very clear in the 48 hours following Monday's storm. The road from Fota is the only point of access to Cobh. My colleague, Councillor Cathal Rasmussen, raised this matter nationally last night. The vulnerability of Cobh is an issue that goes back many years. Will that kind of issue be comprehended in an overall climate change mitigation plan as part of the capital programme that is to be set out?

I would also like to ask about the duration of the capital plan. The Taoiseach previously indicated that it will cover a ten-year period. Will that be the case for every Department? A ten-year horizon is needed in the transport sector because it takes such a long period to develop certain major projects, such as metro north. As a result of changing demographics, more flexibility is needed to deal with other areas, including education. Will there be one ten-year plan for every Department? In the case of the previous plan, there was a longer-term plan for transport and a more agile shorter-term plan for other Departments of State.

**Deputy Richard Boyd Barrett:** President Donald Trump is claiming that Ireland is planning to reduce its corporate tax rate from 12.5% to 8%.

**Deputy Brendan Howlin:** It must be right if President Trump is saying it.

**Deputy Richard Boyd Barrett:** President Trump is a dangerous and pathological liar and I do not give any credence to those claims. Does it concern the Taoiseach that Ireland is now a watchword for corporate tax avoidance by big multinational companies and for the race to the bottom on corporate tax? President Trump is simply using the low effective rate - the 0% effective rate on big multinational companies like Apple - as an excuse to accelerate the race to the bottom on corporate tax in the US. Does that give the Taoiseach cause for concern about the sustainability of our economic model?

Has the Taoiseach considered and discussed the enormous and expanding hole in revenues resulting from the dramatic increase over recent years in the deductions and allowances that are given primarily to American multinationals? The Taoiseach might tell us whether he has read the Coffey report, which notes that tax deductions and allowances for the corporate sector have increased from €18.9 billion in 2003 to €97.0 billion in 2015. The amount of money involved in these loopholes has increased from €18 billion to €97 billion. That money could be going into our Exchequer, but instead it is going into the pockets of the multinationals that are benefitting from our pitifully low tax rate. Is the Taoiseach looking at the implications for our Exchequer, and indeed for the sustainability of this country's wider economic model, of the likely changes in the corporate tax regime in the United States?

**Deputy Eamon Ryan:** Could the Taoiseach mention in his response any document that sets out the Government's actual economic strategy? We debated the national planning framework this morning. It says we want to move to a low-carbon economy and to reduce the commuting distance but nothing is happening in either respect. As far as I could see, last week's budget contained no signal of an industrial or economic plan other than a willingness to get the buildings going again and to sell as much beef as we can to the UK, which reminded me of the approach taken by Fianna Fáil at the end of the last century. What is the economic strategy? Which industries are really going to grow? What are we going to be good at? Which businesses do we want to specialise in? Where can I find out what the Government's economic strategy is in advance of considering the national capital plan?

**The Taoiseach:** I intend that the capital plan will be considered by the Cabinet as a whole because it will have an impact on all Departments. I am not suggesting that it will not be discussed by individual Cabinet subcommittees as well. My intention is that it will be discussed and approved by the Cabinet as a whole. I would welcome the involvement of this House in discussing the ten-year capital plan and the national planning framework, which are inextricably interlinked. I would like such a debate to take place in this House sooner rather than later so that the contributions of Deputies can inform the decisions that are to be made. Of course it is

up to the Business Committee to make those arrangements. I have said in the past that I would welcome such a discussion.

As Deputies are aware, a public consultation is under way as well. We anticipate that the national planning framework and the ten-year capital plan will be published together on the same day. We aim to do this in December in the form of a new national development plan, which will run from 2018 to 2028. It is intended at this stage that all Departments will be covered by the plan for ten years, although these things can change. We will allow for at least one review, if not two reviews, during the course of those ten years to take account of the fact that things change over the course of a number of years. As Deputy Howlin has said, it makes absolute sense to have a longer-term perspective in transport. We should also have a longer-term perspective on other matters. Take, for example, our national cultural traditions. The renovation of the National Gallery next door is most impressive. If we were to build a national theatre, for example, that would not be a three-year job but a longer-term one. It is not just transport which requires long-term planning; many other things do too. I take the point about the need to be flexible, given changes in demographics and other things.

It will be as detailed as possible. I hope it will be a similar model to the national development plans published under previous Governments. It will not contain every detail but I would like it to be as detailed as possible.

In respect of our corporate tax rate, I can confirm that President Trump's claim that we are proposing to reduce our corporation profit tax rate to 8% is indeed fake news. There is no such plan to do so. Our corporate profit tax rate is 12.5% and has been for a very long time, through changes of Government, recessions and periods of growth. It is as much that certainty which is important to businesses now as is anything else. Businesses investing in other countries, such as the UK, the United States or other parts of Europe, could invest in a country, and then governments may change and taxes may go up, down or up again. We offer certainty in respect of corporation profit tax. It is a good thing that the vast majority of parties in the House, including Sinn Féin, the Labour Party and Fianna Fáil, support its retention because anything else would damage our country, its employment prospects and its economy. Any uncertainty could be damaging, aside from a change in the rate.

We are totally committed to the OECD process on corporate tax. We are closing loopholes. Very smart people find loopholes in tax law no matter what we do. We have already closed the loophole in respect of the double Irish.

**Deputy Richard Boyd Barrett:** Not until 2020.

**The Taoiseach:** We have closed a loophole in respect of stateless companies.

I read the Coffey report. We are closing some of the loopholes in respect of intellectual property. That was in the budget and will be addressed in the Finance Bill tomorrow. A very good report to read for anyone interested in this area is the report of the Comptroller and Auditor General from a number of weeks ago. It contained two takeaway messages for me. Even though we have a low corporate profit tax rate in Ireland, we take in a lot of corporation profit tax and revenue compared to other countries. That has proved that our policy works. Having a low tax rate brings in more revenue. That may not always be true, but it is in this instance. Countries with higher corporation profit tax rates bring in less revenue. That is proof that our policy works and attracts enterprise. We take in more revenue than countries with higher rates.

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Even though there are many ways to calculate the effective tax rate, it is interesting to note that when one compares Ireland with other countries we are taking in more corporation profit tax than countries such as France, which are critical of Ireland. It takes in less because while it might have a higher rate on paper, it has so many exceptions, incentives and loopholes that it takes in less. Countries which are critical of our tax policy will be reminded of that in my conversations with them. It is good to have documentary data to back up what I am saying.

We are not ruling out giving the Central Bank additional powers. It is worth pointing out that additional powers were given to it in 2013 but, unfortunately, are not and probably cannot be made retrospective. What was done to those holding tracker mortgages was done prior to 2013. We are not ruling out new measures or powers for the Central Bank. I ask Deputies to be aware of the limits of retrospectivity in legislation.

**Deputy Brendan Howlin:** It could put moral pressure on the banks.

**The Taoiseach:** We have any number of economic strategies. I encourage Deputy Eamon Ryan to read them. They include, for example, the Action Plan for Jobs, the speech I made to IBEC outlining our five key economic policies, Enterprise 2025 and the trade strategy. There are any number of documents which could supply the Deputy with bedtime reading for a number of days and inform him fully of our enterprise policy.

**An Leas-Cheann Comhairle:** As only 14 minutes remain, I suggest we move on to the next group of questions.

## EU Summits

11. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the EU digital summit in Tallinn, Estonia, on 29 September 2017. [41635/17]

12. **Deputy Micheál Martin** asked the Taoiseach if he will report on the informal EU meeting he attended in Estonia; the issues that were discussed; the bilateral meetings he attended; and if bilateral meetings were held. [42454/17]

13. **Deputy Micheál Martin** asked the Taoiseach if immigration to the EU was discussed in Estonia at the informal EU meeting. [42459/17]

14. **Deputy Paul Murphy** asked the Taoiseach if he will report on his meetings at the recent European digital summit in Tallinn. [43748/17]

15. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his attendance at the EU digital summit in Estonia. [43750/17]

16. **Deputy Eamon Ryan** asked the Taoiseach further to Parliamentary Questions Nos. 1 to 7, inclusive, of 4 October 2017, the outcome of his meeting with Dutch Prime Minister Mark Rutte on the margins of the European digital summit. [43767/17]

**The Taoiseach:** I propose to take Questions Nos. 11 to 16, inclusive, together.

The digital summit in Tallinn was an important opportunity for EU leaders to discuss the evolution of digital technologies and their wide-ranging implications in a less formal setting than regular European Council business. The Estonian Presidency prepared a very useful,

forward-looking agenda to stimulate discussion on how Europe can develop its competitive advantages in a fast-changing digital world which is reshaping key drivers of innovation, growth and living standards.

While we did not adopt formal conclusions, Prime Minister Jüri Ratas shared his assessment of the key broad-based agreement which emerged from our exchanges. This identified much common ground on issues such as bringing government and the public sector into the digital age, an area where Estonia has taken a lead; making Europe a leader in cyber security, to ensure the trust, confidence and protection of our citizens; ensuring that our regulatory environment in Europe is one which supports innovation and entrepreneurship; empowering our people with digital skills and modernising our education and training systems to support lifelong learning opportunities; and, of course, supporting necessary investments in next-generation infrastructure.

Ireland wants to see a high level of political ambition in unlocking the full potential of the European digital Single Market, and it is clear from our discussions in Tallinn that this is a view shared by most of my European Council colleagues. Prime Minister Ratas will report on proceedings at the October European Council this week, where I expect we will have the opportunity to set a further clear orientation for ongoing legislative work in the European Council and Parliament.

The evening before the summit, a dinner was hosted by President of the European Council, Donald Tusk, during which there was a discussion on the future of Europe. This continued the process which began last year in Bratislava and followed Commission President Jean-Claude Juncker's recent state of the Union speech in Brussels and President Macron's speech at the Sorbonne. Migration was mentioned as an ongoing priority for action, but was not discussed in depth.

At the margins of the summit in Tallinn, I had a bilateral meeting with Dutch Prime Minister Mark Rutte in the Irish embassy. We discussed progress in regard to the Brexit negotiations, and I thanked the Prime Minister for his understanding of Ireland's particular concerns. We also exchanged views about the Bratislava process and the future direction of Europe. I invited him to visit Dublin later this year when I hope we will have a further opportunity to discuss these issues in detail. Dates for his visit are currently being explored.

**An Leas-Cheann Comhairle:** I suggest Deputies take one minute each as there are six questions.

**Deputy Gerry Adams:** The Taoiseach had the opportunity to discuss the future of Europe informally. Although he said the discussions were not in-depth, I presume they included Brexit and so on. We will have the chance to deal with the European Council summit and will have statements on it today.

I picked up on what Commissioner Phil Hogan said, namely, that it is clear that the British Government is not going to propose workable solutions for the benefit of the people of the island. We have said this repeatedly. The focus of the British Government is firmly on what it sees as its national interest. The Commissioner said he was disheartened by the low priority afforded to the Border by Mrs. May's Government. It was clear at the time of the summit that the Commissioner had concerns. Does the Taoiseach share them? Has he raised any of these issues in the informal discussions he had with other European leaders?

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I refer in particular to the British Government's rejection of the European Court of Justice, which has been a long-standing position of the Tory Party. It is opposed to the European Convention on Human Rights. That tears at the very heart of the Good Friday Agreement, of which the Taoiseach's Government is a co-guarantor.

I refer to the Taoiseach's remarks on the BBC yesterday about any future unity referendum. They were most unhelpful. The Agreement is very clear on all these matters and the Taoiseach, as a co-guarantor, should not cherry-pick. Of course, we want to get the maximum level of agreement in any future referendum but the Taoiseach has a legal and moral responsibility to uphold the letter and spirit of all of the measures contained in the Agreement which was voted for by the people of the island, North and South.

**Deputy Michael McGrath:** On the issue of Brexit, the Taoiseach said he felt there were better vibes around the talks in Estonia. Can he give us the view of the Government on whether we support the likely recommendation that the talks not proceed to the next phase, that is, the future trading relationship between the European Union and the UK?

Has there been enough progress at this point on the three pillars in the current phase in order to move on?

A second and related matter I wish to raise relates to EU state aid approval for certain supports of Irish firms that are very dependent on the UK market and exposed to the fallout from Brexit. What efforts are under way and what steps are being taken to secure EU state aid approval for supports of those firms, including long-term and competitively priced funding, for example?

**Deputy Brendan Howlin:** I take it we will have an opportunity to hear the Taoiseach outline in some detail his approach to the upcoming Council, and particularly the major matter of Brexit, when we get to the statements. The EU digital summit is the focus of these questions. We understand that at the summit French President Macron proposed an EU-wide tax on Internet companies. What was the Taoiseach's response to President Macron on that matter? Was it discussed?

Following the summit, President Tusk put together a leaders' agenda and the Taoiseach referred to it as the Bratislava process on the future of Europe. The published agenda sets out a working agenda up to the end of 2019. What element was submitted by the Taoiseach for inclusion in the agenda of work for the leaders between now and the end of 2019?

**Deputy Eamon Ryan:** I will concentrate on the purpose of the visit around the digital economy and the meeting in the margins with the Dutch Prime Minister. The UK is potentially leaving the European Union and it tended to be a party we worked with on digital policy and shaping the European agenda. Does the Taoiseach see that kind of role with the Dutch? I am conscious we also have a difficulty in that part of the controversy around the tax haven status was that we were engaged with the Dutch with the "Dutch sandwich" or "double Irish". The process used them and us so there is a certain controversy, particularly in the digital company side, as to how we and they work together. Is there a wider sense in which the Taoiseach sees us aligning with the likes of Holland and Denmark in the absence of the UK if we want to be a modern, advanced, digital economy? This goes back to my earlier question. I do not have a sense of strategy in this. The digital economy is huge here and this should be big for us. What

will be the play in terms of working with the Dutch or others in the European Council when it comes to digital matters?

**The Taoiseach:** If Commissioner Hogan made new comments today, I am not aware of them. I would prefer to see his comments in full and in context before commenting on them specifically.

The informal dinner was very much about the future of Europe, including future co-operation and integration. It touched on what is already in train as a result of the Bratislava process, as well as the Juncker and Macron speeches. It brought into focus in my mind the extent to which, although Brexit may be the most important thing happening in Europe to us, it is not necessarily the case for other people. In the Baltic states, they are much more interested in Russia and security matters while those along the Mediterranean are much more interested in migration. France and Germany have their own ideas and we cannot be disengaged on the future of Europe debate. Whereas we are primarily concerned with Brexit, we need to engage in the future of Europe debate as well and not allow it to pass us by.

On the Good Friday Agreement, Deputy Adams mentioned the Irish Government is co-guarantor of the agreement, and it is a role we accept and take very seriously. The Good Friday Agreement also states Northern Ireland is part of the United Kingdom but that does not mean one must like it. I am sure the Deputy accepts the Good Friday Agreement but he does not want that to continue to be the case. I accept the referendum provision in the Good Friday Agreement would allow unity by consent with a majority of one but I do not like it; it would be a bad idea to move from a constitutional settlement that has a decent amount of cross-party support, with 70% of people in Northern Ireland having voted for it, to a process with the support of one more person over those against it. That is the point I made and people understand that point.

Deputy Michael McGrath asked about sufficient progress with regard to the Brexit negotiations and the Government agrees with Mr. Michel Barnier's assessment that insufficient progress has been made across the three areas. As a result, we intend to support the draft Council conclusions, which we had a role in helping to write.

On the state aid matter, some initial work is being done, not just within Departments but through initial contact with the Commission, about approving state aid for businesses that may be affected by Brexit. It is very much a work in progress and it is not possible to apply for state aid clearance to compensate people for something that has not happened yet. It is something that may well have to form part of our armoury if Brexit goes wrong.

With regard to President Macron's advocacy of an EU-wide digital tax or tax on digital companies, I expressed the view that it was a bad idea. A number of countries shared that view, including Sweden, Malta, Latvia, Romania, Cyprus, Luxembourg and the Czech Republic. The argument I made was that if we are going to introduce a digital tax, it should be done on an international basis and not just by the EU. If we were to impose such a tax within Europe, all we would do is hand the advantage to Japan, America and perhaps even the United Kingdom. As it leaves the EU, it would have the advantage of not having the tax applied. That is the approach we will be taking.

### **Pre-European Council: Statements**

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**The Taoiseach:** A Cheann Comhairle, tá áthas orm labhairt libh inniu roimh Chomhairle na hEorpa an Deireadh Fómhair, a thionólfar sa Bhruiséil ar an Déardaoin agus ar an Aoine seo chugainn. Is é seo an dara uair a fheastalóidh mé ar chruinniú foirmiúil de Chomhairle na hEorpa ó cheapadh i mo Thaoiseach mé. Áirítear an Eoraip digiteach; cúrsaí slándála agus cosanta; an imirce; agus caidreamh eachtracha i gclár foirmiúil de chruinniú an Déardaoin. Ar an Aoine, pléifimid an Eoraip amach romhainn le linn an bhricfeasta roimh ár gcruinniú i bhformáid Alt 50 chun dul chun cinn idirbheartaíocht Bhrexit a phlé. Sula thosaím ag caint go mion ar na hábhair sin, ba mhaith liom cúpla focal a rá faoin mhullach digiteach ar a d'fheastail mé i dTaillinn ar an 29 Meán Fómhair seo caite.

Ireland is a strong supporter of prioritising digital issues because of the significant opportunities for innovation, growth, jobs and global competitiveness. The digital summit - an initiative of the Estonian Presidency - examined some of these centrally important issues and our discussions have informed the work which the European Council will engage in tomorrow. We also had a useful exchange of views, over dinner in Tallinn, about the future of Europe. I spoke with several of my EU counterparts in the margins of the meetings and had a formal bilateral meeting with the Dutch Prime Minister, Mark Rutte, whom I invited to visit Dublin later this year.

The European Council will begin tomorrow with the usual exchange of views with the President of the European Parliament. The Estonian Presidency will then provide a short update on work done since our last meeting in June.

The first working session on migration will include an update from the Commission on developments over the past few months. It is worth saying that there has been a decrease in migration along the central Mediterranean route and in the number of deaths at sea.

There is likely to be some discussion of further support for the Trust Fund for Africa, to which Ireland is contributing €3 million, and the common European asylum system, where progress on reform has been slow.

Although Ireland is less directly affected by migration than other EU states, we have sought to play a constructive role. We voluntarily opted in to EU programmes on resettlement and relocation; we have provided humanitarian assistance, including over €93 million to those affected by the Syrian crisis since 2012; and we have provided a series of Naval vessels in the Mediterranean since May 2015. In addition to supporting front-line member states, we also want to build strong co-operation with countries of origin, transit and departure and deal with the root causes which force people to migrate.

One of the most important items on Thursday's agenda from Ireland's perspective is digital Europe. The House will recall that, together with a number of EU partners, I wrote to President Tusk in June calling for a high level of ambition in developing the digital Single Market. Much progress has been made, with the European Commission delivering in excess of 20 proposals, but the pace must be maintained, and this is why the European Council is again considering digital Europe. Ultimately, our success will be determined by delivering practical benefits for our citizens and businesses and ensuring our global competitiveness. The digital era of course brings challenges as well as opportunities, and we welcome and support the Commission's cyber-security package and the strong and co-ordinated EU response which it reflects.

Once again, Ireland has been to the fore with a group of like-minded member states, pushing

for ambitious language in the conclusions for this European Council on areas such as the free flow of data and a future-oriented regulatory framework. Some member states are keen to look at taxation in the context of the increasing digitalisation of business. Ireland is very clear that the work on taxation of digital companies must be global in nature, and we support the work being done at the OECD as the best way to advance this. We do not support any change within the EU to national sovereignty on tax issues. It is our policy that national budgets should be funded by national taxes.

There has been an increasing focus on security and defence issues within the EU, since the publication of the EU global strategy. The European Council will review some of this work. Initiatives under way include: EU capability development; capacity-building in fragile states; crisis management operations; greater support for the European defence and industrial and technological base; an EU-level co-ordinated annual review of defence; and permanent structured co-operation, or PESCO. The overall objective is to enhance EU capacity to support efforts to combat identified international security challenges, particularly those identified by the UN. The European Council will have a particular focus on permanent structured co-operation, or PESCO. The governance of PESCO has been discussed, and there is an intention to launch its first projects by December. The European defence and industrial development programme, the European defence fund, and the co-ordinated annual review on defence will also be noted, ahead of a fuller discussion and progress assessment in December. In the discussions, Ireland has maintained our full commitment to the EU common security and defence policy, which recognises the specific defence policies of individual member states. Ireland has taken a realistic and constructive approach to these discussions, while ensuring that current proposals pose no threat to our policy of military neutrality. We are, of course, not neutral on issues such as cyber-crime and terrorism. To that end, we have backed a number of initiatives under PESCO, which support UN-mandated peacekeeping operations.

External relations items will be discussed on Thursday evening. A wide-ranging exchange on Turkey is envisaged, while developments in North Korea, Iran and elsewhere may also be raised. The Minister of State, Deputy McEntee, will speak about these in more detail in her remarks.

As I mentioned, President Tusk will lead a discussion on Friday morning about the future of Europe. Considerable momentum has been generated on this since the UK decision to leave the EU last June, including a series of informal summits in Bratislava, Valletta, Rome and, most recently, Tallinn. President Juncker and President Macron have also made useful contributions to the debate. I spoke with President Tusk last week, and outlined my views. I said that the EU should focus on improving citizens' lives in real and tangible ways, by properly implementing what has already been agreed. This means for example completing the Single Market, the digital Single Market and the banking union, all of which were highlighted by President Juncker in his state of the Union address. As I have said before, I believe that our relationship with Europe should be defined in a positive way, outlining what we favour and what we support in terms of greater integration and harmonisation, rather than the things we are going to oppose. This will be my approach to our discussion on Friday.

Turning to the Article 50 format meeting on Brexit, Michel Barnier will report on the fifth round of EU-UK negotiations, which concluded last week. While there have been some positive developments, particularly since Prime Minister May's speech in Florence, it is evident that much more work still needs to be done on the issues in focus in this phase: EU citizens' rights; the UK financial settlement; and issues relating to Ireland. I want to welcome the work which

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has advanced on some of these issues relating to the island of Ireland, including joint principles on the continuation of the common travel area and everything that flows from that. It has also been agreed that, based on the six guiding principles put forward by the EU, work will start on a common understanding of possible commitments and undertakings necessary to effectively protect the Good Friday Agreement, all its parts and the gains of the peace process, including avoiding any new barriers to trade or movement on our island. However, it seems very likely that we will not be in a position to decide that sufficient progress has been made in phase one, unless something changes dramatically today or tomorrow. I spoke with Prime Minister May for 40 minutes by phone on Monday and stated our concerns on Irish-specific issues, particularly trade between Britain and Ireland and the Border. It is still possible that the overall outcome of the negotiations is a trade and customs relationship so close to the *status quo* that a Border problem can be avoided, although that depends very much on the attitude and positions taken by the UK Government in the coming months. Should that not be possible, however, it will be necessary for the UK to commit to arrangements for Northern Ireland that reflect its unique circumstances and avoid reintroducing a customs border, North and South. I will be actively engaged at the European Council, particularly in stressing to leaders the importance of the issues at stake for our country.

I am interested to explore with others how we can ensure that the necessary progress is made ahead of the December European Council. As Ireland has consistently advocated, once sufficient progress is achieved, the EU should be ready to begin discussions on the future relationship and transitional arrangements with Britain. This will be important for an orderly withdrawal and providing certainty for our people and businesses. As Deputies are aware, Ireland has worked very closely with Michel Barnier and the Commission task force and will continue to do so. Maintaining absolute unity among the 27 is absolutely vital to our national interests, and due to the extensive work by the Government and our officials, there remains strong support for Ireland and the particular challenges we face. Ongoing political engagement with our EU partners is crucial, especially as negotiations on Brexit proceed. I continue to use every opportunity to ensure that member states and the EU institutions fully understand our particular concerns arising from Brexit, to enable the best possible outcome for this country.

The European Council provides a framework for meeting our shared challenges at EU level. I look forward to engaging with other Heads of State and Government always keeping in mind the best interests of this country and Europe. I look forward to reporting back to the House next week on the outcome of the European Council.

**Deputy Stephen S. Donnelly:** The European Council is due to address a range of issues but the two core issues are the future of the EU and Brexit and I will address these in that order. As a result of various speeches and statements by President Macron, Chancellor Merkel, President Juncker and others, a substantive debate about the future direction and activities of the EU has finally begun. In the absence of broad agreement on starting principles, there is a great danger of falling into what was termed in “Yes Minister” as the “politician’s syllogism”, that is, “Something must be done, this is something, and, therefore, we must do this.” The debate is already under way but it lacks shape or the sort of co-operative work that is essential to achieve anything across the Union. It is striking how so little evidence has been presented to show that specific proposed changes would address the identified deficits, particularly in terms of economic dynamism.

The most obvious example of this relates to tax harmonisation. Those pushing for it have failed to undertake the most basic work on showing how this is an answer to Europe’s prob-

lems. They have also failed to show its impact on individual member states. It is not a proposal based on turning words about solidarity into actions which demonstrate solidarity. In truth, we believe it is the promotion of national agendas under the guise of quite disinterested reform. What is needed is for this important process to be inclusive, one capable of recognising the full balance of interests of all EU members. As our party leader has said on many occasions, the core promise of the European Union is that it offers all who participate a means of achieving and sustaining progress. It cannot survive if the answer to the destructive and intolerant rise of anti-European populism is driven by a small number of larger states. The agenda for the future of Europe is one which Fianna Fáil has addressed frequently and in great depth. In a series of speeches to the Institute for International and European Affairs and in our manifesto, position papers and statements in Brussels, we have argued for an ambitious reform agenda, including greater fiscal resources for the Union, a more ambitious banking union, an openness to more enhanced co-operation rather than the need for unity on all issues and an investment in the key drivers of long-term social and economic success.

We have also been calling on Government to produce a White Paper on Europe for four years yet the Taoiseach and Minister for Foreign Affairs and Trade have continued to follow the approach of their predecessors, which is to refuse to state a policy until it looks like that is what is going to happen anyway. No matter how many photo opportunities get set up or how many official resources are used to give the illusion of transparency, it would appear that the Government actually has no stated position on the core issues affecting Europe.

It is in this context that we warmly welcome the decision of President Tusk to propose a leadership agenda for the next two years. According to information from Brussels, he has told different leaders that we need an end to individual initiatives and we must start being both inclusive and systematic in tackling the reform agenda. He has proposed an unprecedented seven Council meetings next year and has set out a series of core topics. He has given prominence to issues concerning investment in people, which we warmly support, through education, training and advanced research. This is an initiative the Government should also support. It seems the only way of ensuring that Europe is not driven by dealing with whatever crisis it faces in any given month or year and that we have a mechanism where all countries have a role in shaping the European agenda.

Let me turn now to Brexit. As we saw yesterday during Leaders' Questions, the Taoiseach has adopted an approach of seeking out opportunities to make political jibes regarding Brexit. Instead of having the capacity to admit that he is changing policy or that he or his Government have withheld information, he appears to be bringing a new partisan edge to a topic where the approach has been largely consensual up to this point. In so doing, the Taoiseach is missing an opportunity to lead on what we all agree is one of the most important issues facing our country.

As the Taoiseach knows, Brexit is an issue Fianna Fáil has been talking about since David Cameron opted for an in-out referendum. At every stage, we have called for candid and constructive discussion and have set out various proposals. Very soon after the result, our leader outlined a core policy of protecting Ireland's overriding national interests in the EU, seeking a special economic status for Northern Ireland and minimising the disruption to east-west trade, which we all know could cost thousands upon thousands of jobs, particularly in rural Ireland and around Border regions. In addition, our party leader was the first to raise the issue of the 1.7 million people in Northern Ireland having a continued right to EU citizenship post-Brexit and he persuaded the Taoiseach's predecessor to raise this at European Council level. My colleagues and I have held consultations throughout the island with communities and businesses

that are already feeling the hurt from Brexit and that rightly fear that much worse is on the way. In this context, the Taoiseach's partisan approach of recent weeks is not helping anybody, particularly as he is aware of the aggressively anti-EU approach of some elements in the Opposition. He is also aware that the special economic status Fianna Fáil is advocating would remove the necessity for a border while also respecting the constitutional settlement. What we said at the weekend was that the Taoiseach needs to reach out to constructive interests in the UK and begin setting a foundation for later work.

I recognise that this job is made more difficult for this Government in the absence of a Northern Ireland Assembly. It is staggering that the single biggest social and economic threat facing the people of Northern Ireland since the Troubles is happening in the absence of political leadership. We now have no nationalist political representation in Northern Ireland or Westminster. It is extraordinary that the future of Northern Ireland is being decided between the European Commission, the British Conservative Party and the DUP.

There is no reason to disagree with the Government's assessment that insufficient progress has been made to date and we support the Government's position in that recommendation to the Council meeting. Now that the Government has reversed its position of last week and stated publicly that different scenarios must be planned for, we call on it to ensure that all elements in this House are given proper briefings on what is being considered. As an example, the Taoiseach stated in response to Leaders' Questions recently that the leaked customs report was a 2015 report, it happened before Brexit and there was nothing to see. I received a physical copy of the report yesterday. On the front page, it said September 2016 so there are further questions to be answered there.

I would like to discuss adaptation funding and state aid because they are issues the Taoiseach and the Irish team in this European Council need to be all over. In his response to Deputy Michael McGrath a few minutes ago in this Chamber, the Taoiseach made the point that the Government has started discussions with the Directorate-General for Competition on state aid. My understanding is that those conversations started last autumn. The Taoiseach then went on to say that Brexit has not happened yet and that it is not possible to seek state aid exemptions for something that has not happened. This has been a metronymic call from the Taoiseach's party and Government - Brexit has not happened yet, we cannot put contingency plans in place because it has not happened yet and we cannot ask for state aid relaxation because Brexit has not happened. Brexit has happened. Irish firms lose competitiveness in the EU market at an exchange rate of about 90 cent to sterling. Over the past five years, the exchange rate has been at about 0.8, which means that the tens of thousands of Irish firms that trade with the UK can compete in the UK market. It jumped after the referendum from about 0.8 to 0.85. It should be recalled that at a rate of 0.9, Ireland loses competitiveness. Since around May it has been trending upwards towards 0.9. When I checked before coming into the Chamber, the exchange rate was 89 cent and some significant analysts are forecasting that the euro will move towards parity.

Brexit has happened. State aid rules relaxation and adaptation funding are needed now. The Irish indigenous sector will need three to five years to achieve market share in the European Union. They do not need the Government to return to them in three years' time when they will be out of business to state it has got something for them in state aid. When the Taoiseach meets the Heads of State, I implore him to make the case that Brexit happened for Irish firms a year ago and that they need adaptation funding and state aid rules relaxation immediately.

**Deputy Gerry Adams:** Beidh mise agus an Teachta Seán Crowe ag caint.

Michel Barnier's determination that the Brexit negotiations could not move to the next stage was inevitable, given the lack of willingness of the British Government to engage substantially on three key issues. The Tories repeat the same platitudes and language about the Good Friday Agreement and the Border that they have used for the past year, but they say one thing and do the exact opposite. The threat to the Good Friday Agreement is real and one to which the Government must face up. It is sleepwalking into an even greater crisis in Anglo-Irish relations if it does not respond robustly to the threat presented by the British Government to return to direct rule. British rule in Ireland had failed; it had failed on this part of the island and in the North. We need to see the Good Friday Agreement being implemented fully. The current crisis has been caused by broken agreements. Any return to direct rule would be in direct breach of the St. Andrews Agreement and in addition to the other breaches. Rather than peddling false information on the state of the talks process, the Taoiseach needs to advise the British Prime Minister, Mrs. Theresa May, that the Irish Government is absolutely opposed to a return to direct rule and that he expects the British Government, including the Prime Minister and the Secretary of State for Northern Ireland, to fulfil and hold to its obligations under agreements, of which the Irish Government is co-guarantor. The threat to the Good Friday Agreement posed by the Brexit debate could be averted if the Agreement was incorporated in full as an annex to the withdrawal agreement. *Caithfidh an Rialtas é sin a bhrú ar Rialtas na Breataine chun aon phlean ceart a chur ar aghaidh.*

The Taoiseach has said many times - I agree with him - that the British Government's proposals will cost jobs, undermine our economies, subvert sectors on both parts of the island and undermine the process of peace and political dialogue. It is disappointing that the Irish Government's position appears to have changed from recognising the need for special arrangements for the North to there being a lack of clarity. The Government needs to be relentless in its opposition to a return to an economic border. That needs to be said repeatedly and also acted on. *Ba chéim siar aon teorainn a bheith ann ar an oileáin seo. Ba dhroch-rud é do ghnó, d'fheirmeoirí agus do shaoránaigh ó Thuaidh agus ó Theas.*

The issue of the Border requires a political solution, not one that is technical or electronic. That is recognised by the European Commission and the European Parliament, but, apparently, not by the leader of Fianna Fáil, who appears to have a different position. Deputy Mícheál Martin wants the Government to look at options for Border controls. He is looking for an electronic solution to a political problem, but there is none. The solution lies in the entire island remaining in the customs union and the Single Market.

In a broadcast on BBC last night the Taoiseach said there was a willingness within the European Union to be flexible and bend the rules for the North. He also said people should not see it as a threat to the constitutional settlement or the union. That is something Sinn Féin has stated all along and I am glad that the Taoiseach has now come to that position. What he needs to do now is to push for designated special status for the North within the European Union and continue to engage with unionists. The commitment to bring the civic dialogue to the North needs to be acted on.

I refer to the ongoing plight of Ibrahim Halawa. I hope the Taoiseach will raise at the European Council meeting the matter of his continued incarceration. I expressed my concern to the Taoiseach on 4 October that Ibrahim Halawa had been denied visits by officials from the Irish embassy in Cairo. The Taoiseach replied that he did not know if that was the case but that he would come back to me on the matter. It took him a full week to do so. I do not know if other party leaders have this problem, but there appears to be some fault line, given that Sinn Féin is

having trouble in securing speedy responses from the Taoiseach on these important issues. I know that his concern about Ibrahim Halawa's continued detention is heartfelt, but I appeal to him again. Ibrahim Halawa has been acquitted and is being held for no reason I can understand. We must respect other countries' right to operate their own judicial systems, but the release of Ibrahim Halawa should be secured as soon as possible. I ask the Taoiseach to raise the matter in the upcoming talks.

On the ongoing political crisis in Catalonia, the only way to end any dispute is through inclusive dialogue and mediation. Two weeks ago I spoke to the Catalan President on the telephone when he assured me that his government was ready for talks and that that was his priority. The Taoiseach has said he supports dialogue, but he needs to act. I look to him to lead the imperative for dialogue. The jailing of two civic society activists by the Spanish High Court two days ago flies in the face of this imperative. We look to the Taoiseach to ask the European Union to intervene directly to ensure there will be dialogue and mediation.

**Deputy Seán Crowe:** I pay my respects to the more than 300 people who were killed in the bomb attack in Mogadishu on Saturday. The attack was largely ignored in the news outlets here, but it is only right and fitting that we extend our sincere condolences to the families of all those who were killed and injured.

I had intended to refer to the matter of Catalonia, but my colleague, Deputy Gerry Adams, has already done so. We ask the Taoiseach to raise the issue with the Spanish Prime Minister as we all want to see a de-escalation of the crisis. We have seen the arrest of two civic society leaders who have failed to get bail and face prison sentences of 15 years. No one wants to see the crisis deteriorate. We have a different view on how the problem might be solved. The Catalans, as well as many others, have suggested international dialogue and mediation as a way to find a way out of the crisis facing not only the Catalan people but also the Spanish. I ask the Taoiseach to raise the issue at the European Council and suggest the Spanish Government take up the offer of mediation.

One issue on the agenda for the European Council meeting is migration. With others, I have been briefed by Médecins sans Frontières. In the past year it has provided medical care for those who have been detained within a number of official migrant detention centres in Tripoli. It has spoken about the conditions in which migrants are being kept, which are evident in photographs I have seen. We were told about the dire and direct consequences of the European Union's current policy on Libya. Many of the official Libyan centres treat refugees, asylum seekers and migrants as a commodity and keep them in conditions in which one would not be allowed to keep an animal here. There are no sanitation facilities and women are being raped and men are being tortured, yet the European Union is working with the Libyan authorities and the coast guard to hand people back to be kept in these detention centres. They are run by various militias and run privately by individuals, and the people are kept like a commodity in dark filthy rooms with no ventilation or sanitation. We should be speaking about EU member states, including Ireland, actively enforcing these policies of containment and feeding this business of suffering. I do not think anyone would want to be identified with that, yet we seem to be looking at it, and possibly replicating it in the future. By supporting the capability of the Libyan coast guard Ireland and EU members are building its capacity to return migrants intercepted in the Mediterranean to Libya and not to any safe port or jurisdiction. Will the Taoiseach speak out against this policy? Will he urgently respond to MSF? It has asked to meet the Taoiseach and perhaps he and his officials can consider this.

Daphne Caruana Galizia, who was Malta's best-known investigative journalist, was killed by a bomb placed under her car on Monday. There are concerns about what happened to her and we need to speak about the importance of the safety of investigative journalists. Other states are possibly implicated in this and it is a concern that Ireland should raise at the meeting.

**Deputy Brendan Howlin:** When we last discussed this issue in June, I flagged, as did others, the need for appropriate briefing material to be circulated to all of us in advance of the Council and afterwards. I do not think this has happened. I said in June it would be worthwhile and constructive to be informed before the meeting of the agenda, and particularly of the positions and attitudes to be put forward by Ireland, along with a note afterwards on the outcomes. That is what we understood the process was to be. It says a lot about how seriously this assembly is considered that the time for these statements was only added to the Order Paper yesterday. It was an afterthought. This cannot continue to be the way. In future, and I am particularly thinking of the next Council meeting in December, which we all know will be critical for the Brexit talks, party and group leaders should be given the courtesy of detailed briefings in advance by the Taoiseach's Department. Doing so would allow us a much more detailed and informed discussion here rather than set piece contributions, to which, bluntly, one often wonders whether anybody is listening at all. That would be a much more useful use of all our time.

The additional agenda includes a number of serious topics, including migration, digital Europe, defence and external relations. I will focus on these, but the topic all of Europe will be focused on is Brexit. The Taoiseach said this is actually not the case and that the Baltic states would be looking to Russia and the Mediterranean states more to migration, but from our perspective Brexit is our focus. The sad reality is that without significant movement on a financial settlement by the UK, and on the other two key issues, the talks are not set to advance. Prime Minister May knows she will have to pledge more than the €20 billion proposed to make progress, but by doing so she also knows she will be denounced at home, so she is in a catch-22 situation. The Florence speech was important, but it has detracted from the three central issues to be addressed in phase 1. It will be to the December Council meeting we will look to open the next phase, and meanwhile the three extra rounds of Brexit divorce talks can take place.

The EU 27 meeting will make clear that not enough progress is being made to move past those three issues, namely, the rights of EU and UK citizens, Ireland and the peace process and the bill the UK should morally meet. It is my firm belief that if Irish concerns are not dealt with upfront it would be too easy for them to be forgotten about later. This seems to be the tactic in which the British Government is now engaged, to state it will deal with the Irish issue at the end. That puts us in very great danger.

There was a late effort by Prime Minister May on Monday to allow discussions on trade to advance. I understand the Taoiseach and the British Prime Minister had a 40-minute phone call in which the Taoiseach's views and the British views on how these things could move forward were outlined. The Taoiseach might outline to us what specifically he said to the Prime Minister on her quite overt lobbying on this matter. This move has been resisted by the EU 27, but it is concerning that much of the public reasoning has been a lack of progress on the bill to be paid by the United Kingdom. In other words, if that matter was addressed, Germany and France could be satisfied that they might be able to advance to the next round of talks. This would put Ireland in a very difficult position.

There has been some progress in how the common travel area might be continued but, as we know, anything short of keeping the United Kingdom in the Single Market and within either the

existing customs union or something analogous to it will result in a real border on this island. As we have seen in recent weeks, the danger of a hard Brexit is ever present and is not receding, due to the toxic politics that are now so clearly evident in the British Tory Party. I think the British Labour Party could play a much more proactive role in this. I have done my best to talk to as many senior officials and senior elected members of the British Labour Party as I can. We need all parties in the House to do the same. Fine Gael and Fianna Fáil have links to conservative and liberal democratic parties throughout Europe. Those links need to be fully exploited.

Going back to the three key conditions for Brexit talks to advance, there was an interesting Bloomberg report yesterday, which suggested the Irish Government is considering pushing for guarantees that no border will be reimposed on our island as the price for allowing Brexit talks to advance. Will the Taoiseach advise us on whether this is now the official Irish position and if he has enunciated that position to the British Prime Minister in their telephone conversation? Is he planning to seek a concrete commitment on the Border? It has also been reported that the Minister for Foreign Affairs and Trade, Deputy Coveney, is delighted at the very strong language on Ireland in the draft conclusions of the Council. What is the Irish position now? Have we demanded a roadmap from the British on preventing a return to any border on the island of Ireland? I have no doubt the British Prime Minister will make her case to the Council, but it is imperative that we here in Dáil Éireann are informed of what the Irish Government is, in very clear and concrete terms, seeking and what the Taoiseach will say at the Council in our name.

As I raised yesterday with the Taoiseach, today the European Parliament, the Council and the Commission are due to agree the interinstitutional proclamation on the European pillar of social rights. Yesterday, the Taoiseach mentioned that he will travel to the event in Gothenburg to participate in this formal signing. Since he will attend the publication of the proclamation, and given that I asked him about it yesterday, I hope he has had some time to find out exactly about the matters I raised yesterday. I am concerned at some of what I have heard from participants in the process about Ireland's role. From European contacts, I am told Ireland appears to be on the side of those seeking to restrict social rights, aligning ourselves with countries such as Hungary, hardly noted, as I said yesterday, as champions of social rights. In particular, I believe we are demanding changes to the preamble. We have apparently led the charge in seeking to add text that would water down any obligation on states to give real meaning to the social pillar. I believe the Minister of State is due to speak later and she might address this issue.

As Deputies know, the social pillar is built around three principles, namely, equal opportunities and access to the labour market, fair working conditions and social protection and inclusion. The purpose of the proclamation is to have a clear agreement between the Parliament, the Commission and all of the member states on how we will deliver on the 20 areas outlined in the social pillar. From what I have heard, Ireland's efforts have been focused on watering down our obligations, and those of other member states, to move towards the delivery of these rights. I ask the Minister of State, Deputy Helen McEntee, to be very clear, when making her contribution, on the language we try to include in the preamble and on our position.

After the last Council meeting, I highlighted the need for a debate in this Chamber on the decisions on defence co-operation. In September, the French President gave a speech on the future of Europe. At the heart of it was the issue of security co-operation and defence, including the creation of a European rapid response force. In effect, he is calling for an EU army and a shared defence budget. Once one creates a military intervention force, one is on the path of a very different EU from the one we signed up to. Again, we need to know specifically what Ireland's response to this has been to date and what it will be in the future.

On migration, the Council will call for progress on the reform of the common European asylum system. I ask the Taoiseach or Minister of State to outline Ireland's position on this in concrete terms. Are we committed again to taking another tranche of refugees? What are our future plans for the coming years?

I ask the Taoiseach to outline his input on the leaders' agenda. We probably need to have a specific, long debate in this House on our shared view on the evolution of the EU, including on its future direction and structure after Brexit.

**Deputy Mick Barry:** I want to ask the Taoiseach about the crisis in Catalonia and Spain. I travelled to Catalonia to observe the independence referendum held on 1 October. I was invited by the Public Diplomacy Council of Catalonia and I was one of 33 European parliamentarians who were there as visitors. On the day of the vote, the Spanish state police went on the rampage. They fired plastic and rubber bullets at people queuing to vote, and they beat old people and women with batons. They injured more than 900. This was savage repression. It was probably worse than anything else of its kind seen in a western European country in more than 30 years. It stirred up memories of the era of the Franco dictatorship. It was overseen by the Rajoy Government in Madrid. It oversaw the drafting into Catalonia of 16,000 Spanish state police. It oversaw 75% of Spain's riot police being sent to Catalonia in the run-up to the vote. They made no effort to check the violence on the day. The Rajoy Government is a right-wing Government. I believe Mr. Rajoy's party, Partido Popular, is Fine Gael's sister party in the European People's Party in the European Parliament.

In the aftermath of the police rampage, the Taoiseach said he was distressed by what he saw. I was a bit distressed by his use of language. He did not say what occurred was shocking, disgraceful or unacceptable, and he did not condemn it. He should have done so. I put it to the Minister of State that the Taoiseach pulled his punches. What he said was that Ireland would not recognise the referendum result and would respect the territorial unity of Spain. In other words, he will oppose Catalonia's right to decide. He and the Minister of State must answer the question as to how one keeps a nation imprisoned within a state when a majority of its people – I believe it is a majority at this stage – wish for independence.

I have another question. At the start of the week, we saw the jailing of two civil society leaders "pending investigation". That sounds like internment to me. These are political prisoners now. For what were they imprisoned? It was for calling demonstrations. Barcelona's mayor, Ms Ada Colau, has said the imprisonment is a threat to everyone's rights and freedoms. Therefore, I must ask the Minister of State a straight question: does she agree with that statement of the mayor? I call for the immediate release of the men. Is the Minister of State prepared to do so? What will she do concretely to raise this issue at the European Council?

Attempts have been made by some, particularly Sinn Féin Deputies, to draw a direct parallel between the Catalan independence referendum and an Irish Border poll under the Good Friday Agreement. It is not a comparison that I accept. An Irish Border poll would be guaranteed to divide ordinary people in Northern Ireland along sectarian lines. The Catalan independence issue, on the other hand, has the potential to unite ordinary people against the political establishment to achieve both national rights and social change. More than 80% of people living in Catalonia supported Catalonia's right to decide and to call a referendum. The people I met in the course of my visit, including many I spoke to on the day of the general strike, when more than 1 million people came out onto the streets of Barcelona, wanted a different Catalonia, not a Catalonia of austerity, a Catalonia of mass unemployment for the youth or a Catalonia of evic-

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tions. Barcelona is the evictions capital of Europe. All these policies have been supported by the Puigdemont Government, which is a right-wing Government.

I stand not merely for a Catalan republic but for a socialist republic of Catalonia that would guarantee all rights for all minorities, including the Spanish-speaking Castilian minority, and join with working-class people throughout the whole Spanish state to challenge not only the Partido Popular Government but also the capitalist system it defends.

I will conclude with my questions. Why is there no stronger condemnation from the Irish Minister? Does the Irish Government support the immediate release of those jailed or interned at the start of the week? What will it do concretely at the European Council to further that aim? How can the Government defend a nation being imprisoned within a state when a majority of its people - I believe it is now a majority - wish for independence?

**Deputy Richard Boyd Barrett:** The deafening silence or, worse, tacit complicity of the EU and Irish Government regarding what is now a dangerous and escalating situation in Catalonia is really quite shocking. The Rajoy Government is threatening to invoke Article 155 of the Spanish constitution, which has never been invoked before, to disband the regional government and impose direct rule on Catalonia, against a background of vicious repression of a completely peaceful and extraordinarily moderate movement seeking self-determination that sought to do nothing but put ballot papers into a ballot box. It was faced with vicious repression, involving the dragging of people around the streets. They were prevented from going to vote at the ballot box. This week saw the arrest of civil society leaders who did nothing more than organise peaceful pro-independence protests. Raids were organised of offices of political parties that are in favour of independence.

Deputy Gino Kenny and other Deputies were in Catalonia the weekend before last. The plan was to have public representatives from Ireland and elsewhere sleeping in the houses of Members of Parliament from Catalonia to observe events in the likelihood of the latter being arrested, which is a very real prospect. What are the Irish Government and EU saying when this affair could escalate out of control tomorrow? They are saying nothing. There is no condemnation and no assertion of the right to self-determination, on which, by any definition, the people of Catalonia have a right to air their view, as set down by the UN Charter. They tick all the boxes: they have a language, culture and history. One does not have to agree with their demand for independence but one has to agree with their right to exercise self-determination. It is quite extraordinary that the EU, including the Irish State, and states around the world that are signed up to the UN Charter and, consequently, the principle of self-determination do not do so. It is even more extraordinary that a state such as Ireland, which had to fight for its right to self-determination, is not supporting the right of the Catalan people simply to make the decision and the right not to have to face vicious repression, and not calling for the release of civil society activists who are being arrested just for organising peaceful protests. There is nothing but silence, and worse, complicity and tacit endorsement of Mr. Rajoy's repression, thereby suggesting he has a right to impose his will on the Catalan people.

It is absolutely shocking and disgraceful. The EU is covering itself in shame when it parades itself as some sort of progressive entity on the world stage and says nothing about the denial of national self-determination as set out even in the UN.

I wish to give another example of that, namely, what is happening in Turkey. I just met a

delegation of human rights defenders from Amnesty International, the Helsinki Citizens' Assembly and other civil society and human rights defender groups in Turkey where 11 of their leading figures, including the director and chairman of Amnesty Turkey, were arrested in a raid on an open workshop in Istanbul in July of this year by Erdogan's police and are now facing trumped up charges of association with terrorism. This is against a background where 50,000 people are now in prison - teachers, MPs, journalists, civil servants, members of the military - and 150,000 are being investigated in what is an absolutely ruthless crackdown on everybody who utters even the slightest opposition to the Turkish regime. What is the European Union saying about that? Nothing. What is the Irish Government saying about it? Nothing. I appeal to the Minister of State with a very concrete ask. Next Wednesday in Istanbul those human rights defenders will have their first hearing in court. Could the Irish Embassy send observers to the show trial that is taking place, to observe what is being done to Amnesty International activists, front-line human rights defenders, by the Turkish Government, to speak out against that, and to insist that the European Union tries to exercise some pressure and influence and condemn what the Turkish regime is doing?

If the European Union is trying to present itself as some progressive force in the world that believes in human rights and ignores what is happening in Catalonia and Turkey it is digging its own political grave.

**Deputy Maureen O'Sullivan:** I wish to share time with Deputy Wallace.

**Acting Chairman (Deputy Catherine Connolly):** Is that agreed? Agreed.

**Deputy Maureen O'Sullivan:** We recently had an exchange on Priority Questions about Libya and the detention centres there. I acknowledge the contribution made by the Minister of State at the European General Affairs Council in Luxembourg where she followed up on those concerns and spoke about the concern about human rights abuses in the centres in Libya. It is unfortunate that on 11 October an Italian naval ship helped the Libyan coast guard as it headed off some 228 migrants in the central Mediterranean, returning them to the so-called reception centres in Libya but we know they are detention centres.

I wish to focus on a particular issue, which Deputy Boyd Barrett raised, namely, the Turkish situation and the group that visited today. As the Taoiseach said before he left, this will be discussed at the next meeting and I hope that it can be addressed. Those people who criticise, question and challenge the Government and who voice different opinions are the ones who are being penalised in Turkey. Asking questions, criticising, having a free press and a free media are rights we all have in Ireland and that are shared by all European citizens. The targets in Turkey are those who are working in the media such as journalists, members of the judiciary, teachers, trade unionists, public servants and also members of parliament. As has been said, there was a five-day human rights workshop in Turkey in July this year. It came out of a previous meeting in April, so it was very transparent. Everybody knew about it. It came from the Human Rights Joint Platform in Turkey. Its goals are collaborative work and solidarity among civil society organisations who work on human rights. It also wants access for all of those groups to knowledge on human rights and it is also about strengthening an environment in Turkey that would be supportive of democracy and the rule of law. It has also worked with Government agencies and civil society. Some of the work it has been doing has been on gender equality, children's rights, justice and protection of human rights defenders. Everybody - the EU, the UN, the OSCE and the Council of Europe - accepts the role of human rights defenders and how they have to be protected in order to do that work.

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Four of the group that were arrested at the workshop were women and six of them were men. Since their detention more of their rights have been violated. There was no presumption of innocence. What happened in the Turkish media was a deliberate smear campaign and a hate campaign which begs the question of whether they will even get a fair trial when the case is heard next week. Limited access to them has been provided to their lawyers and very little opportunity has been provided to their supporters to have space in the media to point out the distortions that have been happening. They are also enduring human rights violations in prison and some have been in solitary confinement for over a month. Two of the group do not speak Turkish so they are at a particular disadvantage and their health problems are going unattended. I hope that our embassy and consular service can attend at the trial next week in Istanbul.

I also draw attention to a Council of Europe report on the violation of women's rights in Turkey. Of the 100,000 or so public employees who have lost their jobs, 23% of them are women belonging to a particular trade union. A number of women's associations have been closed down. Events to celebrate International Day for the Elimination of Violence Against Women and International Women's Day have been prevented from happening. Female judges and prosecutors have been dismissed also and there have been accounts of torture and ill treatment of those women while they were in custody. We know also that Kurdish women are facing very particular problems. This is a violation of human rights. Again, it is important that the EU voice is there. We are aware of EU-Turkish relationships. Is the EU choosing to turn a blind eye to those violations of human rights because of the arrangements it has with Turkey on migrants?

World MPs have condemned the ethnic cleansing of the Rohingya community in Myanmar, the violence and the forced displacement and the movement of 1 million into Bangladesh but a number of them are still displaced within Burma. The resolution recommends creating temporary safe zones inside Myanmar under UN supervision so there is respect for everybody regardless of ethnicity or religion. I hope we can support that resolution.

**Deputy Mick Wallace:** We often hear in here how the EU fiscal rules have prevented us from borrowing money at less than 1% of market rate to invest in infrastructure. If that is the case then it is long past time for the Government to challenge it. If the Government has not raised the housing crisis in Europe, I wonder why that is the case because our failure to address it properly is nothing short of shameful.

Seamus Coffey said the fiscal rules do not prevent spending on social housing. The choice of how our €70 million Government budget is used is a political choice, as are the choices around taxation, which increase or decrease that amount. The German research group, the IFO Institute say that between 1999 and 2015 there have been 165 instances where EU member states have violated the 3% hurdle for budget deficits. In only 51 cases was that permissible because the respective EU member states were in recession. However, in 114 cases it was not permissible. In none of the 114 cases were fiscal sanctions imposed on member states who broke the fiscal rules. It is very difficult to listen to anyone who comes in here and hides behind the fiscal rules rather than investing directly in the provision of social and affordable housing.

Yesterday, the Jesuit Centre for Faith and Justice launched its latest document on housing. It said that Rebuilding Ireland, the Government's Action Plan for Housing and Homelessness, relies far too heavily on market-based solutions to the problems facing Irish housing and that the plan will therefore fail in its stated objective of developing a housing system that is affordable, stable and sustainable. When in God's name will the Government wake up and smell the

coffee? The Government is going in the wrong direction in how it is dealing with housing. If the Government needs to challenge the fiscal rules in Europe then it should do so. There was a recession in 1987 and we built 6,900 social houses. There was a recession in 2007 and we built 7,800 at the time. There was no recession in 2015, we were told. Indeed, we were told that the recovery had arrived at the election in 2016. There were 75 units built at the time. In 2016, there were 600 units built. Where in God's name are we going? We have allowed NAMA sell land and units for a fraction of the real value. NAMA sold 3,800 sites in Cherrywood for €27,000 and they are now worth over €100,000 each. The agency sold 440 apartments in Tal-laght in January 2016 for €100,000 each. It now costs €430,000 for a new-build three-bedroom in Dublin. Where in God's name is the logic coming from?

NAMA still has land. It is funding developers to provide unaffordable housing. When is the Government going to decide to ring-fence State land for social and affordable housing?

**Deputy Seán Haughey:** On a point of order-----

**Acting Chairman (Deputy Catherine Connolly):** Sorry. Only two minutes are remaining. It is on topic.

**Deputy Mick Wallace:** It does not make any sense. It is ridiculous. NAMA is selling units and land to vulture funds.

**Deputy Seán Haughey:** You have to take a point of order, Acting Chairman. The comments are not relevant.

**Acting Chairman (Deputy Catherine Connolly):** The Chair will decide what is relevant.

**Deputy Mick Wallace:** NAMA is giving money to developers and vulture funds.

**Deputy Seán Haughey:** You are taking a very liberal view of what is relevant, Acting Chairman.

**Deputy Mick Wallace:** NAMA is giving money to developers and vulture funds to provide unaffordable housing. How in God's name can we continue with this?

**Deputy Seán Haughey:** This is unprecedented.

**Deputy Mick Wallace:** When are we ever going to wake up and deal with our housing crisis?

Let us go back to the Jesuits and listen. We are not talking about a mad left-wing think tank. The Jesuit social policy officer, Margaret Burns, said only yesterday that we need to recognise that housing deprivation is one of the most serious forms of poverty in the Ireland of today and that in recent years the housing system has become the *locus* of some of the deepest inequality evident in our society.

Why is it not the number one priority of this Government to tackle one of the most shameful episodes that we can remember in how we run this State? If the Government needs permission from the Europeans to deal with it properly, such that we can borrow money at 1% to provide social and affordable housing to the people who need it, then I appeal to the Government to do it.

**Deputy Mattie McGrath:** I welcome the opportunity to speak on this matter. I note from

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the invitation letter of President Donald Tusk that members will be updated on where the EU stands in terms of a political discussion on the external aspects of migration, with a specific focus on the financial measures necessary to stem the flow of illegal migrants from Africa.

That is vital but we are late to the table and it is only now that we are really trying to deal with stemming the flow. We have been silent. There has been deafening silence on the genocide that has been taking place in the Middle East. I have said this before and I will say it again: those countries, including Syria, Iraq and many others, were safer and better places for different ethnic and religious beliefs. They were better for people to practise their religion and they could do it with impunity. Since we went in there with all guns blazing - I am referring to the Americans, the British and everyone else - it has become a hell on earth. The persecution and genocide towards different sects, including Christian and minority Muslim sects and Yazidis as well as others, has been horrific, but we are ignoring it. Donald Tusk might say that we need a specific focus on the financial requirements necessary to stem the flow of illegal migrants from Africa. However, we can never cure a problem or a symptom by going to the doctor without finding the cause. We could go to the doctor on a weekly basis or to any other medical practitioner either, but to no effect. The cause is obvious: we are reluctant to talk about that or engage or deal with that to any major extent. I believe that we are coddling ourselves unless we deal with that and face up to the challenges. We must face down the big powers of Saudi Arabia and others, or else we are going nowhere.

President Macron's presentation about trade negotiations is on the agenda as well. The UK Prime Minister, Mrs. May, will share her reflections about the current status of the Brexit talks. I imagine that will be interesting.

I have recently come back from two days in Liverpool at the British-Irish Parliamentary Assembly. I do not see any softening of attitudes. Actually, I was rather shocked at how happy the British are with their decision and how adamant they are that it is going ahead. They do not want to delay it with talks of two years or three years. There is talk of an easy soft landing and seamless borders. They are not bothered. They are talking up their trade and trade deals with many new countries. We are in a perilous situation here because of our direct exports and trade with the United Kingdom. They do not seem to be too bothered about here. I suppose they never were bothered back in the old colonial times, but we have built up a good relationship. It is vital.

It was frightening to hear the address yesterday morning from the President of the British Irish Chamber of Commerce. The body wants us to be positive and to talk it up. However, when something is staring us starkly in the face, it is difficult to be positive. It is difficult to be positive about something as calamitous as what may happen or what will happen. This will affect people right across the sectors from agriculture to health to people's rights and so on. We are going to have to start bouncing above our buck, as we often said we did in Europe. Now we are becoming innocent bystanders. A phoney war is going on between the big powers, including President Macron, Donald Tusk and such people in Europe, who cared little about us when we met our own crisis. When we needed friends, we found out that with friends like them, we did not need any enemies.

The Council will also include discussions on the relocation of the UK-based agencies. We plan to be quiet and cúramach, trying to slip in tenders as we get them to Dublin. I am unsure where we are going to house them or those who take the jobs that come with them, unless we build camps out in Howth, in the sea or unless we bring in some tug boats to house them. We do

not even have the capacity to house the people we have at the moment. I am all for the relocation of industry that we can get here, but where are we going to house them? We are coddling ourselves. We cannot house them. It is obvious.

The last speaker is right. Deputy Haughey might interrupt me as well. A point of order is a point of order and I accept the right to make one, but the Chair is in charge, thank God. It is an abject failure of our housing policies. Deputy Wallace mentioned that we are going in the wrong direction. We are going in no direction. It is like the calm after the hurricane. We are stopped, stationary. We are talking about it. We have reports. We have Rebuilding Ireland and imaginative supply. We are going here, there and yonder. We are filling up the archives with reports but we are not building any houses. What we are building is not worth talking about. Rebuilding Ireland is an example. We could not build a little town in Connemara with the number of houses the Government has planned to build, to be fair. That is Rebuilding Ireland. I warned the then Minister for Housing, Planning, Community and Local Government, Deputy Coveney, about it. I am on the housing committee. It is frustrating to be talking and talking. If talk could build houses, my God, we could export them. However, nothing is happening; there are only reports. It is stating the obvious. We should listen to the Jesuits or any other group that produces independent reports from the coalface. They are telling us the same thing: nothing is happening in that area.

We talked about the EU fiscal rules. Other countries have broken them with impunity. We are suffering because of the way we had to obey them. Now is our chance to borrow that money at 1% to try to do something about building houses. We need to invest because without money it is not possible to build, buy anything or go to the sweet shop to give a child a present for communion. If we do not have the money - airgead in the póca - then we can forget it. We do not have the money to do it. We can give all the reports back to the councils and blame the county councils. They say they do not have the money that the Government says it gave them. There is talk of so many millions and then the figure is reported and changed.

However, I suppose the Brexit issue will most immediately impact us in the short to medium term. What is becoming ever clearer is the limited value of the European Council meetings. We can see that. The Minister of State has to go and do her best. I wish her well - turas maith.

We seem to be lurching from one chaotic negotiation to another without any outcomes. Things are getting worse on the migration and Brexit issues and on the many other issues of member states. Let us consider what is happening in Spain and elsewhere.

What are we going there for? It is only a glorified talking shop that comes at enormous expense. The EU and the United Kingdom are facing each other across the table. Each is waiting for the other to blink, with political egos on full display - that is without doubt. Any independent or media observer will say as much. It is a case of who will blink first. Are we all going to fall off a cliff into the Irish Sea before someone blinks and then wake up and smell the coffee? What does it do to break the current impasse? The answer is nothing and I am sorry to say we are not doing anything either. The gravity of the situation is increasing on a weekly basis. The uncertainty and confusion have not been diminished, only exaggerated. The Minister of State should listen and talk to her colleagues who were at the British-Irish Parliamentary Assembly, including some who are in the House such as Deputy Aengus Ó Snodaigh. She should listen to the deep distrust - I will not say arrogance because that would be the wrong word - of the European Union and the belief the United Kingdom made the right decision to leave, that its economy is the one to worry about, not ours or anybody else's. One cannot blame them for that.

They are MPs and Lords from all parts of the United Kingdom, including Wales and Scotland, and spoke in unison, with the exception of a few.

*The Guardian* has reported that the British Government will be forced to delay bringing the EU withdrawal Bill back to the House of Commons for a second time as it struggles to respond to hundreds of hostile amendments. We are used to filibustering here also, but it is only bandaging, delaying and letting the patient get more sick, after which there will be a bigger problem to deal with. We also read that this could mean the withdrawal of the Bill, which would not be brought back to the House of Commons until after the week-long recess early next month. The clock is ticking and time is not in our favour or on our side. With the budget in the United Kingdom due to be announced on 22 November, the British Government may struggle to fit in the necessary eight days of debate before Christmas. The Shadow Brexit Secretary, Keir Starmer, said the fresh delay called into question the Prime Minister's ability to press ahead with Brexit. I hope it does, but the uncertainty is frightening and very dangerous. He is quoted as saying, "This is further proof that the Government's Brexit strategy is in paralysis. The negotiations are in deadlock and now a crucial piece of legislation is facing further delay" and subject to filibustering. This is profoundly alarming.

I know that the Taoiseach has already commented on this, but in an interview on the BBC's "Spotlight" programme he is reported to have said the ambiguity surrounding the current situation meant the other 27 nations in the European Union were struggling to grasp what the United Kingdom wanted from the negotiations. We are all struggling with it. The Taoiseach has his €5 million investment in a new, all-powerful spin team, but he is going to need many millions and spinners to get us out of this one. Spin is no good; what we need is substance. I appeal to the Minister of State to implore the Taoiseach to stand up for the country to find our rightful place and try to get clarity and support from the other 26 countries. They need to support us because we have always been such good Europeans. When asked to jump, we asked how high. Now it is time for other EU member states to jump over to us and give us some moral support.

**Deputy Eamon Ryan:** I welcome the opportunity to comment in advance of the European Council meeting. I will deal, first, with the future of the European Union. I agree with what the Taoiseach said, that we should be setting out our positive agenda, not just what we are opposed to, but in truth, listening to his statement and trying to parse what the positive agenda was, he referred to the development of the Single Market, the digital Single Market in particular, and banking union. They are beneficial, but, while I accused the Taoiseach earlier of having an economic strategy something similar to that of Fianna Fáil in the 1990s, the European strategy seems to be something similar to that of the Tory Party in concentrating on the market, liberalisation and securing economic benefits. However, there was no real strong commentary on or analysis of the social agenda, the environmental agenda or even how we could progress the concept of subsidiarity or other developments in the European Union.

The Taoiseach is going to have to say more than just that we want to have a digital Single Market if he is going to stave off what I think is, as mentioned by other speakers, a slightly too-ambitious French and Commission proposal for rapid European integration. I thought President Juncker's state of the union speech was remarkable in how it pushed that agenda, including having a single European Finance Minister, a single bonds market, effectively a single budget and a real connected Europe on steroids. It was matched by what President Macron was saying. It seems that would not be in our immediate interests, but we cannot just counter it by saying we want to go back to the old idea of the market knows best. As a country we cannot just be seen as representing the large American multinationals, which is how we are seen elsewhere

in Europe. Increasingly, because of what we have done in taxation and because we are seen as having given excessively generous terms to the American multinationals - the tax rate is not 12.5% but 1% or 2% - the rest of Europe states it has had enough of these companies getting away without paying a €1 trillion tax bill. We have to be careful, therefore, that this is not just seen as the country playing that game in which we want all of the benefits of the digital Single Market, without taking responsibility for other developments.

I was particularly interested in what the Taoiseach said about the French proposal for an Internet tax and the view of it as a measure to fund journalism, the media and other things. His response was that we were opposed to it. He listed countries such as Cyprus, Malta and the Czech Republic and indicated that we did not think Europe was big enough to regulate the Internet, that one would have to do it through the OECD for fear that we would give Japan or other countries an advantage. I do not agree with him because one of the successes, benefits and purposes of the European Union is that it has the scale to regulate global capitalism on its own and iron out some of the inequities within the system. We should not be afraid or just abdicate that power and say the European Union is not big enough on its own to do it and that we will have to get the OECD to agree. To my mind, in that way lies paralysis that benefits very large companies that do not want regulation, but it is just not right and does not reflect reality. The reality of what is happening in Europe is that the European Court of Justice, in the absence of political leadership or proper regulations from the Commission or the European Council, effectively regulates the digital Single Market in its judgments on privacy, data-sharing, data retention and so on. Whether the Taoiseach likes it, it is a mistake for us to want so much to be a representative for American multinational capitalism because we underplay the powers we have.

To tie it in, even in an obscure way, I will move on to my view on the Brexit talks. I am deeply worried - obviously everyone is - that on our neighbouring island, in particular, there seems to be a complete political mess. The ruling Tory Party seems to be riven down the middle. The Prime Minister does not have any authority. The British Parliament, as mentioned, has just delayed the debate on its own withdrawal Bill because it cannot get political agreement. Amendments could bring down the British Government at any time because neither side will be able to command the numbers, even with the DUP, to get the Bill through. The Irish Government took the right approach over the summer in stepping back and stating it was not going to design the Border on Ireland for Britain. We did not quite cut off diplomatic relations, but we sent a very strong signal to the British administrative system that we would not co-operate in that approach and that was the right signal to send.

I am concerned that in just standing back we risk ending up with a crash-out hard border, which is a real possibility. Some, including Britain's Minister, Mr. David Davis, recently raised the prospect of a crash-out Brexit being the end outcome. Some in the European Union may also see that as a desirable outcome to teach the British a lesson and to let them hang themselves since it is their fault. Even if two sides of the argument might want a crash-out Brexit, it would not serve our interests. It behoves the Government, therefore, to up the game diplomatically rather than just taking a step back and stating Brexit has nothing to do with it, that it is not going to do, say or act on anything and that it is up to the British Government to come forward with proposals.

On the two areas of digital and energy market reform we could look to seek engagement with the British and with our European colleagues because both areas are not typically within the same customs union and trade and WTO agreements. It will be necessary for Britain to be

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able to manage or develop its ongoing digital service sector. It will effectively have to accept ECJ jurisdiction because the digital rules will be set in Europe and the likes of Google and Facebook will not want a separate judicial system for the UK. The UK is not big enough, even at the size it is, and even as it is an impressive and capable digital country in a range of different ways. In the end it will have to accept ECJ regulation. Europe is so much bigger that it has that power to set digital rules. It is the same in the energy market.

We have a particular interest in these two areas - one for a security reason and the other for economic development reasons. On the security reason, we need to secure an energy agreement. Regardless of what happens in the cross-border trade arrangements or even on the cross-border issues here on the island, we need to know we will be able to get access to gas from the UK. We need to know we will be able to share power, through the interconnectors we already have let alone new interconnection. In that regard also, the management of that system involves acceptance in the UK of the authority of the ECJ because ultimately the final agreement on all those trading arrangements has to rest with a certain court and the ECJ is the only obvious viable court. My argument is that the Government should be engaging on that digital issue in terms of regulatory matters and on the likes of the energy issue, and should use that to maintain contact with the UK Government, a government that seems to be losing its reason. It makes sense for us to be engaging in as many diplomatic ways as we can to avoid that crash-out Brexit. We should also not want to undermine the European Union position in terms of 27 countries stating they will not proceed to the trade negotiations in advance of the first three items being agreed. However, we can and should be working on other issues as part of being seen as a responsible, proper player.

I was talking to some officials on this and asking what implications it has for the North-South energy arrangements because we have a difficult situation here in terms of how we maintain an all-island energy market. Off the record the officials stated we have every prospect of reaching agreement but the one problem is we have no Assembly in the North and in the absence of the Assembly we can do nothing. I urge my colleagues in Sinn Féin who are involved in sensitive negotiations the details of which I will not go into here to consider that the absence of an Administration and an Assembly in the North is a real threat to both future island energy co-operation and having an all-island energy market which is, I would have thought, in the interests of that party. I am told by officials that it is in danger of going out the window because we do not have a Northern Administration. That needs to be resolved.

**Minister of State at the Department of the Taoiseach (Deputy Helen McEntee):** As the Taoiseach indicated, I will focus my remarks on the external relations issues for discussion at the European Council. Then I will touch on some of the issues that were raised by the Deputies.

A wide-ranging exchange on Turkey is expected on Thursday evening, while non-proliferation, specifically in regard to North Korea and Iran, will also arise. Other international relations issues may also be raised by member states. It is a fact that Turkey's relationship with the EU has been under considerable strain since the attempted coup in July 2016, particularly in light of measures taken under the state of emergency, now in place for over a year. Foreign Ministers, on Monday, considered these developments, and the importance of the EU's strategic relationship with Turkey, given its key role in the region. It is important to recall that Turkey has been the victim of frequent, horrific terrorist attacks. Along with our European partners, Ireland rejects terrorism in all its forms and we stand in solidarity with Turkey in the fight against terrorism.

We support a democratic and stable Turkey. However, along with our European partners, we continue to be gravely concerned about developments which undermine democracy, human rights, the rights of minorities, including the Kurdish minority, freedom of expression, including media freedom, and the rule of law in Turkey. These are core European principles and must be respected. The fact that Turkey retains its EU candidate status does not mean that our concerns about fundamental freedoms are any less; quite the contrary. It is highly regrettable that Turkish Government decrees continue to target public servants, educators and those in the security services. The arrests of human rights defenders, including Amnesty International representatives, during the summer marked a new low. We believe that some of the measures taken under the state of emergency have been disproportionate and we would urge the Turkish authorities to consider carefully the restrictions, and recall that the basic freedoms and human rights of all citizens must be respected.

We do not believe that the EU should withdraw candidate status from Turkey but all benchmarks and criteria must be met in full, especially on fundamental rights. Unfortunately, Turkey is moving further away from meeting these crucial standards. However, a policy of engagement remains in the best interests of the EU and the people of Turkey. It is important to keep the long-term rights and interests of all of the people of Turkey in mind in our discussion on EU-Turkey relations.

The EU-Turkey statement, agreed in March 2016, which focused on migration, remains in place. Turkey is a front-line state in the migration crisis. It is host to approximately 3 million Syrian refugees, and the EU assists in this considerable challenge. While the EU-Turkey statement is not a perfect arrangement, it has led to a very real reduction in numbers of lives lost at sea, and should therefore continue.

Turning to the other external relations items, Ireland has always had a distinctive voice in disarmament and non-proliferation. This dates from our role in the non-proliferation treaty, right up to this year's Treaty on the Prohibition of Nuclear Weapons. The continuing deterioration of the situation on the Korean peninsula since the beginning of 2016 is of grave concern. The pace at which North Korea has progressed its nuclear and missile programmes presents a real threat to peace and security, in the entire north-east Asia region and beyond. Ireland believes that the EU's policy of critical engagement with the Democratic People's Republic of Korea should remain the cornerstone of our approach.

We fully support the international sanctions regime against North Korea. Our position is that North Korea must comply fully with international obligations, and cease all nuclear testing. A lasting and stable peaceful settlement in the region will be possible only if it abandons its programme of nuclear weapons development and engages in meaningful dialogue with other stakeholders.

The European Council is also likely to consider Iran in light of President Trump's decision not to certify Iranian compliance with the Joint Comprehensive Plan of Action. Deputies will be aware of how hard our fellow member states and the High Representative, Ms Federica Mogherini, worked with the support of the entire EU to bring that deal about. It is the culmination of 12 years of patient diplomacy, and the EU is committed to the full and effective implementation of all parts of the JCPOA. It is expected that a measured approach is the best one for the EU to take in the period ahead, taking account of Iranian perspectives and the concerns of all sides. The EU believes that the nuclear agreement is delivering, and that all parties should fully implement it.

With regard to some of the issues raised around the future of Europe, there have been a number of speeches. Since then there has been the publication of White Papers and an outlining of possible scenarios. However, none of these are conclusive, nor are they exhaustive. We believe that they are a sounding board and a platform for discussions.

This is something that we want not only Members here in the Dáil but everybody to be involved in, and so in the coming weeks I will begin a consultation on the future of Europe. The consultation will be clear, open and transparent and it will allow all citizens to have the opportunity to have their say on what kind of a future they want in certain areas. The former Minister, Deputy Eamon Ryan, has left the Chamber but it will not only focus on financial issues. The completion of the Single Market, the banking union, and, specifically, the digital Single Market, where we have a key focus at present, will be addressed but issues such as migration, security and defence, terrorism, environmental issues and, of course, the social issues must be addressed in that manner as well.

With regard to Brexit, having come from the General Affairs Council meeting yesterday, as the Taoiseach has pointed out, it looks as though we will not be in a position to report sufficient progress has been achieved. There had been an expectation that there would be further progress on the citizens' rights. However, that was not the case. While it is disappointing, it is perhaps not surprising. What is important now, as Michel Barnier clearly stated, is that we need to use this week's Council meeting as a sounding board towards progress for December.

There was a question around the language and why Ireland perhaps was happy with it. Section 2 of the draft conclusions states:

The European Council ... acknowledges that, as regards Ireland, there has been some progress on convergence on principles and objectives regarding protection of the Good Friday Agreement and maintenance of the Common Travel Area, and invites the Union negotiator to pursue further refinement of these principles, taking into account the major challenge that the UK's withdrawal represents, including as regards avoidance of a hard border, and therefore expecting the UK to present and commit to flexible and imaginative solutions called for by the unique situation of Ireland.

Michel Barnier very much acknowledged Ireland's constant support and communication on these issues.

We are supporting Michel Barnier and his task force in continuing with the mandate they have been given to move things forward and obviously we are hoping for a conclusion at December's Council meeting.

### **Topical Issue Matters**

**Acting Chairman (Deputy Eugene Murphy):** 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) Deputies Michael McGrath and Pearse Doherty - the outstanding claims following the collapse of Setanta Insurance in 2014; (2) Deputy Sean Fleming - to consider revision of the pension system to take consideration of family and carer commitments; (3) Deputy Fiona O'Loughlin - the status of the day care centre in Monasterevin, County Kildare; (4) Deputy Kevin O'Keeffe - the situation at St. Patrick's Community Hospital, Fermoy, Coun-

ty Cork; (5) Deputies Danny Healy-Rae and Jackie Cahill - concerns over changes to stamp duty on land transfers and farm land purchases; (6) Deputy Donnchadh Ó Laoghaire - to discuss the contact centre at Togher Family Centre; (7) Deputy Marcella Corcoran Kennedy - to discuss Garda resources in the Laois-Offaly division; (8) Deputy Martin Kenny - ongoing delays with 2016 green low-carbon agri-environment scheme, GLAS, payments; (9) Deputy Shane Cassells - requirement for additional Garda resources in County Meath; (10) Deputy Dessie Ellis - the possible closure of the Glasnevin Avenue post office; (11) Deputy John Lahart - the recent Church of Scientology opening at Firhouse Road in south Dublin; (12) Deputy Mattie McGrath - the availability of resources to deal with damage caused by Storm Ophelia; (13) Deputy Brian Stanley - the delayed decision on 24-hour emergency service at the Midlands Regional Hospital at Portlaoise; (14) Deputy John Brady - the serious flooding at North Beach, Arklow, County Wicklow; (15) Deputy Noel Rock - the closure of the Finglas east post office; (16) Deputy Dara Calleary - the need to address river cleaning and drainage in advance of winter storms; (17) Deputy Mick Wallace - the accuracy of the system for recording house and apartment building completions; (18) Deputy Richard Boyd Barrett - the implications for Ireland of possible corporate tax changes in the US; (19) Deputy Aindrias Moynihan - the need for a new secondary school for De La Salle College, Macroom, County Cork; and (20) Deputy Louise O'Reilly - industrial relations issues in the health sector's section 39 agencies.

The matters raised by Deputies Shane Cassells, Marcella Corcoran-Kennedy, and Dara Calleary and John Brady have been selected for discussion.

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

### **Priority Questions**

#### **Air Corps**

28. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence the action he plans to take on foot of the recent review (details supplied) of Air Corps whistleblower claims; and if he will make a statement on the matter. [44189/17]

**Deputy Lisa Chambers:** I wish to ask the Minister the action he plans to take on foot of the recent review of the Air Corps whistleblower claims. I ask him to outline to the House what exactly was the purpose of that exercise, given that we now know Mr. O'Toole, who conducted that review, was not in a position actually to carry out the review as per the terms of reference. I further ask the Minister to confirm that Mr. O'Toole flagged that fact with him.

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I thank Deputy Chambers for her question.

The health and welfare of the men and women of the Defence Forces are priorities for me which is why I ensured that protected disclosures alleging exposure to chemical and toxic substances were investigated by an independent third party. The reviewer's report has indicated that he felt that given the breadth of the remit of the terms of reference, he could only comment in general terms on the Defence Forces' safety regime.

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It must be remembered that prior to the receipt of the disclosures, litigation had first been initiated in respect of the subject matter of the disclosures. This complicated the approach to be taken in developing any parallel process. Notwithstanding this significant challenge, I put in place just such a parallel process. In light of the legally complex situation, I believe it was appropriate that an experienced legal professional was appointed.

It was the view of the independent reviewer that the courts are best placed to examine issues regarding allegations which were already subject to litigation. This is particularly so given the historic nature of the complaints and the fact that they potentially affect the reputation and good name of individuals. What the report shows is the difficulty in putting a parallel process to the courts in place. The report also notes that the Health and Safety Authority, HSA, is the appropriate statutory body to deal with such allegations. I have furnished the report to those who made the protected disclosures and, before considering any further steps, I will await their views.

Separately and in parallel to the independent review, following an inspection in 2016, the Air Corps has continued to work with the HSA to improve its health and safety regime. I have been informed by the military authorities that the HSA has formally noted the considerable progress made to date by the Defence Forces towards implementation of a safety management system for the control of hazardous substances. Subject to completion of the improvement plan the HSA investigation is closed. However, it must be noted that in the Air Corps health and safety is a matter of ongoing monitoring, supervision and adjustment.

**Acting Chairman (Deputy Eugene Murphy):** Is Question No. 28 grouped with Question No. 29, because Deputy Ó Snodaigh has tabled a similar question?

**Deputy Paul Kehoe:** I believe I must take them separately because they are Priority Questions. That is my understanding, at least.

**Acting Chairman (Deputy Eugene Murphy):** That is fine, although they can be grouped.

**Deputy Paul Kehoe:** I am happy to group them if that is not a problem.

**Deputy Lisa Chambers:** I am happy to have the questions dealt with separately, if that is okay with Deputy Ó Snodaigh.

**Acting Chairman (Deputy Eugene Murphy):** We will deal with them separately.

**Deputy Lisa Chambers:** Do I take it that the Minister of State proposes to take no action on foot of this report? When the Minister of State was asked in this House to conduct a health review of all potentially affected personnel, he said he would await publication of this report before deciding what action to take. What action is he going to take now?

I wish to read out a couple of sections of the aforementioned report, which are quite shocking. The terms of reference of the review were to look into the disclosures made to the Minister of State by three individuals. Mr. O'Toole says the following in his report:

it was my intention to examine compliance by the Air Corps with the relevant law and regulation. I was not in a position to consider the substances in use or any implications for human health arising from such use as these issues are outside my competence.

The Minister of State appointed a lawyer to conduct this review. We all have our limitations

in terms of our competences and expertise but surely the Minister of State knew, in advance of this, that this individual was not going to be able to examine the health implications of those particular toxic substances. This review does not actually look into the allegations made by the three whistleblowers. Mr. O'Toole goes on to say, "it is my view that a review of the kind envisaged by the terms of reference set out above is impractical". The Minister of State has not answered the question as to whether Mr. O'Toole flagged this to him in advance of completing his report. If he did, why did the Minister of State not appoint somebody else with the competence to look at the toxic chemicals in question and assess their impact on the health of those soldiers? That is exactly why we are here talking about this today. Mr. O'Toole goes on to say, "it is not appropriate for me to pass judgement on compliance with legal regime which is a matter for the HSA". He also makes reference to the fact that his is an "informal" review. He suggests that the litigation will no doubt involve the issue of past compliance and that the courts are best placed to examine this matter. The Minister of State has touched on the issue of past compliance and the courts being in a position to analyse this but that does not deal with the toxic substances, the impact on those soldiers' health and what the Minister of State is going to do to address the health implications of what those people went through.

**Deputy Paul Kehoe:** I must repeat that these issues were before the courts before the protected disclosures were made to my Department. When I was appointed as Minister of State in May 2016, I was briefed on the protected disclosures issue. I felt that the best way forward was to appoint a reviewer to look at those protected disclosures. The reviewer furnished his report to me, which I then forwarded to the military for comment. I also sought legal advice on the issue. Once I received that legal advice and received the comments back from the military, I then sent the report to the people who made the protected disclosures. I also put a copy of the reviewer's report on my Department's website for everybody to see. I am hiding nothing here and am being very straight up with the people. Once I receive back the comments of the people who made the protected disclosures, I will then decide on what further action to take.

**Deputy Lisa Chambers:** The Minister of State has still not answered a very basic question. Did Mr. O'Toole tell him that, given the terms of reference, he was not in a position to examine the protected disclosures as requested? Did he flag this in advance of completing his report? It strikes me as quite improbable that he did not. The Minister of State asked whether we can proceed to look at the toxic chemicals and the effect on the health of those soldiers while litigation is ongoing. There may well be litigation in train but that does not preclude us from investigating the toxic chemicals to which they were exposed and the likely impact on their health of that exposure.

Will the Minister of State authorise an independent and comprehensive health assessment of the informants' claims and of the Defence Forces' health and safety record in dealing with hazardous chemicals over the past 25 years? Ultimately, we must ensure that this inquiry takes place and that we look into the real impact on the lives of the individuals that were affected. As I have stated previously in this House, if the State is in some way responsible for a negative impact on the health of serving and former members of the Defence Forces, then we need to stand up, take ownership of that, not hide behind the litigation and put in place a proper health package for those people. Will the Minister of State do that?

**Deputy Paul Kehoe:** I assure the Deputy that I will not be hiding behind anything, anybody or any document. I will be very straight with the people who made the protected disclosures and I will give them the opportunity to meet me. Two of them have already taken up that offer. I met them and gave them ample opportunities to raise these. Parallel to the actions of the

independent reviewer, the Health and Safety Authority, HSA, also visited the Air Corps and issued a list of instructions and procedures. The Defence Forces have been in constant contact with the HSA and are carrying out all of these required actions. One thing I was not going to do was to limit the reviewer's terms of reference which I set out to be as broad as possible so that he would be able to investigate all aspects of any allegations made.

### **Defence Forces Investigations**

29. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence if a commission of investigation into serious allegations of an ineffective or non-existent health and safety regime in the Air Corps will be established in view of the fact that a person (details supplied) stated in their report that the allegations made by the three whistleblowers could not be adequately dealt with in the type of informal review they were tasked with carrying out. [44083/17]

**Deputy Aengus Ó Snodaigh:** Given that the Minister of State has now received the O'Toole investigation report, he is clearly attempting to fudge the issue as the report clearly states that the issues raised by the whistleblowers could not be adequately addressed. In light of this, will the Minister of State now set up an inquiry into the virtually non-existent health and safety regime in the Air Corps? In the past this absence of a regime exposed hundreds of Air Corps members to highly toxic, dangerous, corrosive and cancerous chemicals, compromising their health and possibly causing numerous cases of premature death and disability.

**Deputy Paul Kehoe:** The health and welfare of the men and women of Óglaigh na hÉireann are a priority for me which is why I ensured that protected disclosures alleging exposure to chemical and toxic substances were investigated by an independent third party. The reviewer's report has indicated that, given the breadth of the remit of the terms of reference, he could only comment in general terms on the Defence Forces' safety regime.

It must be remembered that prior to the receipt of the disclosures, litigation had been initiated in relation to the subject matter of the disclosures. This complicated the approach to be taken in developing any parallel process. Notwithstanding this significant challenge, I put in place just such a parallel process. In light of the legally complex situation, I believe it was appropriate that an experienced legal professional was appointed.

It was the view of the independent reviewer that the courts are best placed to examine issues in relation to allegations which were already subject to litigation. This is particularly so given the historic nature of the complaints and the fact that they potentially affect the reputations and good names of individuals. What the report shows is the difficulty in putting a parallel process to the courts in place. The report also notes that the Health and Safety Authority, HSA, is the appropriate statutory body to deal with such allegations. I have furnished the report to those who made the protected disclosures and, before considering any further steps, I will await their views.

Separately and in parallel to the independent review, following an inspection in 2016, the Air Corps has continued to work with the HSA to improve its health and safety regime. I have been informed by the military authorities that the HSA has formally noted the considerable progress made to date by the Defence Forces towards implementation of a safety management system for the control of hazardous substances. Subject to completion of the improvement plan

the HSA investigation is closed. However, it must be noted that in the Air Corps health and safety is a matter of ongoing monitoring, supervision and adjustment.

**Deputy Aengus Ó Snodaigh:** The courts should not prevent the State or indeed the Minister of State from investigating what we have been discussing here and what has been brought before the courts by a small number of current and former officers. Let me set the scene: a dilapidated mechanics workshop; oil everywhere; carcinogenic chemicals spilt on the floor and around the sink; highly dangerous long-life chemicals poured into the outside grass area; chemicals mixing and causing plumes of toxic smoke; broken equipment; no storage area; and most importantly, no respirators, overalls, gloves and so forth that might be capable of protecting those ordered to handle these dangerous chemicals. On top of this there are no wash facilities so chemically stained clothing is being washed at home in the same load as children's clothes. Men who have been falling around due to inhaling toxic chemicals are disciplined for being off sick; others develop headaches; and finally, most seriously, we get clusters of highly complicated medical conditions, miscarriages and birth defects among those working in such conditions. This is what the whistleblowers asked the Minister of State to look into and this has been going on for years. There was and still seems to be a cover-up here. The health and safety recommendations might have dealt with these working conditions had they only been acted upon at the time.

When will the Minister of State set up the full forensic inquiry deemed necessary by Mr. Christopher O'Toole to establish the veracity of the whistleblowers' statements? Is he going to wait for the courts to force him to act?

**Deputy Paul Kehoe:** This issue has been much discussed here in the last few months, and rightly so. It is an ongoing matter. As I told Deputy Chambers, I met two of the recipients who brought up a range of concerns to me. The respectful treatment of these whistleblowers is something that I have prioritised in the Department. The reviewer has given me a copy of the report which I have in turn passed on to the Defence Forces. I also took legal advice on this report and then sent it on to those who made the protected disclosures. I now await the reviewer's feedback before considering my next move.

The health and welfare of the men and women of the Defence Forces are my absolute priority and I have ensured that protected disclosures alleging exposure to chemical and toxic substances were investigated by an independent third party. It is only fair that we ask an independent party to come on in this and that we give the terms of reference. I specifically looked to have these terms of reference as broad as possible so that the independent reviewer could do his work without being limited in any way.

**Deputy Aengus Ó Snodaigh:** Earlier the Minister of State called the reviewer in question incompetent for not having raised issues with him. Whatever the reviewer's remit, he seems to have not deemed himself competent to carry out the work and the Minister of State seems to have agreed as no extension or broadening of that remit was sought. If I were to say to the Minister of State that 100 premature deaths were possibly caused by this chemical exposure, would he agree that there is an urgent need for the State to immediately set up an inquiry? There are not 100 cases before the courts, but there are thousands of people who might potentially have been affected by this. These include students who worked in the complex; children, some of whom were in State care when they started in the Air Corps; and officers' families who were also exposed because of chemical transfer. This, surely, is a scandal in need of the kind of investigation that has taken place in other jurisdictions lacking in appropriate health and safety

regimes. Will the Minister of State once and for all accept that this is a scandal that needs to be addressed? First and foremost we have to ensure that the survivors of this get the medical care and protection they need immediately, regardless of what is before the courts.

**Deputy Paul Kehoe:** I have every confidence in the independent reviewer. I have never questioned his authority and I do not want Deputy Ó Snodaigh to put words into my mouth in this regard. I have every confidence in the work carried out by the independent reviewer. He is a professional and carried out the review within the terms of reference set out for him.

A number of the issues raised by Deputy Ó Snodaigh are subject to prior litigation. These relate to the period 1991 to 2006.

As such, it would be totally inappropriate for me to comment further on the detail of these cases. The report states that because litigation commenced before the protected disclosures were made, the court system is the appropriate forum for consideration of these historic matters. The view of the independent reviewer was that the courts are the best place to examine these matters. Given the questions involved and the historic nature of the complaints-----

**Acting Chairman (Deputy Eugene Murphy):** Thank you, Minister of State.

**Deputy Paul Kehoe:** Significantly, it potentially affects the reputations and good names of individuals. When I have the views of those who made the protected disclosures, I will consider any appropriate action. I will take further steps after I have heard back from the people who made the protected disclosures. As I did not want to be accused of hiding behind anything, anybody or any document, I decided to put the independent reviewer's report up on the website for every Deputy in this House to see.

*4 o'clock*

**Acting Chairman (Deputy Eugene Murphy):** Thank you, Minister of State.

**Deputy Paul Kehoe:** In conclusion, it would have been very easy for me to decide to hold back the report to prevent people from asking questions on this matter. I did not want to do this. I wanted to be very open and transparent and to give people an opportunity to see exactly what the independent reviewer had said.

**Acting Chairman (Deputy Eugene Murphy):** I do not like to interrupt Deputies when I am in this Chair. We have spent almost 20 minutes on two questions. We have exceeded the amount of time we should have taken by nearly eight minutes. I accept that 40 seconds were lost when clarification was being sought. I timed it. I appeal to the Minister of State and to all other Deputies to try to observe the time limits so we can move on promptly.

**Deputy Paul Kehoe:** Okay.

**Acting Chairman (Deputy Eugene Murphy):** When I ask speakers to conclude, I will give them a few seconds to do so.

### **Defence Forces Representative Organisations**

30. **Deputy Lisa Chambers** asked the Taoiseach and Minister for Defence how he plans to address the concerns regarding working conditions in the Defence Forces raised at the recent PDFORRA conference; and if he will make a statement on the matter. [44190/17]

**Deputy Lisa Chambers:** I note and commend the work of Defence Forces personnel in responding to the damage inflicted by Storm Ophelia and in assisting citizens across the country. The work of the Defence Forces should be commended, particularly in light of the diminished numbers and resources with which they are dealing.

A number of issues of concern were outlined at the recent PDFORRA conference. I know they were not new to the Minister of State in any way. What are his plans to address the concerns about the working conditions in the Defence Forces that were raised at the PDFORRA conference?

**Deputy Paul Kehoe:** I join Deputy Chambers in complimenting everyone in the Defence Forces, the Civil Defence, the Irish Red Cross and all the voluntary organisations. I would like to thank the officials in the Office of Emergency Planning and the various Departments for all their work in recent days.

I thank PDFORRA for its invitation to attend and address its annual conference, which was held in Cavan just over two weeks ago. The conference gave me an opportunity to listen to the concerns expressed by individual members and the executive of PDFORRA. The conference agenda and the various speeches covered a wide variety of issues, including pay, allowances, recruitment, retention, accommodation and the working time directive. I set out my perspective on various issues of concern to the members of PDFORRA in my address to them. The finalisation of negotiations with PDFORRA earlier this year under the Lansdowne Road agreement, followed by PDFORRA's acceptance of the agreement, allowed for the implementation of pay increases. It was appropriate that those increases were weighted in favour of those on lower pay. I was particularly pleased that the deal negotiated between the Departments of Defence and Public Expenditure and Reform and PDFORRA saw significant adjustments to the payscales of post-2013 general service recruits and privates.

The negotiations for an extension to the Lansdowne Road agreement that followed the publication of the report of the Public Service Pay Commission in May 2017 resulted in the public service stability agreement, which contains proposals for further pay increases of between 5.75% and 7.25% over its lifetime between 2018 and 2020, with the proposed increases being focused on the lower paid. The stability agreement provides that the Public Service Pay Commission will conduct a comprehensive examination and analysis of underlying difficulties in recruitment and retention. This flows from the commission's report, which identified that certain areas of the public service are experiencing difficulties in retaining personnel, particularly in specialist streams. The defence sector was highlighted as a priority. It is anticipated that further work by the Public Service Pay Commission will commence soon. I have initiated a review of the conciliation and arbitration scheme. I hope to finalise the terms of reference shortly. I will circulate them to the representative organisations for their information. I met the representative associations in advance of the official publication of the report of the climate study focus groups to hear their views. I have listened carefully to the feedback that was received. Work is well advanced on providing for the encompassing of the Defence Forces within the Organisation of Working Time Act. This particular item has the potential to change dramatically the manner in which the day-to-day work of the Defence Forces is monitored.

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

The Government remains committed to ensuring the Permanent Defence Force reaches its strength ceiling of 9,500 personnel. Recruitment is ongoing. As announced in last week's

budget, the Government has increased the defence capital allocation. This will see additional investment in equipment and infrastructure over the coming years. All these measures will enhance the capacity of the Defence Forces to undertake all roles assigned to them.

**Deputy Lisa Chambers:** Is it not the case that as a result of the consistent neglect of the Defence Forces by this Government and its predecessor, things have reached the stage where minuscule pay increases and apparent improvements in working conditions will not be sufficient? The Minister of State and I have been doing this dance for quite some time, so we know that things are getting worse. Since I took up my position as Fianna Fáil's spokesperson on defence, I have been raising directly with the Minister of State issues like pay and conditions, the lack of a retention policy to bring an end to the mass exodus of members, the low levels of morale and the general crisis in our Defence Forces. I commend PDFORRA on its work in consistently highlighting to the Minister of State and every Member of this House the severe difficulties being faced by its members who are unable to pay their bills or put a roof over their heads. Increasing numbers of Defence Forces personnel are availing of family income supplement. There are huge problems. Many members of the Defence Forces are so disillusioned that they are looking to buy their way out. They do not want to wait until the end of their full terms. I accept that there has always been a certain level of turnover, but the number of people leaving the Defence Forces at present is unprecedented. The recruitment campaign is not plugging the gap because people are leaving at such a fast rate.

**Acting Chairman (Deputy Eugene Murphy):** Thank you, Deputy.

**Deputy Lisa Chambers:** There is no retention policy to hold on to the personnel we have. When will the Minister of State put a concrete plan in place to address retention in our Defence Forces? When will he deal with the issue of morale in our Defence Forces? When will he provide for proper pay and conditions?

**Acting Chairman (Deputy Eugene Murphy):** Deputy, please. You will have another minute for a further supplementary question.

**Deputy Lisa Chambers:** The members of our Defence Forces are the lowest paid workers in our public service.

**Acting Chairman (Deputy Eugene Murphy):** I ask Deputies not to exceed the amount of time available to them.

**Deputy Paul Kehoe:** I would encourage Deputy Chambers to mix with members of the Defence Forces to see how morale has changed over the last while.

**Deputy Lisa Chambers:** On a point of order, I meet them on a regular basis.

**Acting Chairman (Deputy Eugene Murphy):** Okay. That is fine.

**Deputy Paul Kehoe:** I am not surprised that the Deputy is carrying on like this about public sector pay.

**Acting Chairman (Deputy Eugene Murphy):** Sorry, Minister of State. Stick to the answer.

**Deputy Paul Kehoe:** I am replying. I think I should be allowed the opportunity to reply.

**Acting Chairman (Deputy Eugene Murphy):** I will allow you to do so.

**Deputy Paul Kehoe:** I am not surprised that Deputy Chambers is speaking about public sector pay. I would love to open the chequebook, but I am responsible. Those of us on this side of the House are taking a responsible approach to the country's economic future. When the Deputy's party and my party reached agreement on a programme for Government and a relationship for Government, the progress of the public pay talks was one of the issues we discussed. Fine Gael and Fianna Fáil both bought into that. As I made clear at the PDFORRA conference, we have to be responsible in this regard. I am happy that a young recruit who comes into the Defence Forces now gets €27,000 after six months of training, compared to €22,000 previously. This represents an increase of €5,000. Defence Forces personnel can get further increases if they sign up to the extended Lansdowne Road agreement. I decided to address a number of issues at the PDFORRA conference. This was very much welcomed by the members of PDFORRA. For example, I announced a review of the entire conciliation and arbitration system. I will appoint an independent chairperson to review it. As I said in my reply, I have almost signed off on the terms of reference. I will give them to PDFORRA and the Defence Forces to be finalised. The contracts that were initiated by Fianna Fáil-led Governments in 1994 and 2006 are also to be reviewed.

**Acting Chairman (Deputy Eugene Murphy):** You have gone way over time.

**Deputy Paul Kehoe:** They are ludicrous and I can understand the frustrations of the members of the Defence Forces.

**Acting Chairman (Deputy Eugene Murphy):** Minister of State, please.

**Deputy Paul Kehoe:** They are resulting in the Defence Forces losing the services of young men and women. I want to review the whole contract system.

**Deputy Lisa Chambers:** The Minister of State's party has been in Government for over six years. I accept that the Minister of State has a budgetary responsibility to the Government, but I remind him that as a Minister of State who essentially takes all the responsibility for the defence portfolio, he also has a duty to the men and women who are the members of the Irish Defence Forces. I do not believe he has advocated for them adequately in the context of next year's budget.

The Minister of State suggested that the contracts are prehistoric, but he has been in this Department for over six years. These issues have been highlighted to him for years, but he has not dealt with them. He is here now talking about the conciliation and arbitration process. I highlighted the deficiencies in that process months ago, prior to the pay talks. It is only now that an independent review is being conducted. I put it to the Minister of State that if the independent review is anything like the Air Corps review he conducted, we should not be holding our breath because that review did not work. The Minister of State needs to give assurances that this review will be conducted properly and that the person appointed to conduct it will have the competence and expertise to do so. We will need to see progress and results from it. I have no doubt that the RACO conference will send a similarly strong message about the crisis in our Defence Forces.

While the Minister of State can say he has made progress, the facts remain the same. The numbers are diminishing and the strength is the lowest ever. We are nowhere near the 9,500 requirement, and we should really be at 10,500. There is no retention plan in place. While the

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Minister of State can talk about pay, he has not addressed conditions and the diminishing numbers in our Defence Forces.

**Deputy Paul Kehoe:** I do not accept any of the accusations that the Deputy has thrown across the floor at me. It is interesting to note that the Deputy left out the contracts of 1994 and 2006 in her questioning.

**Deputy Lisa Chambers:** I mentioned them.

**Deputy Paul Kehoe:** There were issues raised at the PDFORRA conference, which I committed to address and delegates were very happy that I did so. They asked previous Ministers, including some from Fianna Fáil, to carry out a review of the CNA process. I have committed to doing that.

I considered the best way forward over the past number of months. I was not going to announce that I was going to review the CNA process following my appointment. Rather, I wanted to consider the best way forward and review other defence forces across Europe in terms of how they carry out their CNA processes. I was delighted to announce that we will have over 300 NCO promotions, some of whom are already in place.

### **Defence Forces Strength**

31. **Deputy Bríd Smith** asked the Taoiseach and Minister for Defence his plans to address the chronic staff shortages in the Defence Forces; and if he will make a statement on the matter. [44188/17]

**Deputy Bríd Smith:** The Minister of State will probably repeat much of what he said to other Deputies. I ask him to outline how he will try to improve the chronic staff shortages in the Defence Forces. What steps will he take to ensure more recruitment takes place and staff shortages are addressed?

**Deputy Paul Kehoe:** The White Paper on Defence, published in 2015, sets out the Government's defence policy for the next decade. Any discussion on Defence Forces capability, numbers of personnel and so on needs to be framed in the context of the White Paper on Defence which commits to maintaining the strength of the Permanent Defence Force at 9,500 personnel, comprising 7,520 Army, 886 Air Corps and 1,094 Naval Service personnel.

The strength of the Permanent Defence Force at 30 September was 9,062 personnel and further inductions have been ongoing since that date. There is significant ongoing recruitment at enlisted and officer level, and it is anticipated that 800 new personnel will have been inducted into the Permanent Defence Force during 2017. This includes general service recruits, apprentices, cadets and direct entry officers. A further recruitment campaign is under way with a closing date of 27 October 2017 and will provide a panel for recruit inductions in 2018.

A range of recruitment methods are being employed, including direct entry competitions for specialist positions, and the scope to further expand direct entry is being considered. I have also directed civil and military management to develop terms and conditions to allow former members of the Defence Forces with sought after skills to return to service. I expect to be in receipt of these shortly.

The fact that further consideration by the Public Service Pay Commission of recruitment and retention issues is provided for under the public service stability agreement 2018-2020 is also a welcome development. We must also not lose sight of the fact that Defence Forces personnel join up of their own free will and I believe great efforts are being made, within that context, to maximise the numbers coming into the Defence Forces.

The actions I have described are actions which are currently being carried out. It is also necessary to plan for the future on a longer-term basis. With this in mind, I have directed that some White Paper projects be brought forward. This work will help in identifying where gaps will occur for particular skill sets and allow for more targeted manpower planning.

I remain committed to maximising recruitment to the Defence Forces and ensuring that, where possible, the terms and conditions of service ensure that the Defence Forces remains an attractive career choice. With the support of the Chief of Staff, and within the resources available, the Government is committed to retaining the capacity of the Defence Forces to operate effectively across all roles and to undertake the tasks laid down by Government at home and overseas.

**Deputy Bríd Smith:** I have to reject the idea that what the Minister of State has proposed will work. A second recruitment campaign took place this year and, as other Deputies have pointed out, there is an exodus from the Defence Forces, as well as significant staff turnover.

I refer to conditions. The Public Sector Pay Commission reported that there was a reduction in expressions of interest in the Defence Forces, from 10,000 in 2012 to 5,000 last year. That must be very worrying for the Minister of State, as the man in charge.

I and others, including many sailors and soldiers, would acknowledge that this is due to the poor pay and conditions. Those in the Army have a maximum career of 21 years. The working time directive does not apply to them. Many work over 70 hours a week for no extra remuneration as they do not receive overtime. In other words, they are not appropriately paid for the number of hours they work.

They are excluded from the Irish Congress of Trade Unions and have no right to strike. When gardaí received remuneration in respect of rent because they refused to endorse the Lansdowne Road agreement, that decision was applied to prison officers and firefighters but not members of the Defence Forces. We congratulate them for the wonderful job they do, but they are not being given their rights.

**Deputy Paul Kehoe:** There were pay increases for members of the Defence Forces in the Lansdowne Road agreement, which they signed up to. They now have an opportunity to sign up to the extended Lansdowne Road agreement. The Minister for Finance and Public Expenditure and Reform, Deputy Paschal Donohoe, announced yesterday that the Public Service Pay Commission will begin work shortly. It will examine a number of areas. The Defence Forces were specifically mentioned in the Minister's press release, as well as certain areas of the health sector and professional posts within the Civil Service. The Minister has recognised that there are pinch points in terms of retention in the organisation, and I would be the first to recognise that.

**Deputy Bríd Smith:** The men and women who are defending human rights throughout the world, whether it is in the Mediterranean, Mali or the Golan Heights, are being denied their human rights by the Government due to the level of inappropriate pay for the amount of hours

they work, the lack of access to proper trade union organisation and a range of other complaints which have been brought before the Minister of State to date. There is a high level of staff turnover.

Low pay is being addressed only because most members of the Defence Forces are in receipt of family income supplement, FIS. A significant number rely on the payment in order to pay hectic rents and for the extra travel they have to engage in because of relocation following the closure of barracks. The Government has failed entirely to deal with the issue.

Women are being targeted because only 6% of Defence Forces' members are women. The Minister of State has not indicated how he can attract women into such low paid and bad conditions where there is a disregard for their rights.

**Deputy Paul Kehoe:** The Deputy and other members of her group have often thrown out the line that significant numbers of members of the Defence Forces are in receipt of FIS. That is totally incorrect. I will send on information on the number of people within the Defence Forces in receipt of FIS. She will be quite surprised to learn that the numbers are not as large as she and her colleagues have spoken about in the Chamber and outside. I will clarify the position for her.

**Deputy Bríd Smith:** Any level is unacceptable.

**Deputy Paul Kehoe:** I have to stay within the confines of public pay and the extended Lansdowne Road agreement. I would love to be able to take out the public pay chequebook and start giving people pay increases across the board. However, I do not have the power to do that. I have to work with the Minister for Finance and Public Expenditure and Reform when he sets out public pay for all sectors within the public service.

I understand that the Deputy has her own frustrations, as do I. I was honest with members of the Defence Forces when I addressed their conference. I have fought and will continue to fight for them. That is why I was able to secure an extra increase of €5,000 for new trained regular members of the Defence Forces.

## EU Bodies

32. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence if he has satisfied himself that all correct procedures were followed prior to the nomination of a person (details supplied) for election to the position of chair of the European Union Military Committee. [44216/17]

**Deputy Clare Daly:** My question is about the procedures followed in making the decision to nominate the Chief of Staff as chair of the European Union Military Committee. The decision was taken on 18 September, two days before we resumed after the summer break, without any consultation with the Dáil. There was an arrogance in the timing and the fact that the House had not been consulted. No doubt the Minister of State will tell me that, strictly, no rules were broken, but it was an affront to our long-standing policy of military neutrality.

**Deputy Paul Kehoe:** I am fully satisfied all correct national and EU procedures were followed in the nomination of Vice Admiral Mellett, the current Chief of Staff of the Defence Forces, for appointment as chair of the European Union Military Committee, the most senior military establishment within the European Union. It was established under Council Decision

2001/79/CFSP. When meeting in chiefs of defence format, the Chief of Staff of the Defence Forces attends. However, on a day-to-day basis, at its meetings, Ireland's EU military representative who is attached to Ireland's Permanent Representation to the European Union attends meetings of the committee on his behalf. Ireland has participated in the European Union Military Committee since its establishment.

Pursuant to Article 3(1) of Council Decision 2001/79/CFSP, the chair of the Military Committee of the European Union is appointed by the European Council on the recommendation of the European Union Military Committee meeting at the level of chiefs of defence. Accordingly, the next chair of the European Union Military Committee will be selected by secret vote by the chiefs of defence of the member states at a meeting scheduled to take place next month in Brussels. On the basis of that vote, the chair will then be appointed by the European Council for a fixed period of three years.

The Defence (Amendment) Act 2006 provides in section 3(1)(a) that a contingent or member of the Permanent Defence Force may, with the prior approval of and on the authority of the Government, be despatched for service outside the State for the purposes of carrying out duties as a military representative or filling appointments or postings outside the State, including secondments to any international organisation. Pursuant to this provision, the Government, at its meeting on 19 September, decided to nominate Vice Admiral Mark Mellett as chair of the European Union Military Committee, consistent with the provisions of the Defence Acts. Following that approval and on the authority of Government, Ireland's nomination of Vice Admiral Mark Mellett for election to the position of chair of the European Union Military Committee was formally communicated when nominations opened. The nomination for appointment as chair of the European Union Military Committee further demonstrates Ireland's ongoing commitment to remaining at the core of the European Union's Common Security and Defence Policy.

**Deputy Clare Daly:** The Minister of State's response is largely technical, whereas the issue is probably broadly political. I have no problem whatever with the individual involved, which is not at issue. There are implications for Irish neutrality in this nomination to one of the European Union's permanent political and military structures which sits snugly beside the European Defence Agency. Let us not kid ourselves as the European Union Military Committee is exactly what it says on the tin; it is a military committee. Its recent chairman indicated that for the European Union soft power and hard power went hand in hand. In an address in Estonia in February the EU global strategy was described, with a key element being the establishment of permanent planning and conduct capability for military missions and operations. They were the most pressing priorities. We are looking down the barrel in having the Chief of Staff of the Defence Forces, if elected to the role, take on the position and driving forward in the operational military headquarters of the European Union. That is quite simply incredible in a country with a policy of neutrality. The triple lock mechanism should have been invoked and it is in place for a reason. It is incredibly disrespectful that there has not been a debate in the House on the matter.

**Deputy Paul Kehoe:** The timing of the decision coincided with the opening of nominations for the position. The decision does not call into question our policy on neutrality. Ireland has been a member of the European Union Military Committee since its inception in 2001. It was supported by successive Governments comprising Fianna Fáil and Independents; Fianna Fáil and the Progressive Democrats; Fianna Fáil and the Green Party; Fine Gael and the Labour Party; and Fine Gael and Independents. All of these Governments over many years supported our commitment to being a member of the committee. It shows the standing of personnel within

the Defence Forces that they are capable of being nominated for such a position as chair of the European Union Military Committee. I would be the first to respect our neutrality, but that does not mean that we should not engage at an international level. I can absolutely stand here and say the Chief of Staff of the Defence Forces is an excellent candidate. He has proved himself in the Naval Service and the Defence Forces as a whole. He can stand shoulder to shoulder with colleagues, including previous Chiefs of Staff, and personnel across Europe.

**Deputy Clare Daly:** I never said he could not. Previous Chiefs of Staff might have something to say about that as they were also capable of being nominated, but that is not at issue. It is not about a skill set but about a political decision. The Minister of State is correct in that the decision is completely in line with other policies adopted that have chipped away at our neutrality. They include the US military's use of Shannon Airport, NATO warships in Irish ports, sending Irish ships to global arms fairs and committing them to involvement in operations such as Operation Sophia, exporting arms and joining EU battle groups. We have done all of that and now want our man at the helm to be chair of the European Union Military Committee. The Minister of State knows that its current chairman has been glad-handing the commander-in-chief of the Egyptian army which is known for extra-judicial killings and widespread human rights abuses. Do we want the Chief of Staff to be engaged in this also? It seems to be quite clear from the Minister of State's response that this is a prestige project which for some reason is being driven either by the Government or sections of the Defence Forces; I am not sure which. It seems that they want to be big boys playing with the fellows with big toys, but it would not be welcomed by most citizens.

**Deputy Paul Kehoe:** It was a Government decision. The Deputy mentioned Operation Sophia. It came within the triple-lock mechanism as it is a UN-mandated mission. It received Government approval and the approval of this House. I have never been afraid to bring decisions to the Chamber, knowing that I could walk out the door saying the Dáil and the Government had made the right decision. This is good for the Defence Forces and Ireland. I hope the Chief of Staff, Vice Admiral Mark Mellett, will get the nod and win the vote. I wish him the very best. The Government and the diplomatic corps have given him help. It sends a very strong message that we have people who are capable of holding a position such as this.

## Other Questions

### Defence Forces Operations

33. **Deputy Mick Wallace** asked the Taoiseach and Minister for Defence the involvement of members of the Defence Forces, including members of the Naval Service, in the training of the Libyan coastguard in conjunction with the European Union's Operation Sophia; the details of the training; and if he will make a statement on the matter. [44038/17]

50. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence his views on the participation of the Defence Forces in Operation Sophia; and if he will make a statement on the matter. [43974/17]

**Deputy Mick Wallace:** Operation Pontus, the search and rescue mission, was established as a humanitarian mission with the primary focus being on saving lives. Wonderful work was

done and almost 16,000 lives were saved in the Mediterranean. The recent Dáil motion to bring Operation Pontus within the remit of Operation Sophia was a terrible development. The day before the motion was considered, a House of Lords inquiry in the United Kingdom concluded that Operation Sophia had failed in its mandate to disrupt the business people who were smuggling in the Mediterranean and had resulted in more deaths at sea of refugees and migrants. We raised this issue before the vote, but nevertheless so many in the Chamber voted in favour of the motion. How can we stand over it, given that we were doing such good work before?

**Deputy Paul Kehoe:** I am surprised that the Deputy read a House of Lords report. I did not think he would be into it.

**Deputy Mick Wallace:** We would fit in well.

**Deputy Paul Kehoe:** I understand. I did not think reports from the House of Lords had reached Wellingtonbridge, County Wexford.

**Deputy Mick Wallace:** It was in Bree.

**Deputy Paul Kehoe:** I propose to take Questions Nos. 33 and 50 together.

The EU Common Security and Defence Policy naval operation EUNAVFOR MED (Operation Sophia), against human smugglers and traffickers, is one element of a comprehensive approach to addressing the migration crisis in the South Central Mediterranean. Operation Sophia was launched in June 2015 as part of the EU's broader action to provide a comprehensive response to the global migration and refugee crisis and to encourage a democratic, stable and prosperous Libya. It specifically seeks to counter human trafficking and smuggling in the Southern Central Mediterranean by taking action against the criminal networks and disrupting the smugglers business model. The mission is also providing capacity building and training to the Libyan Coastguard and Navy and contributing to the implementation of UN Security Council Resolution No. 2292. UNSCR No. 2292 imposes an arms embargo on Libya in an effort to prevent the flow of illicit arms and related material into that country.

The deployment of Irish Naval vessels to the Mediterranean over the last three years to engage in humanitarian search and rescue tasks has been an important element in Ireland's response to the migration crisis in the Mediterranean. Overall, 17,509 migrants have been rescued since Irish Naval Service vessels were first deployed in the Mediterranean in May 2015 as part of Operation Pontus.

In July 2017, I secured Government and Dáil approval for the deployment of a contingent of the Permanent Defence Force to serve as part of Operation Sophia. On 6 October last, *LÉ Niamh* and crew departed Haulbowline to join the EU naval mission and the naval vessel arrives in the area of operation this week. The specific tasks assigned to naval vessels by the Operation Sophia Force Commander will depend on the operational requirements in the Mediterranean area at any given time. As *LÉ Niamh* has only arrived in the region, it has not yet been tasked with any operational task. In accordance with the mandate for the mission, the Naval Service could be involved in surveillance and intelligence gathering operations, search and rescue operations and disposal of migrant boats and Force Protection Operations. A number of national caveats have been formally declared by Ireland and accepted by EU naval mission headquarters. In this regard, Ireland will only participate in those aspects of Operation Sophia which are authorised in accordance with UN Security Council Resolutions.

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The training being provided to the Libyan navy and coastguard as part of Operation Sophia aims to improve the security of Libyan territorial waters, to enhance the capability of the Libyan navy and coastguard in law enforcement at sea and to improve their ability to perform search and rescue activities to save lives in Libyan territorial waters. Up to September 2017, a total of 136 Libyan personnel have completed training, comprising mainly basic training delivered at sea by Italy.

Operation Sophia has so far contributed to the apprehension of 117 suspected smugglers and traffickers, removed approximately 480 boats from criminal organisations availability, contributed to 268 Safety Of Life at Sea events and most importantly, saved the lives of over 40,000 migrants.

As this is the first time that a Naval Service ship will be deployed in a Common Security and Defence Policy Operation, I would like to take this opportunity to wish the Naval Service well on what is a new and challenging role for them.

**Deputy Mick Wallace:** The International Organisation for Migration claims that it has rescued thousands of refugees this year. The Minister has claimed this as well. It is not true. Rescue ends with people being in a safe place. This process is pulling people back to a place of violence and human rights violations from which they have fled. It is horrendous that Ireland would play a part in this. Recently, in an open letter to EU leaders, Dr. Joanne Liu from Médecins Sans Frontière, said that, “The detention of migrants and refugees in Libya is rotten to the core. It must be named for what it is - a thriving enterprise of kidnapping, torture and extortion”. She says that, “The reduced numbers of people leaving Libyan shores has been lauded by some as a success in preventing loss of life at sea and smashing smugglers’ networks”. Nothing could be further from the truth. This is totally disingenuous. She continues: “At best it is pure hypocrisy, and at worst a cynical complicity in the organised business of reducing human beings to merchandise”.

This is not what we were doing before. Sending people back to Libya is like sending them to their death. This is not rescuing people any more. We are sending them back to die.

**Deputy Clare Daly:** Some 56 Irish men and women have been sent on the *LÉ Niamh* to take part in Operation Sophia, along with the disgraced Libyan coastguard. This coastguard’s purpose is really to wage war on refugees trying to get to Europe. Let us be clear about this. It is not correct to call the Libyan coastguard by that name. Much of it is made up of militias which have appointed themselves to patrol the seas. They have created their own crests, dreamt up their own military ranks and called themselves the Libyan coastguard before setting off for the Mediterranean. Working with militias dressed up as coastguards to push back migrants to rape and torture in Libya, the fact of which is well known, is something that we have a problem with. There are strong documented suspicions that the so-called coastguard is itself bound up in the business operations of traffickers and smugglers that Operation Sophia has, we are told, been set up to combat. One could not make this stuff up. The Defence Forces of Ireland, a neutral country, is participating in such an alliance. This will come back to haunt us.

**Deputy Paul Kehoe:** Operation Sofia, like Operation Pontus, allows us to bring migrants to the coast of Italy. We have the authorisation and permission of the Italian authorities to bring any migrants picked up in Operation Sophia there. This is a UN mandated mission. The Naval Service has yet to be given full operation tasks involving the rescuing of people. People have been brought safely to port or transferred to another vessel from where they would be taken to

a safe port. The ports of embarkment for migrants rescued by Operation Sophia are in Sicily. Operation Sophia specifically seeks to counter human trafficking and smuggling in the southern and central Mediterranean by taking action against the criminal networks and disrupting the smugglers' business model. By improving maritime security, Operation Sophia is actively contributing to the EU and international efforts for the return of stability in Libya. The EU strategic review of Operation Sophia, published earlier this year, has determined that despite the complexity of the situation existing common security and defence policy activity is starting to deliver some tangible results and remains a visible and prominent symbol of the EU political intent towards Libya and the region. Operation Sophia has so far contributed to the apprehension of 117 suspected smugglers and traffickers, removed approximately 400 boats from criminal organisations, contributed to almost 270 safety of life at sea events and rescued over 40,000 migrants to date. According to the International Organisation for Migration, the statistics to 21 September show that 16,566 have been rescued in the Libyan waters in 2017 alone. I do not want migrants to be leaving the Libyan coast. Thousands of these people are being drowned because they are leaving the coastline of Libya, with no one in charge of their welfare.

**Deputy Mick Wallace:** No one wants to see these people drown, but we do not want them to return to Libya either to be punished or killed. Operation Sophia does involve returning these people to Libya. The EU is boasting about the fact that the numbers crossing the Mediterranean are shrinking. The Minister said that Operation Sophia can bring these migrants to Italy. That is true, but unfortunately huge numbers of migrants are being returned. Why did Médecins Sans Frontière stop working on Operation Sophia? It has washed its hands of it because of what is happening. It is ashamed.

The Minister said that this is a UN mandated mission. He is correct, but shame on the UN for mandating this. This is not what should be happening. Europe is putting its energies into building barriers to prevent people from coming in. We have caused the destruction and supported bombing campaigns by the Americans and others. Over 60 million people have been displaced worldwide. Only a fraction of these get to mainland Europe. We are now preventing them from crossing, sending them back to Libya, and we think we are doing good work. It is horrific.

**Deputy Clare Daly:** It is very well known that returning migrants to Libya is condemning them to indefinite detention in what are essentially concentration camps, torture, rape and human trafficking. The International Criminal Court began gathering evidence in May regarding the treatment of migrants in Libya and the violent attacks on them and the NGOs working to rescue them in this region involving the very people we have now aligned ourselves with - the misnamed Libyan coastguard. In the words of human rights specialist Nora Mackard, "the European Union and the German government are of course aware of the situation in Libya [...] by providing support they are also responsible and make themselves liable." This opens up at least the possibility that by participating in Operation Sophia, Ireland might find itself part of a future investigation by the International Criminal Court or somebody else into criminal breaches of international law by the Libyan coastguard. We have travelled a very long way from the founding days of our neutrality.

**Deputy Paul Kehoe:** I respect both Deputies' views but I do not accept them. There is no issue with that. I disagree with some of their points. I see and hear at first hand from members of the Irish Naval Service who tell me of thousands of men, women and children losing their lives because they are being disembarked on the Libyan coastline in unsafe vessels which go out maybe a couple of miles and sink and there is nobody there to rescue and assist the people.

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That is totally wrong. We are stopping the smuggling of migrants by apprehending some of the people who are bringing in unsafe vessels to the Libyan coastline. This is a fully UN-mandated mission. We have participated in CSDP operations over a long number of years. This received Government and Dáil approval under the triple lock. Libyan coastguard training is a positive move towards capacity building by the EU mission. It is the fastest way to reduce irregular migrant flows and intercept smugglers' inside territorial waters. I believe this operation is working and we have made the right decision. It is one of the reasons I brought the memorandum to Government. I believe this is the correct course of action.

*Question No. 34 replied to Written Answers*

### **Defence Forces Personnel**

35. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence if he has considered the reintroduction of the fixed period promotion and service commitment scheme which were successful initiatives up to their withdrawal by his Department in 2013.; and if he will make a statement on the matter. [44023/17]

**Deputy Aengus Ó Snodaigh:** Given the major shortfalls emerging in the Defence Forces at certain grades, will the Minister of State consider the reintroduction of at least one mechanism that worked in the past, namely, the fixed period promotion and service commitment scheme, which was done away with by the Department in 2013?

**Deputy Paul Kehoe:** Fixed period promotion in the Permanent Defence Force was a promotion which took place after a fixed period of time. It was part of the terms and conditions of specialist service officers such as engineers and doctors. The whole notion of fixed period promotions as an expectation or a right continuing for specialist personnel did not sit comfortably with, and was not in keeping with the principles, of merit-based promotion, which was one of the terms of the public service agreement 2010-2014. While experience matters in terms of specialist posts, time served is not necessarily the best indicator of suitability for promotion. Fixed period promotion did not recognise individual contribution or the extent and nature of the work that an individual had done.

In September 2015, the Department of Defence reached agreement with the Representative Association of Commissioned Officers, RACO, which provided that the policy of fixed period promotion would no longer apply for future officers inducted as special service officers. However, they will be eligible to compete in merit-based promotion competitions. Negotiations are ongoing with PDFORRA regarding the retention of fixed period promotion for new entrant instrumentalists in the Defence Forces School of Music.

The service commitment scheme for pilot officers of the Air Corps was withdrawn in 2013. The recommendations of the working group on pilot retention, which reported in 2015, are being progressed by a joint civil military working group. The working group's report contained a number of recommendations ranging from increasing recruitment levels to examining the current terms and conditions of pilots. Work on the implementation of the group's recommendations is currently ongoing by both civil and military staff of the defence organisation.

A range of recruitment methods are being used, including direct entry competitions for specialist positions, and the scope to further expand direct entry is being considered. I have also

directed civil and military colleagues to develop terms and conditions to allow former members of the Defence Forces with sought-after skills to return to service.

It should be noted that the Department of Defence, in conjunction with the Defence Forces, raised recruitment and retention issues as part of the submission to the Public Service Pay Commission. This is specifically referenced by the commission in paragraph 6.13 of the report.

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

Section 3 of the public service stability agreement 2018-2020 provides that the Public Service Pay Commission be requested to complete a comprehensive examination of underlying difficulties in recruitment and retention in those sectors and employment streams identified in the report of the Public Sector Pay Commission. In this context, the Department of Defence will be making a submission to the commission when the commission commences this phase of its work.

Yesterday, my colleague, the Minister for Finance and Public Expenditure and Reform, Deputy Donohoe, updated Government on the next phase of work by the Commission. Following this update, the Government endorsed the terms of reference for the next phase of the Commission's work. The Minister, Deputy Donohoe, will shortly be meeting with the Commission to discuss this next exercise.

**Deputy Aengus Ó Snodaigh:** I understand what happened in the past but given the crisis at certain levels and in certain sections of the Defence Forces in terms of officers, particularly in certain key areas, surely the Minister of State will look again at reintroducing a system that worked and may help stop the flow of officers into the private sector through being either head hunted or believing there is no future for them in the Defence Forces. It does not sit comfortably with me or the public that key areas like the air traffic service are at breaking point. In fact, there are indications that a number of other captains in the air traffic service are due to leave and one is on maternity leave leading to a further shortfall which cannot be dealt with by people who have only just completed training given that additional training of four to five years required, which would mean that the shortfall is going to get bigger. Surely anything that might help plug that gap in our services should be addressed or at least looked at.

**Deputy Paul Kehoe:** Section 3 of the public service stability agreement 2018-2020 provides that the Public Service Pay Commission be requested to complete a comprehensive examination of underlying difficulties in recruitment and retention in those sectors and employment streams identified in the report of the Public Sector Pay Commission. I would be the first to admit that there are a number of areas within the Defence Forces where there are major pinch points. The Deputy spoke about fixed term promotions. I can understand why they are there and why they are not suitable for the organisation. I am content that the Public Service Pay Commission and the public service stability agreement 2018-2020 will look at the areas of retention. The Deputy is right when he says that pilots and air traffic controllers constitute an issue for the Defence Forces as it does for many airlines. We have seen that in the public domain and the media over the past while. If I was to pick out pilots, I can assure the Deputy that there would be absolute war in other areas of the public service. It would be a case of us being asked, "Why pick out one area?". Therefore, it is up to the Public Service Pay Commission to look at the broad area across the board.

**Deputy Aengus Ó Snodaigh:** It will be too late by the time the Public Service Pay Com-

mission or anybody else produces a report into this and the report is considered to address serious shortfalls we have seen in terms of the ability of the Air Corps to carry out its duties. It is not just the Air Corps. Does the Minister of State not accept that the Defence Forces are totally different to the vast majority of the public service given that the compulsory retirement age in the Defence Forces is completely out of sync with the rest of the public service and that, therefore, the Minister of State needs to look at them separately and have different ways of addressing shortfalls? In this instance, I am suggesting that this might be one of them. It might not be the solution to all problems of retention but it might be something that would help.

**Deputy Paul Kehoe:** I have committed to reviewing all contracts and I have put a civil and administrative committee together to look at direct entry and re-entry into the organisation. Quite a number of people, including officers, from a range of areas who left the organisation now want to re-enter it. Those willing to return include those in explosive ordnance disposal and pilots. In common with other militaries, we must be mature enough to accept direct entry. The Naval Service does it, and does so very successfully, and I see no reason we should not examine it for the Army and Air Corps. There are issues in respect of direct entry and, more importantly, those who re-enter, such as whether they should return at the same level at which they exited. These are areas we must examine and, hopefully, the matter will be brought to conclusion shortly in talks between the civil and military personnel.

### **Defence Forces Representative Organisations**

36. **Deputy Aengus Ó Snodaigh** asked the Taoiseach and Minister for Defence his plans on aligning the Defence Forces industrial relations with that of the initial findings of the Garda Síochána working group which was recently approved by Cabinet; and if he will make a statement on the matter. [44021/17]

**Deputy Aengus Ó Snodaigh:** This question relates to the Minister of State's position on the findings of the senior Garda management report on industrial relations and whether it has implications in regard to the Defence Forces. If the proposals of Garda senior management were adopted by the Defence Forces, does he believe it would be contrary to the European court decision regarding the right to representation?

**Deputy Paul Kehoe:** The conciliation and arbitration scheme for members of the Permanent Defence Force, PDF, provides a formal mechanism for the PDF representative associations, RACO and PDFORRA, to engage with the official side. Having regard to commitments made under pay agreements, members of the Permanent Defence Force can make representations in relation to their pay and conditions of service through their representative bodies. Where agreement is not reached it is open to both official and representative sides to refer the matter to an adjudicator or an arbitration board to settle the matter. Permanent Defence Force personnel have achieved significant benefits down the years through this process.

When appointed as Minister of State with responsibility for defence, the Permanent Defence Force representative associations brought to my attention, the fact that the current conciliation and arbitration scheme requires some refining so that it can remain fit for purpose for the entire defence organisation.

The conciliation and arbitration scheme for members of the Permanent Defence Force has been in existence since the early 1990s and I agree that it is timely to review the scheme.

In this regard, I announced my intention previously to review the conciliation and arbitration scheme for members of the permanent Defence Force. The review will start by the end of 2017 and will be guided by an independent chairperson. Officials in the Department of Defence are finalising the terms of reference for that review and I hope to be in a position to circulate this document to the representative associations shortly.

The report of the working group on industrial relations structures for An Garda Síochána will be considered in the course of the review of the arrangements for the Permanent Defence Force

**Deputy Aengus Ó Snodaigh:** I have raised the issue before and I will not labour it but what is the fear of the Defence Forces organisations having full representational rights and being given the full ability to discuss pay and conditions in talks with their employer, even if it without the right to strike? Both the representative organisations which I met during the recent months are not looking for full trade union status or the right to strike. They seek the ability to fully represent their members and, when there are pay talks, to fully discuss the pay and conditions under which their members survive. They believe that recent European court decisions have confirmed that they should have this right and they will ensure that this decision will soon be reflected in this State. Rather than continuing to prevent their representation, will the Minister of State examine that court decision and implement it in the cases of RACO and PDFORRA?

**Deputy Paul Kehoe:** PDFORRA and RACO both participated in the recent negotiations on the extension of the Lansdowne Road agreement which were facilitated by the Workplace Relations Commission. Both RACO and PDFORRA were invited to negotiations which were held under the auspices of the Workplace Relations Commission and were given the full esteem accorded to the non-ICTU associations. The Defence Force representative associations attended and participated at all plenary sessions which were attended by the public sector trade unions, representative associations and management. Senior officials from my Department and the Department of Public Expenditure and Reform and the Defence Forces association had their own meetings which were chaired by officials from the WRC. The issues raised by the Defence Forces representative associations were considered in tandem with those raised by other public sector representative associations.

The Deputy also asked why they are not members. That is something that PDFORRA, in particular, has requested on a number of occasions, specifically in 2002, 2009, 2012 and 2014.

Personnel are the Defence Forces' critical resource. If we are to consider a request for associate membership of ICTU, we must examine the potential conflicts and divided loyalties that could arise where the Government decided to deploy Defence Forces in a situation of industrial unrest.

**Deputy Aengus Ó Snodaigh:** The Minister of State said that they were accorded the same rights of participation as other trade unions, but that was not the case. Does the Minister of State agree that many of the issues they raised were ignored while side deals were being made with other unions at those pay talks? RACO and PDFORRA continue to seek full rights and access at all levels that a trade union organisation would have in any future pay talks, which includes side talks and side deals on terms and conditions.

**Deputy Paul Kehoe:** Following the interaction of members of both associations at the pay talks, I will meet both associations tomorrow. If we do not discuss the matter tomorrow, I will

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ask for their thoughts and for feedback on the interaction during their first time at pay talks.

On what is happening internally, the conciliation and arbitration process works, although it requires review. That is why I have initiated what I hope will be a very comprehensive review, chaired by an independent chairperson who will be given terms of reference and the teeth to establish how exactly the current conciliation and arbitration process, which has been in place for many years, can be improved. I have listened carefully to all representative associations over the past 12 to 16 months and following that, I announced the review at the PDFORRA conference in Cavan two weeks ago. PDFORRA was happy that I listened to its concerns over the past 12 to 16 months. It is an appropriate time to review the process and see how we might best improve it.

### **Military Neutrality**

37. **Deputy Clare Daly** asked the Taoiseach and Minister for Defence his views regarding the nomination of a person (details supplied) as chair of the European Union Military Committee, in particular the way in which this nomination fits with Ireland's stated military neutrality; and if he will make a statement on the matter. [43973/17]

**Deputy Clare Daly:** This question is similar to my earlier one but such is the bounce of the ball in the Priority Question lottery. It relates to the nomination of the Chief of Staff of the Defence Forces to the position of chair of the European Union Military Committee. When the nomination was announced, the Minister of State told us proudly that Ireland is one of the strongest contributors to common security and defence policy operations and that the nomination provides a positive and valuable profile for Ireland in the area of security and defence within the EU. Ireland is a neutral country. Raising our profile in the EU for security and defence is neither positive nor valuable.

*5 o'clock*

I would like the Minister of State to critique how he can justify that in the context of our stated neutrality.

**Deputy Paul Kehoe:** As I indicated in my earlier reply, following last month's approval by the Government, Vice Admiral Mark Mellett, Chief of Staff of the Irish Defence Forces, was formally nominated on behalf of the Irish Government for election to the position of chair of the European Union Military Committee, EUMC. The position of chair of the EUMC will become vacant in November 2018 and Ireland's nominee, Vice Admiral Mellett, will line up for election alongside candidates from other member states.

As the Deputy will be aware, the EUMC is the highest military body within the EU and was established by a Council decision of 22 January 2001. It is composed of the chiefs of defence of member states who, on a day to day basis, are represented in Brussels by the military representatives from the Permanent Representations of the member states.

The EUMC operates as a consensus based collective, with the chair bringing together the views of member states and representing these to the European External Action Service, the High Representative for Foreign and Security Policy and Vice President of the Commission, and other relevant institutions, including the European Defence Agency, EDA.

The EUMC provides the Political and Security Committee, which comprises ambassadors

from all 28 member states, who deal with all issues relating to the EU common foreign and security policy, CFSP, and the common security and defence policy, CSDP, with advice and recommendations on all military matters, including on all aspects of the planning and operation of the EU's CSDP operations. It also provides advice on EU military capability requirements to undertake CSDP operations and on military capability development requirements within the framework of the European Defence Agency.

Chairmanship of the EUMC has no implications for Ireland's traditional policy of military neutrality. Ireland already participates fully in the work of the committee through our military representative in Brussels and all meetings of EU chiefs of defence. The Deputy may wish to note that both Finland, from 2001 to 2004, and Sweden, from 2009 to 2012, have already held the position of chair of the EUMC as neutral countries.

Ireland is one of the strongest contributors to CSDP operations and remains committed to all aspects of CSDP and to the role CSDP can play in UN mandated peacekeeping operations. It is the case that the UN has continually stressed the important role the EU can and does play in support of international peace and security. Should Vice Admiral Mellett be successful, it would help to reinforce the existing strategic relationship between the EU and the UN.

**Deputy Clare Daly:** Every time a decision is made that compromises our neutrality we are told it does not compromise our neutrality, and we are getting increasingly concerned about the Government's approach to neutrality being especially cavalier. When we raise concerns, as we did earlier, about the Irish Defence Forces being sent off to join the military offensive in Operation Sophia, we were told not to worry about it. When we raise again and again the use of Shannon Airport by US military troops we are told they are not involved in anything and they are just passing through on their holidays. When we raise concerns about this, we are told Sweden and Finland had it before and not to be worrying about it as they were previous chairs, and this is just about raising Ireland's profile, as if it was like Limerick bidding for the European City of Culture. It is not good enough, particularly given the imminent exit by Britain from the EU. As the Minister of State knows, France and Germany in particular have been the main drivers of a deeper European Defence Agency, with Britain preferring to line up with the Americans. In the absence of Britain, that drive towards militarism is likely to increase further and deepen, and Ireland will be fully absorbed into the EU military machine at that stage. The nomination explicitly ties us closer to the reality of EU militarisation, and membership of military alliances is not compatible with neutrality.

**Acting Chairman (Deputy Eugene Murphy):** Before I allow the Minister of State back in, Deputies Wallace and Ó Snodaigh have indicated. I will allow both of them in, but I ask them to keep their comments as short as they can because it is Deputy Daly's question.

**Deputy Mick Wallace:** We allow a civilian airport on this island to be used as a US military base, from where it goes on to cause destruction in other regions. There is a humanitarian disaster taking place in Yemen at present, and arms going through Shannon are being used there. They are going to the Saudis, backed by the US and Britain. We cannot call ourselves neutral while we allow this to happen. I do not know how the Minister of State can do that and how he can say we are neutral when we allow this to happen. As Deputy Daly said, the militarisation of the EU is very worrying and we should have as little as possible to do with it. We have nothing to gain from it. We should not have anything to offer it. We should be neutral and have nothing to do with people who want to solve decisions with bombs, guns and whatever.

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**Deputy Aengus Ó Snodaigh:** I agree with both Deputies who have spoken on this. If the Chief of Staff of the Defence Forces, Vice Admiral Mark Mellett, is appointed or succeeds in his nomination, does he resign his commission? If not, will he still be bound by departmental guidelines, policies and instructions? We were told before the summer that the pressure for us to move a motion signing up to Operation Sophia came from within the Defence Forces. Is the award of a nomination his reward for succeeding in moving Ireland against its own neutral policy?

**Acting Chairman (Deputy Eugene Murphy):** The Minister of State has one minute because I want to go back to Deputy Daly.

**Deputy Paul Kehoe:** At a time when the world has become a more unstable and insecure place, Ireland remains fully supportive of the efforts of EU member states within the treaty provisions to contribute to the Union's capacity to respond to all the challenges in the security environment, including through the EU's common security and defence policy. The position of the chair of the EUMC, as I have previously outlined, is a key role in the EU institutions, bringing together the views of all member states and representing these to the European External Action Service, the High Representative for Foreign and Security Policy and Vice President of the Commission. It does not bring into question our policy on neutrality. I believe this is a good move for Ireland, and I hope Vice Admiral Mellett is successful in his nomination to become EUMC chair.

Deputies Wallace and Daly have raised the issue of Shannon Airport, and I indicated previously this is a matter for the Department of Foreign Affairs and Trade.

**Deputy Clare Daly:** In September, the Minister of State sent the *LE Samuel Beckett* to one of the world's biggest arms fairs. Along with it, he sent a delegation of departmental officials to browse the stands of the arms manufacturers. There was, correctly, an outcry at the time. I do not know whether the Minister of State is blind to, or arrogantly ignoring the fact the vast majority of Irish citizens are fully behind our policy of neutrality and are increasingly becoming more alive to the Government's efforts to undermine it. The Taoiseach received an email this morning, to which we were copied in, from a citizen I do not know. She wrote to the Taoiseach stating she is very worried at the slow but definite movement of Ireland into the heart of the EU military structure. This is exactly what is happening. We do not have the military capacity to become a military power. All we are doing is exposing Irish people while not protecting them, by trying to play that game for some prestige or some unknown reason. We cannot abandon this policy. What is particularly offensive is the idea we are doing it without any real and serious dialogue in here.

**Deputy Paul Kehoe:** I should have answered Deputy Ó Snodaigh's question. The chief steps down as Chief of Staff of the Irish Defence Forces. He remains as an officer in the Irish Defence Forces but no longer Chief of Staff if he is successful.

**Deputy Aengus Ó Snodaigh:** Is he still answerable?

**Deputy Paul Kehoe:** He is still an Irish officer of the Defence Forces.

There were further questions on us sending our Naval Service ship to the tradeshow in Britain. This is a decision I made. Babcock, the builder of our three naval vessels, asked me if I would consider it. I did so. I also made a decision to send members to the trade show because we are in the business of buying equipment. It is like buying any equipment, be it a car or

otherwise. Of course one is going to go to a trade shows to see what the best equipment is and what represents the best value for a country such as Ireland.

**Acting Chairman (Deputy Eugene Murphy):** I thank the Minister of State and the Deputies for contributing to the debate over the past hour and 30 minutes. It was a pleasure to chair it. I wish the Members well.

*Written Answers are published on the Oireachtas website.*

### **Personal Explanation by Member**

**Deputy Lisa Chambers:** When I made a statement during a debate on mental health, I spoke about a young man, Ben Garrett, and my facts were incorrect. Ben died tragically by drowning, and I am deeply sorry for any hurt I caused Ben's family. I have spoken to Mr. and Mrs. Garrett to apologise personally. I thank them for their kindness and understanding. I thank the Acting Chairman for accommodating me.

### **Topical Issue Debate**

#### **Garda Resources**

**Deputy Shane Cassells:** I thank the Minister for taking this topical issue on the need for additional Garda resources for County Meath. To cut to the chase, I very much appreciate that the Minister is dealing with the macro issue of putting more gardaí into the system and ensuring the security of our country is strengthened even further. One of the key tenets of the confidence and supply agreement was to ensure an increase in Garda numbers to 15,000. It was good to see in the budget that resources allowing for an additional 800 gardaí have been provided.

When it comes to crime, I know that no matter what Deputy stands in front of the Minister, he will share the sentiments expressed, regardless of the county of origin of that Deputy. There is a particular case to be made for Meath, however. It needs special attention, both from the management of the force itself and the political body here in Dáil Éireann. Owing to the trend of commuting to Dublin from surrounding counties, the population explosion in Meath has been quite pronounced. My topical issue centres on how we are responding to extreme pressures in one area when additional resources become available and on how we spread them accordingly. With the population explosion in Meath comes pressure on housing, infrastructure, health services and jobs. Crime, however, has really spiked in the county over the past year in both urban and rural settings. It needs to be tackled before it takes root.

These issues were raised by me in the Dáil previously and raised directly by me with the then Commissioner, Ms O'Sullivan, at a meeting of the Committee of Public Accounts before the summer break. I outlined to the former Commissioner some horrendously violent attacks on a business owner in Navan. Footage was captured on a mobile telephone and subsequently replayed on social media. It was also captured by all the national newspapers. News cycles move on, of course. After the summer recess, at the end of September, I attended one of our regular policing meetings with the chief superintendent in Meath. Statistics showed that crime

levels had greatly increased in Meath over the past year. Property theft was up by a whopping 59%. Thefts in shops were up by 44%, and criminal damage was up 31%. Property crime was up by 39%, with 1,359 incidents reported up to September. The rate of assault also increased.

The chief superintendent, Mr. Fergus Healy, who came into the job only last year, has been exceptional and really excellent in analysing the threats from gangs coming in from Dublin on the motorway system, attacking areas such as Enfield, Navan, Ashbourne, and Oldcastle. The chief superintendent needs help, however, and he has said that. Just last week, ten additional gardaí were deployed in Meath. They were pictured in this morning's *Meath Chronicle* with the chief superintendent. Some 12 were deployed earlier in the year but the 22 gardaí that came in allow us only to stand still. There are 313 gardaí in the county, which figure places us below the national *per capita* average. The chief superintendent attended a public meeting on policing this night last week in Trim. Quite candidly and openly, he said we need additional resources above and beyond this allocation to have a fair chance of tackling the threat. He said we have to fight for our resources in Meath and that one cannot go to the table unless one has facts and figures. He said that, certainly in Meath, the figures stand out and tell their own story. The chief superintendent, Mr. Fergus Healy, a professional, is making the case for our county. Since he made that statement at a public meeting this night last week, it is naturally incumbent on me to fight his corner and that of the people of Meath in the Dáil this week. I ask the Minister to ensure Meath can get the manpower required and the tools the gardaí need to do their job. He should act not only on my words this evening but also on those of the chief superintendent, who is also crying out for help.

**Minister for Justice and Equality (Deputy Charles Flanagan):** I thank the Deputy for raising this matter. The Government is committed to ensuring a strong and visible police presence throughout the country to maintain and strengthen community engagement, provide reassurance to citizens and deter crime. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 Garda members, 2,000 Garda Reserve members and 4,000 civilians.

As the Deputy will appreciate, the Garda Commissioner is responsible for the distribution of resources, including personnel, among the various Garda divisions and I, as Minister, have no direct role in the matter. I am informed by the Garda Commissioner that in regard to the deployment of Garda personnel, a distribution model is used that takes into account all relevant and appropriate factors, including population, crime trends and the policing needs of each Garda division, including the Meath division, with a view to providing an effective and responsive police service.

I acknowledge what the Deputy said, particularly in reference to the growing population in Meath. He makes a good point in that regard. I am informed by the Commissioner that the Garda strength of the Meath division on 31 August 2017, the latest date for which figures are readily available, was 295. There are also 17 Garda Reserve personnel and 28 civilians attached to the division. When appropriate, the work of local gardaí is supported by a number of Garda national units, such as the National Bureau of Criminal Investigation, the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau. I am further informed by the Commissioner that, since the reopening of the Garda College in Templemore in September 2014, close to 1,400 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide. Forty-six of these have been assigned to the Meath division. In addition, another 200 trainee gardaí are scheduled to attest later this year, which will see Garda numbers, taking account of projected retirements, increase to around

13,500 by the end of the year, an increase of 500 since the end of 2016. I am pleased to say that budget 2018 will support the continuation of this high level of investment in the Garda and ensure that the vision of an overall workforce of 21,000 by 2021 remains on track.

In 2018, a further 800 new Garda recruits will enter the Garda College. An additional 500 civilians will also be recruited to fill critical skills gaps across the organisation and to facilitate the redeployment of gardaí from administrative and technical duties to front-line operational duties. We need to ensure gardaí are doing on a daily basis work they are trained to do, namely, Garda work. There are plans to strengthen the Garda Reserve, with new reserves expected to commence training early next year. The focus on investment in personnel is critical. The moratorium on recruitment introduced in 2010 resulted in a significant reduction in the overall strength of An Garda Síochána. We are now rebuilding the organisation and providing the Commissioner with the resources needed to deploy increasing numbers of gardaí across every Garda division, including the Meath division, over the coming time.

**Deputy Shane Cassells:** I appreciate that the Commissioner is the person in charge of the deployment of resources. I acknowledged that at the outset. The Minister appreciates that decisions we take here on a planning matter create the communities we live in, particularly the very big communities that were created in the greater Dublin area. That is the case I was making. I was echoing what the chief superintendent said at a public forum last week and seeking to have his words acted upon. I have raised this issue directly with Acting Commissioner Ó Cualáin when he was before the PAC a few weeks ago. I showed him the front page of that morning's *Meath Chronicle*, whose headline screamed "Shock Rise in Crime Stats in Meath". I have written to him separately so he knows the score. This evening I would like the Minister for Justice and Equality to back the chief superintendent and the people of Meath in this cause.

One big concern is that any new gardaí coming into Meath will immediately be gobbled up by the big population centres in Navan and Ashbourne. I can understand that. I am from Navan. I know the pressure the area is under and I want to see boots on the ground to reassure the citizens of my town but I am also acutely aware of the serious threats in rural parts of my constituency such as Oldcastle and Athboy that do not have a full-time police presence. Even a growing town like Enfield that has a population of 4,000 only has three gardaí and up the road in Longwood there is only one. That highlights the need for additional resources above and beyond the allocations that are happening at present because if the current level of deployment is deemed acceptable then the opportunity to establish a proper police force in growing areas such as Enfield or rural areas such as Oldcastle or Athboy will never happen.

The issue of resources I raise is not just one of personnel, it is one of physical resources also. In that respect, there is a real need for a new divisional headquarters in Meath and that has been raised by Garda management in Meath also. Consultation is taking place with the local authority to identify a site and a site has been found but we need the OPW to be proactive given its responsibility in terms of the site. Will the Minister use his good offices to try to get the OPW to make progress on this as a matter of urgency, to ensure progress is made on the site and that the new divisional headquarters is built in Meath? The Garda need such physical resources to be able to do its job as well.

**Deputy Charles Flanagan:** In response to the latter point I would be very happy to speak to my Government colleague, the Minister of State, Deputy Kevin Boxer Moran, on that issue. I will revert to the Deputy in early course.

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I mentioned earlier the Government's plan for an overall Garda workforce of 21,000 by 2021. That is complemented by substantial investment in resources across the board for An Garda Síochána. I have secured a total budget of €1.65 billion for An Garda Síochána for 2018, an increase on 2017. It should be noted that the Garda allocation continues to benefit substantially from the significant additional funding that was provided in 2016 and maintained in 2017 to fund the sustained response to tackle gangland crime, to fund the continuation of Operation Thor and to ensure that measures to prevent international terrorism can be continued actively.

Some €330 million, including more than €200 million under the capital plan, is being invested in Garda ICT infrastructure over the period 2016-21. That major investment will allow An Garda Síochána to deploy the latest cutting-edge technologies in the fight against crime. We will facilitate progress on important reforms arising from the reports of the Garda Inspectorate on the matter of crime investigation. The capital plan 2016-21 provides for an investment of €46 million in the Garda fleet to ensure An Garda Síochána has a modern, effective and fit-for-purpose fleet. That is in addition to the investment of almost €30 million in the period 2013-15.

I acknowledge the importance of the issue raised by Deputy Cassells. The investment I spoke about will facilitate the provision of more effective policing services and it is to be expected that the Meath division, like all other Garda divisions, will benefit from the new resources becoming available.

### **Garda Deployment**

**Deputy Marcella Corcoran Kennedy:** I am grateful for the opportunity to raise this important issue and I thank the Minister, Deputy Charles Flanagan, for his presence. The issues I raise will not be news to him as I know he prioritises this matter as much as I do myself, not only as Minister for Justice and Equality but as a local Deputy also.

In recent weeks a spate of crime has been committed in counties Offaly and Laois, understandably increasing the anxiety of local communities around the number of gardaí available to gather intelligence and investigate each crime adequately. Examples of the type of crime favoured by the criminals are vans being stolen or damaged with tools stolen in Tullamore, Birr, Cloghan and Kinnity. The Bord na Móna workshop in Boora was burgled and it appears that tools were the target. Additionally, cash and-or jewellery was stolen in burglaries in Ferbane, Ballinagar, Clara, Rath and Birr to name but a few. I know the Minister is very familiar with County Laois where, for example, in Rosenallis a house was ransacked, a Bobcat machine and power tools were stolen in Wolfhill and Mountrath golf club did not escape with a car broken into and a laptop and jewellery stolen.

Policing is something that we all rely on to keep society functioning properly. As someone who has been a victim of robbery myself, I acknowledge the brilliant members of An Garda Síochána who provide calm reassurance to victims and make every effort to solve the crime. To that end I acknowledge the successes achieved recently in that there was a cannabis find in Cloghan, a man has been arrested after a Tullamore burglary and another young man was charged with recent break-ins to petrol stations in Laois.

In order for us to prevent and combat that type of activity co-operation between communities, local authorities and members of An Garda Síochána is essential. I acknowledge the community text alert groups that are being established, many as a result of local burglaries, which

I outlined. However, I advise local communities not wait to have such an experience but to establish a group as a preventative measure as there are financial supports available to those invaluable local groups as an important measure in support of crime prevention in rural communities. Many communities in my home county of Offaly are very active in using the system for crime prevention and I commend the excellent work of the people involved in helping to safeguard local communities. I know as well as anyone the positive impact text alert groups are having on rural communities and I am aware of the excellent work being done in Offaly by local groups in tandem with the hard work of the local Garda Síochána.

The new CCTV fund announced by the Department of Justice and Equality is certainly an additional method for specific and suitable locations. However, I am getting feedback that the application process is overly bureaucratic. It is vital to ensure that community groups are given necessary supports to assist with the application process if they feel the infrastructure would benefit their area. I have urged local communities to liaise with their local council and An Garda Síochána for assistance to ensure the schemes allow new technologies to fuse with the traditional value of active community engagement to keep Laois and Offaly safe. In order to have continued success with Operation Thor, I welcome the sight of new vehicles in our area also as An Garda Síochána needs the best of equipment in its endeavours to fight crime.

I acknowledge the work of the midlands Muintir na Tíre development office which works closely with An Garda Síochána in the provision of community care, community safety and crime prevention. I also acknowledge the work of the IFA whose members are often targets for criminals. It has developed an annual campaign to increase security awareness among farmers stressing the importance of being safety conscious and marking, photographing and securing property to reduce the chance of a theft occurring. We can all follow its advice whether we are farmers or not.

It is important to take this opportunity to acknowledge the excellent and brave work of the emergency services who have worked and are continuing to work on our behalf in dangerous conditions during the unprecedented Storm Ophelia. I know that members of the services responded to calls and put their own safety at risk to assist members of the public in the Laois-Offaly division and across the country.

It is crucial that members of An Garda Síochána are available on the ground to succeed in combatting and solving crime but we need enough of them, deployed in all Garda stations in rural Ireland to continue to do so.

**Deputy Charles Flanagan:** I thank Deputy Corcoran Kennedy for raising this important matter. I assure the Deputy that I am very much aware of the impact of crime on rural communities, including the serious damage done by organised criminal gangs who target rural areas to engage in burglary and other forms of property crime. As the Deputy is aware, Operation Thor entails a broad range of activities to tackle organised crime gangs and other prolific offenders as well as working with communities in order to prevent crime.

Since its inception in November 2015, there has been concentrated activity under Operation Thor, which is reflected in the implementation of more than 83,260 targeted checkpoints throughout the State and 28,630 searches. There have also been in the region of 5,500 arrests and 6,156 charges covering a range of offences which, in addition to burglary, have included handling stolen property, possession of firearms and drugs and related offences. It is encouraging to note that burglary figures in particular have shown a significant downward trend. The

CSO official recorded crime statistics for the fourth quarter of 2016 show a 30% decrease in burglary for the 12 months of 2016 when compared to the same period in 2015, which parallels the implementation of Operation Thor. Furthermore, it is to be noted that in respect of burglaries the decrease in the Laois Offaly division, referred to by the Deputy, for this period is 7% higher than the national average. The decrease in burglary is of the order of 37%. I compliment the gardaí in the Laois Offaly division under the active leadership of Chief Superintendent John Scanlon on their success in this regard. The Government remains committed to ensuring a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter criminal activity. To make this a reality for all, the Government has in place a plan to achieve an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 garda members, 2,000 members of the Garda Reserve and 4,000 civilians.

As the House will appreciate, the Garda Commissioner is responsible for the distribution of resources, including personnel, among the various divisions. I, as Minister, do not have a direct role in the matter. I am, however, informed by the Acting Commissioner that the Garda strength of the Laois Offaly division as of 31 August 2017, the latest date for which figures are readily available, was 325. There are also 17 reservists and 24 civilians attached to the Laois Offaly division. When appropriate, the work of local gardaí is supported by a number of Garda national units such as the National Bureau of Criminal Investigation, the Garda National Economic Crime Bureau and the Garda National Drugs and Organised Crime Bureau. I am further informed by the Acting Commissioner that since the reopening of the Garda College in September 2014, almost 1,400 recruits have attested as members of An Garda Síochána and have been assigned to mainstream duties nationwide. A total of 66 of these have been assigned to the Laois Offaly division. In addition, another 200 trainee gardaí are scheduled to attest later this year. Taking account of projected retirements, this will see Garda numbers increase to approximately 13,500 by year end, an increase of 500 since the end of 2016.

I am pleased to add that budget 2018 will support the continuation of this high level of investment in the Garda workforce to ensure the vision of an overall workforce of 21,000 by 2021 remains firmly on track. In 2018, a further 800 new Garda recruits will enter the Garda College and an additional 500 civilians will also be recruited to fill critical skills gaps throughout the organisation and to facilitate the redeployment of gardaí from administrative and technical duties to front-line operational duties. There are plans to strengthen the Garda Reserve with new reservists expected to commence training early in 2018.

This focus on investment in personnel is critical. I wish to assure the Deputy that we will continue to rebuild the Garda organisation, provide the Commissioner with an appropriate level of resources in order to deploy increasing numbers of gardaí to every Garda division, including the Laois Offaly division referred to by the Deputy, in the coming period.

**Deputy Marcella Corcoran Kennedy:** I thank the Minister for Justice and Equality, Deputy Flanagan, for his response. I fully concur with his remarks about Chief Superintendent Scanlon. I welcome the excellent news that the figures for burglaries are down in the division. However, one burglary to those affected is one too many. I know that there will always be a drive to keep these figures down.

I also acknowledge that the Garda Commissioner is in fact responsible and not the Minister directly. However, anecdotally I am advised that there are specific numbers of gardaí allocated to certain divisions. I have in mind the west Offaly area in particular. I am keen to ensure that

those who are allocated and deployed to cover the area are in fact physically present in the area. I would greatly appreciate any effort that the Minister can make on behalf of myself and the communities who have been affected to ensure that each station is adequately covered by the number of staff allocated. I am keen to ensure that the number allocated to the stations in Ferbane, Cloghan and Banagher are actually deployed there.

I know the Minister will want to ensure that the resources allocated are being allocated and used in a good way that will have a positive outcome. The moratorium on recruitment, which was imposed in 2010 by the then Fianna Fáil Government, has lifted and newly-trained gardaí are stationed in rural towns and villages. I am sure this will instil a measure of confidence in communities because gardaí will be visible on the ground and they will consider themselves in a better position to respond to any of the criminal activities that I outlined earlier.

**Deputy Charles Flanagan:** I thank the Deputy for raising this important issue. I mentioned earlier the overall plan on the part of the Government to increase the garda workforce to 21,000. This is complemented by a significant investment in resources across the board for An Garda Síochána. I have secured a total budget of €1.65 billion for An Garda Síochána for next year.

It should be noted that the Garda allocation continues to substantially benefit from significant additional funding that was provided in 2016 and maintained in 2017. Funding will increase again for 2018 in order to ensure: that we are funding a sustained response to tackle gangland crime; that we fund the continuation of Operation Thor; and that measures to prevent international terrorism can be actively continued. In addition, I wish to highlight the importance for the Government of projects involving communities and An Garda Síochána working together. I was pleased to announce in the context of budget 2018 that it is possible to allocate an additional €100,000 for local crime prevention initiatives, including the effective text alert scheme, whereby crime prevention messages, general and specific to an area, are sent out by An Garda Síochána to community groups and are disseminated to members of communities. Some €330 million, including in excess of €200 million under the capital plan, is being invested in Garda information and communication technology infrastructure during the period from 2016-21. This major investment will allow An Garda Síochána to deploy the latest cutting-edge technologies in the fight against crime. It will facilitate progress on important reforms arising from the Garda Inspectorate report on criminal investigation. The capital plan 2016-21 provides for an investment of €46 million in the Garda fleet to ensure the Garda Síochána has a modern effective and fit-for-purpose fleet. The Deputy will be aware of new additions to the Garda fleet in County Offaly and throughout the Laois Offaly division. This is in addition to the investment of almost €30 million in the period 2013-15. The capital plan makes reference to substantial refurbishment to the Laois Offaly division headquarters at Portlaoise. In the period to the end of 2013-17, almost €44 million will have been invested in the fleet with some 2,000 vehicles coming on-stream over that period.

I wish to assure the Deputy and the House that investment will facilitate the provision of a more effective policing service throughout the country. Of course it is reasonable for me to assume that the Laois Offaly division will, like all other Garda divisions, benefit from these new resources becoming available.

**Acting Chairman (Deputy Eugene Murphy):** I thank the two Deputies for putting down those questions and I thank the Minister for coming in to answer them.

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## Flood Risk Management

**Acting Chairman (Deputy Eugene Murphy):** I welcome the Minister of State, Deputy Kyne, to the House. Deputy Calleary, you are going to discuss an issue that is close to my heart, that is, the need to address river cleaning and drainage in advance of winter storms. You have four minutes.

**Deputy Dara Calleary:** I thank the Leas-Cheann Comhairle for giving us the go-ahead to raise this matter this evening. I want to join everyone in recent days who has paid tribute to Met Éireann and the National Emergency Co-ordination Centre as well as our local and national media and everyone who was involved in preparing us for the response to Storm Ophelia on Monday.

I extend my sympathies to the families of the three people who, unfortunately, lost their lives during that event. I believe those losses would have been considerably greater were it not for the response, communications and absolute commitment. The staff of Met Éireann deserve particular acknowledgement for their work. We think of all the crews out this afternoon throughout the country repairing the damage done, including crews from ESB, Irish Water and local authority crews etc.

However, we are now on the cusp of a weekend of two significant rain events. We have a status yellow warning in place for Munster, Dublin and a large number of counties around Dublin. Now, we have a status yellow weather advisory in place for the weekend for the whole island. I am concerned that river levels throughout the country are far higher than they would normally be at this time of year because of the wet summer and the events of recent weeks. While Storm Ophelia was not necessarily a rain-led event, water levels did rise considerably during Monday. There is now nowhere for any excess water to go. This will result in significant and severe flooding either this weekend or at some stage during the course of the winter. What plans are in place to deal with that? It continues to be a source of enormous frustration in my area and places like Crossmolina that the OPW will not clean riverbeds and will not do basic maintenance on parts of the River Deel in a manner that was done years ago before we had the technology available now. That was done regularly and ensured a water flow.

The basics of ensuring the drains are cleaned of leaves need to be dealt with, especially after Monday's tree falls and the number of leaves that fell on Monday. Have local authorities in all areas affected by weather advisories ensured that drains were kept clear? It seems that many blockages on roads come from small things not being done properly. Particularly in a week where our local authorities are stretched, we want to make sure that work gets done, not just tomorrow but every day in advance of what is going to be a difficult winter with regard to weather, but hopefully not with regard to flooding.

The Minister of State is one of the planners for flood defences in the Department. I have raised Crossmolina with him. We are still waiting for information from the OPW about the plans there and similarly for Ballina. All over the country, communities will be afraid tonight and tomorrow of what is to come this weekend. Communities and groups such as the Crossmolina Flood Group are out, as we speak, putting sandbags down, working with Mayo County Council and the OPW staff on the ground trying to put defences in place already ahead of both tomorrow and Saturday. They need to know that they have the support of the Government and that the practical measures that will make their job much easier will be done in advance of the weekend and on an ongoing basis throughout the winter to come.

**Minister of State at the Department of Communications, Climate Action and Environment (Deputy Seán Kyne):** I am taking this Topical Issue matter on behalf of the Minister of State, Deputy Kevin “Boxer” Moran. I concur with the expressions of sympathy to the families of those who suffered bereavement and the three fatalities in Waterford, Tipperary and Louth, and also commend the work of the State, local authorities and Office of Public Works. I also acknowledge the work of Met Éireann on ex-Hurricane Ophelia.

Maintenance of rivers and other watercourses can have a positive role to play in preventing the deterioration of channel conveyance capacity. The Office of Public Works carries out a programme of arterial drainage maintenance to a total of 11,500 km of river channel and approximately 730 km of embankments nationally. These maintenance works relate to arterial drainage schemes completed by the OPW under the Arterial Drainage Acts 1945 and 1995. The OPW has a statutory duty to maintain the completed schemes in proper repair and effective condition. The annual maintenance programme typically involves some clearance of vegetation and removal of silt build-up on an average five-year cycle. Each year, work is carried out to approximately 2,000 km of channel and approximately 200 structures around the country. Maintenance of all drainage schemes carried out under earlier Acts, known as drainage districts, is the responsibility of the relevant local authority.

However, it is important to understand that maintenance on its own will not protect towns and would have had no beneficial effect on extreme flood events as experienced recently in Donegal. Maintenance is only one aspect of Ireland’s approach to dealing with flooding. It is important to place on the record of this House the Government’s plans and preparations to address flood risk. The Government investment in flood relief capital works since 1995 is yielding significant benefits and is already protecting 14,000 properties. The cumulative value of the benefits from major and minor schemes is estimated to be in the region of €1.5 billion. This investment includes the 39 major flood defence schemes already completed, providing protection to 8,000 properties as demonstrated during the floods of the winter of 2015 and 2016. There are ten new major flood defence schemes under construction with further schemes at design and planning stages. When completed, this programme will provide protection for an additional 12,000 properties.

Since 2009, over 600 projects protecting 6,000 properties from localised flooding have been approved for funding under the Office of Public Works’ minor works scheme. The OPW will continue to provide important funding to local authorities to deal with localised flooding issues. The current priorities of the OPW are to publish and implement flood risk management plans to address significant flood risk for 300 communities throughout Ireland and to deliver the capital investment programme of major flood defences that will protect thousands of properties during severe flood events. The Government’s ongoing commitment to tackling flooding is witnessed from the €430 million six-year programme of capital investment in flood defence measures as part of the Government’s overall capital investment plan for 2016 to 2021. During this time, the annual allocation for flood defence schemes will more than double to €100 million to deliver the existing and proposed projects. This significant allocation for flood risk management was confirmed in the mid-term review of the capital plan published recently by the Minister for Public Expenditure and Reform. The flood risk management plans also emphasise the importance of non-structural measures and support the whole of Government approach adopted to tackle flood risk management.

The OPW chairs the interdepartmental flood policy co-ordination group and the Shannon flood risk State agency co-ordination working group. Progress is being made on a broad range

of policies and measures. For example, planning guidelines have prevented building on flood zones since 2009. Work to develop a national flood forecasting and warning service is progressing and some flood alert systems are in place in the interim. The OPW and Mayo County Council are progressing an individual property protection pilot project in Crossmolina. This initiative will provide protection to up to 76 properties and, together with another pilot project in Kilkenny, will inform any future feasible assistance by Government to homeowners for individual home flood mitigation. State agencies continually monitor and, where possible, control river levels within their areas of responsibility, including on the Shannon. The Shannon working group is trialling the lowering of levels in Lough Allen to complement existing water level protocols in place for Lough Ree.

The OPW and Geological Survey of Ireland are collaborating to assess the areas potentially at risk from turlough flooding, both now and into the future, and to determine if potentially viable measures exist to manage this risk, where it is significant. A once-off targeted homeowners voluntary relocation scheme has been introduced for those primary residential properties that flooded from 4 December 2015 to 13 January 2016. The national Be Winter Ready campaign in the winter of 2016 and 2017 focused on creating greater awareness for the public to plan for a flood event in their homes and businesses.

While the OPW has a lead co-ordination role in flood risk management, local authorities are designated as the lead agencies for responding to severe weather events, including flooding. Emergency planning at both a national and local level is reviewed to ensure a rapid and effective response for any future events.

**Deputy Dara Calleary:** That response was given to me three or four weeks ago. I am asking the Minister of State about the current situation, in the context of what is ahead over the next few weeks, months and indeed days and the weather advisories being given overnight. I welcome the individual property protection pilot project in Crossmolina which involves the installation of flood gates in homes in the town. It still has to be completed. A number of homes still have to get that protection. Will the Minister of State come back to me and let me know when it is done? It has been a very good investment and I welcome it. The homeowners voluntary relocation scheme does not apply if a flood relief plan is in place in an area that is affected, even if there is not a timeline on the delivery of that flood plan. Homeowners who were affected by the flooding events from December 2015 to January 2016 have been told that they are not entitled to apply for it because a flood plan may be in place. I ask the Minister of State to review that, particularly in cases of extreme hardship where there have been multiple cases of flooding.

I emphasise my concern for the days, weeks and months ahead. Given the unprecedented rain levels this summer, acknowledged by Met Éireann as being particularly high, and the events of the last few days, our water tables are no longer able to cope with any more heavy bursts of rain. What plans do the Government, local authorities and OPW have to deal with that now rather than at some stage in the future when the capital plan funding comes? Will the basics of river maintenance, drain clearance and things that cause floods that do not need to happen be dealt with?

**Deputy Seán Kyne:** There are many issues there that I will take back to the Minister of State, Deputy Kevin 'Boxer' Moran, with regard to the issues in Crossmolina. I will ask for further updates on that and also on Deputy Calleary's query on the review of the home relocation scheme. I will also ask about local authorities and the work that they have done on what could appear as rather simple work in removing leaves and ensuring that gullies are fully cleared

before the most recent storm. There is clearly ongoing assessment and preparations for storms within local authorities and the lead Department of Housing, Planning and Local Government. The Deputy mentioned the urgent need for river-cleaning in the title. As Minister of State with responsibility for inland fisheries, I can say that Inland Fisheries Ireland, IFI, is the statutory authority tasked with responsibilities for the conservation, protection and development of inland fishery resources and recreational sea angling. I know the accusation is continuously made that the IFI is somehow blocking work.

**Deputy Dara Calleary:** It is not blocking work.

**Deputy Seán Kyne:** I often hear that IFI is in some way blocking cleaning. What I would say is that Inland Fisheries Ireland writes every year to every local authority reminding them of their responsibilities in relation to works on rivers. In general, that work should be carried out in the period 1 July to 30 September. Clearly, we are past that date now.

It is important that local authorities, where they need to carry out emergency works, can apply under legislation. Under the Local Authorities (Works) Act 1949, they notify the IFI and it can turn around requests quite quickly, within less than a week in emergency situations where emergency works have to be carried out. It is important, because I hear that quite often, that IFI has a role. IFI does not stop, and generally tries to assist and advise, local authorities from undertaking river drainage. Clearly, there are other bodies, whether it be OPW or the National Parks and Wildlife Service, that also can have a say, but in regard to IFI's work, it tries to be helpful and assist local authorities in relation to their rivers.

I will ask the Minister of State, Deputy Kevin Boxer Moran, to revert to the Deputy in relation to the issues that he has raised.

### **Coastal Protection**

**Deputy John Brady:** I thank the Minister of State, Deputy Seán Kyne, for taking this question. Unfortunately, it is not the Minister of State, Deputy Kevin "Boxer" Moran. Arklow, like a number of towns in County Wicklow, is susceptible to serious flooding, and there have been some very serious flooding events in Arklow over the recent years, both in terms of river flooding and coastal flooding. Thankfully, after a number of years, there is now talk of putting a flood defence along the Avoca River. That is at design stage.

There was some limited flooding along the Avoca River at South Quay during Storm Ophelia. Thankfully, it was not of a serious nature, but there is another serious problem on North Beach in Arklow. It is an historical issue. In 1989, after a very serious flood and storm event, thankfully, flood prevention measures were put in place. They were completed in November 1990 at a cost of £2.2 million. That was 27 years ago.

Over those 27 years, North Beach has taken a hammering, and there has been serious damage caused to the flood protection measures there. The work that was carried out there in 1990 was supposed to be the first phase of a two-phase scheme. The second phase never happened. That would have protected the existing flood protection measures that are there. It would have consisted of a number of sea groynes going out into the sea and that would have created the replenishment of the beach area in front of the current flood protection measures, and that would have broken the waves away from the sea wall, and taken the pressure and the power from the

waves but that never happened. We have a situation now where the waves are crashing into the rock armour at North Beach on an ongoing basis, and as I said, serious damage has been caused to those measures.

Wicklow County Council, in February of last year, commissioned a report on the condition of the flood protection measures in that area. It was carried out by J.P. Byrne Consulting Engineers. That report was presented to Government along with a number of applications for funding.

The issues identified in that consulting engineers' report make grave reading. It talks about weak areas developing in the base of the flood protection works. It talks about open areas of the rock armour that have been literally torn apart and opened up. It states there are areas completely undermined extending for 50 m in one section. It talks about other areas that are completely undermined and weakened as a result of consecutive storms.

In Storm Ophelia, North Beach took a hammering with waves not only bashing into, but overtopping, the rock armour. A number of things have happened. The pedestrian walk along the top of the rock armour has essentially been washed away. There is a caravan park in the local area and it caused extensive damage in that caravan park.

A number of applications have been submitted to the Department seeking funding, not only to carry out essential remedial repair work to the existing flood protection measures but also to carry out the second phase which, unfortunately, never happened. That would give effect to protecting the first phase of work.

Hopefully, the Minister of State will have a positive response. Extensive work has gone in to this project by the engineer in Wicklow County Council who has submitted a number of applications. Consultant reports have come in. I spoke to the Minister of State, Deputy Moran, on the issue yesterday. I briefly outlined the matter to him. I have to give the Minister of State, Deputy Moran, a more thorough report and he has said he will come to Arklow to have a look at it as well. I hope the Minister of State will have a more up-to-date report on it.

**Deputy Seán Kyne:** I thank the Deputy for raising this issue. I am taking this Topical Issue on behalf of my colleague, the Minister of State, Deputy Kevin "Boxer" Moran. I will start by assuring all communities, whether those at risk from river flooding or those in coastal areas at risk from tidal and sea flooding, that the Government is fully committed to finding viable solutions to manage that risk.

I understand from the local authority that there was wave overtopping and that the revetment or retaining walls sustained some damage at this location during Storm Ophelia but that, fortunately, no flooding of properties occurred. Coastal erosion is a natural and ongoing process which takes place around the entire coastline of Ireland. Coastal erosion may threaten human life and infrastructure such as roads, and may undermine and cause damage to properties.

The primary objective of Government policy on coastal protection is to ensure that in areas identified as being at greatest risk of damage or loss of economic assets through coastal erosion or flooding, appropriate and sustainable measures are identified by local authorities to protect those assets and, where such measures are economically justified on cost benefit grounds and compatible with all required environmental and other statutory requirements, they are implemented subject to the availability of resources.

It is important to stress that it is a matter in the first instance for each local authority to identify, investigate and address priority areas of their coastlines considered to be under significant threat from erosion.

The OPW operates the minor flood mitigation works and coastal protection scheme, which was introduced on an administrative basis following the severe flooding in 2009 under which applications for funding from local authorities are considered for flood relief and coastal protection measures costing up to €750,000 in each instance and which meet a minimum benefit to cost ratio of 1.5 to 1.

Under the scheme since 2009 over 6,000 properties have been protected from localised flooding in over 630 locations at a cost of €33 million, with funding of approximately €1.5 million approved for projects in County Wicklow.

The management of problems of coastal protection in the area indicated by the Deputy is a matter for Wicklow County Council. This is a primarily a localised matter and as such it is for Wicklow County Council to identify an appropriate, sustainable and viable solution to the problems at North Beach.

Three applications have been submitted by Wicklow County Council under minor flood mitigation and coastal protection scheme for works to North Beach in Arklow. The applications submitted proposed the reconstruction of damaged areas of revetment and the raising of the revetment at some locations.

I am informed that the OPW completed a review of the applications and determined, on the basis of the information supplied, that the applications could not be considered in their current form as the majority of the proposed work is maintenance of the existing structure and that element of the work has not been costed separately. Where proposed works are identified it is important that maintenance works are differentiated from capital works and that the respective cost-benefit analyses are made clear. The technical issues here are complex and merit more rigorous consideration such that more sustainable solutions are identified and explored.

Given the nature of the problem, the OPW notified Wicklow County Council that it may be more appropriate for the local authority to seek funding for a more detailed study of the processes involved. This more detailed coastal erosion risk management study would be required to fully investigate, substantiate and demonstrate the merits of any measures being proposed. Such measures usually require the investment of substantial amounts of public funds. In order to ensure value for money, it is considered best practice to carry out a study in advance of undertaking any measures. In addition, a study will ensure that due consideration is given to the full range of management options.

It is a matter for the local authority to progress this matter and I am assured that the OPW will consider the proposal in full when it is received.

**Deputy John Brady:** I listened with intent to the Minister of State's response. Clearly, the local authority has identified this as an area of grave concern. While there was some limited flooding in the area during Storm Ophelia, there are commercial and residential properties in it that are at risk of serious flooding. There are several problems, one of which is the fact that the current structures are being continuously undermined by wave action and storms. I am a firm believer that a stitch in time saves nine. Unless immediate action is taken to carry out remedial works on the existing structures,

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we will be dealing with a much more costly flood protection scheme in the future. We will be looking at completely replacing what is there already, as well as enhancing the flood protection measures.

The Minister of State has outlined the procedures that need to be followed, but I fear that the process involved will be lengthy. Three applications have been submitted by the local authority, but at no point was it outlined to it that the applications were inappropriate and that it would be better off taking an alternative route. It was only after the third application was submitted and deemed to be unsuccessful that some progress was made. I know that the engineer is dealing extensively with an official from the Office of Public Works and that the council is willing to go down that route, especially as every other door has been closed in its face.

This is a critical issue for the people of County Wicklow and Arklow, in particular. It is not good enough to simply repair what is there or increase the height of the existing flood protection mechanisms. We need implementation of the second phase, which is the critical element. A sticking plaster approach is not going to work. Returning the flood defence system to its previous state will not work either. The second phase needs to be looked at again. We need to determine what is financially viable and would be most cost-effective. Essentially, the second phase needs to be progressed. We need a natural replenishment of the beach area in front of the flood protection measures in place. That would give the best form of natural defence. I hope work can begin quickly in terms of the further analysis needed and the submission of a new application to the Department. However, we do not need that application to gather dust on a shelf like all of the other reports and applications submitted, particularly from the Arklow area.

I spoke about the Avoca river and the need for flood protection measures. That has been ongoing for decades and it is only now a little bit of work is being undertaken. Unfortunately, people in Arklow know only too well what it means to be at the end of a very lengthy list. I hope the Minister of State can give assurances to the people of County Wicklow and Arklow, in particular, that the Government is serious and that there will be funding for the next phase of works to be carried out by the council. We do not need to see any more resources being wasted. We do not want to see a further waste of manpower in submitting more applications that will ultimately be rejected and thrown back at the local authority.

**Deputy Seán Kyne:** Nowhere in the response I read does the Minister of State, Deputy Kevin “Boxer” Moran, say funding will not be available. He is trying to be helpful in his reply in outlining the best process to advance this important project. The Deputy has highlighted the fact that it is hugely important to the town of Arklow and the wider area. I am not familiar with the area, but I accept that serious damage has been done in the past and that there were plans for a second phase of flood defence works. I will certainly speak to the Minister of State about the matter. The Deputy said he had spoken to the Minister of State yesterday. The Minister of State has agreed to visit Arklow and I am sure he will bring with him the relevant personnel from the Office of Public Works to meet the relevant individuals in Wicklow County Council to ensure the project will be progressed. It is stated in the reply that certain elements of the project can be classified as maintenance works which should be costed separately from the capital works. Obviously, everything done by the OPW in spending on coastal defences and flood protection measures is based on cost-benefit analyses. There are criteria projects must meet to ensure they represent best value for money. I do not doubt, from what the Deputy has said, that this project is hugely important and I certainly hope progress can be made. I will certainly speak to the Minister of State about it. I will ask him to expedite his visit and continue the liaison on the project through his offices with Wicklow County Council.

With the Acting Chairman's permission, I thank the Minister of State for approving the provision of funding of €36,000 for the maintenance of river banks, vegetation removal, the cleaning of swallow holes and the construction of a 150 m embankment at the sports ground in Clonbur, Connemara, County Galway. The funding is much appreciated, for which I thank the Minister of State. I will certainly bring to his attention the issues raised by the Deputy.

*Sitting suspended at 6.05 p.m. and resumed at 6.45 p.m.*

### **Correcting Pension Inequities: Motion [Private Members]**

**Deputy Willie O'Dea:** I want to allocate the last five minutes of my time to Deputy Fiona O'Loughlin.

**An Leas-Cheann Comhairle:** That is fine.

**Deputy Willie O'Dea:** I move:

That Dáil Éireann

notes that:

- older men and women make a remarkable contribution to Irish society and that this should be recognised with sufficient increases to both the contributory and non-contributory State pensions;

- changes made to the State pension before 1994 and in 2012 have had a very negative impact on women's ability to access adequate pensions;

- new bands introduced in 2012 have resulted in at least 35,000 women receiving lower pensions;

- those women who left paid employment to mind their children prior to 1994 are also at a considerable disadvantage; and

- the Minister for Finance described the situation as 'bonkers and unbelievable';

acknowledges:

- that too many workers are not in a pension scheme, that pension reform is taking far too long to be introduced and that this needs to change in 2018;

- the €5 increase to the State pension announced in Budget 2017 and Budget 2018;

- that thousands of women are at a financial disadvantage because of indiscriminate changes to pension entitlement calculation;

- that there are 20 methods by which someone can qualify for a contributory pension depending on a person's PRSI record;

- that lack of computerised records for periods prior to 1984 causes major difficulties for the applicant and makes the calculation of entitlements even more difficult, if not impossible; and

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- that reversal of the 2012 changes to the State pension would cost €60 million; and

calls for:

- these pension anomalies to be corrected;

- the current eligibility criteria for pension entitlement to be examined;

- the band changes from 2012 to be reversed;

- an urgent incremental pathway to address and correct all of the pension anomalies through the Social Insurance Fund;

- the implementation of pension reform measures;

- equality of treatment between men and women in relation to pension contributions; and

- legislation to make it illegal for contracts to stipulate that retirement at 65 is compulsory, in recognition that people are living longer and should be given the option of continuing to work.

This motion is designed to deal with blatantly unfair and overt discrimination against a clearly identifiable and emotionally vulnerable section in our country. I refer to pensioners, many of whom struggle to survive from week to week and a great many of whom, wholly or mainly, depend on their pensions to survive. What we are proposing could be described as a stop-gap measure; I accept that it is certainly not a panacea. The old system prior to 2012 also gave rise to anomalies and injustices. Everybody agrees, however, that the situation was massively exacerbated by the changes made in 2012. Anybody who was a Member of this House before 2012 will remember that we used to get the odd complaint about the averaging system because averaging systems give rise to incidents of inherent unfairness. Complaints have multiplied since 2012, however.

We, in Fianna Fáil, doggedly opposed these changes in debate after debate in this House, in Question Time after Question Time and in committee meeting after committee meeting. They were stoutly defended by the previous Government, mainly by the then Minister, Deputy Joan Burton, who introduced them in 2012. On the 14 October of this year, however, Deputy Burton told the *Irish Independent* that she regrets bringing in those changes and now repudiates them. In the article, incidentally, she describes the changes as a “cut”, although I notice that when they were introduced in 2012 there was no mention of such a cut. They were supposed, rather, to bring equity to the system. I will let people make up their minds about that.

The Minister for Finance was recently questioned in a radio interview by a lady who was left worse off as a result of having reached the age of 66 after 1 September 2012. The Minister was asked about the averaging system and how it worked in practice. This particular lady happened to have been out of the workplace for several years because of the marriage bar. The Minister’s response was that the system was both bonkers and unbelievable. We have been led to believe that he was referring to the marriage bar, but I do not believe that to be the case because he then went on to say that it was wrong then and it is wrong now. He cannot have been talking about the marriage bar, which ended in 1973, so he must obviously be talking about the system. The Taoiseach when he was Minister for Social Protection also conceded that the present system is anomalous and gives rise to injustice in individual cases. There are other words

we could use beside “bonkers” and “unbelievable”. We could use the words “cruel”, “callous”, “unconscionable” and possibly “unconstitutional” because Article 40 of the Constitution provides that all citizens should be treated equally before the law, and not just those born before 1 September 1946.

I find it difficult to explain to people that the Irish contribution pensions system provides for two rates of pension for two individuals who have paid the exact same number of contributions over the exact same period. Given that the system is supposed to be loosely based on the number of contributions - the theory is that the more one puts in, the more one gets out - I find it impossible to explain that someone with 520 contributions can qualify for a full pension, while someone with three times as many contributions might qualify for a lesser amount. I find it even more difficult to explain that someone who has worked for the past ten, 15 or 20 years and should be entitled to a full pension might be prevented from receiving a full pension if he or she worked for a single week in the dim and distant past, perhaps when he or she was in college. It is difficult to explain or understand the concept of less for more, but that is what the system provides for.

When the Minister, Deputy Paschal Donohoe, was asked during the radio programme I mentioned to explain what he intended to do about this issue, he said he could not do anything because it would cost €70 million in 2018. Despite the views of the Taoiseach and the Minister and even though these changes have been repudiated by their creator, the Government is essentially stating that next year it will unjustly and unfairly withhold €70 million from pensioners who have qualified for a pension since 1 September 2012 and that it cannot do anything about it because it would cost €70 million. It is exactly analogous to me telling somebody who has seen €10,000 of his or her money wrongfully lodged in my bank account that I cannot do anything about it because it would cost me €10,000. We fought this case doggedly during the lifetime of the Fine Gael-Labour Party Government, but we were up against it because the Minister and the Government were not for turning. When a new Minister for Social Protection - the Taoiseach - was appointed last year, he told us he understood the problem and intended to do something about it. We have given him ample time to do something about it, but there is absolutely no evidence that anything is being done about it, or that he ever actually intended to do anything about it.

We are talking about women and men in this context. Two thirds of those affected are women. The reason for this is the particular lifestyle many women have had, but the system does not recognise this. Women had childminding duties in this country because it did not have and still does not have an affordable and comprehensive child care system. I know many women who stayed at home to rear children, even though they could ill afford to do so. In some cases, the State forced women not to work after they got married. It is now telling them that their pensions must be reduced because they stopped working when it told them to do so.

The amendment to be proposed by the Minister, Deputy Regina Doherty, refers to the “total contributions approach”. The question of whether this scheme will be fairer than the existing one is an open one. It will depend on its exact shape and form which we have not yet seen. The fact is that the new approach will apply only to those who qualify for a pension after the total contributions scheme becomes the law of the country. Even if it were to be made retrospective, it would not do anything for the group we are discussing. The advancement of a total contributions scheme at some undetermined time in the future as a solution to the problem is, frankly, risible.

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The amendment goes a little further than what we have heard up to now, at least on paper, by putting a particular emphasis on women who worked for a short period of time before spending many years out of the workforce on childminding and caring duties. I know men who worked for a short period of time before spending many years out of the workforce on childminding and caring duties. This proposal would deal with a particular section of the problem. I do not know what the percentage would be. The lifestyles of many women and men have caused them to spend time inside and outside the workforce. At least we can discuss that issue. It is open for discussion.

I am disturbed that the Minister's amendment proposes "to examine means of addressing this anomaly". It seems that the Department will conduct an analysis of those worst affected before compiling a report for submission to the Government which will presumably then have to consider it and have it debated, etc. What is the reason for this prevarication? Is the Minister not aware that Age Action Ireland has already done all of this work? That should be good news for the Department. Age Action Ireland's analysis of the issue has shown, right down to the last penny, how it affects those affected by it. The work has been done. We want the Government to get on with implementing the reform. There has been too much examination and analysis. The Government has had years to examine and analyse this issue and report on it. As the work has been done, the Government should get on with implementing the reform.

We cannot expect people who have been financially discriminated against to wait another five years, or however long it takes, for a further round of examination, analysis, reporting and legislation to finish. I will not repeat the stark figures which have been set out well in Age Action Ireland's document, a copy of which I can send to the Minister, if she wishes. One aspect of Age Action Ireland's work is very interesting. It has calculated, based on the average lifespan of a person, how much people in the various bands are likely to lose between now and when they die. I notice that in one particular band people will lose up to €25,000. That might not be much to Ministers and Deputies, with their high salaries and Rolls Royce pensions, but it is a hell of a lot to pensioners. According to my calculations, one could buy 830 bottles of the very expensive wine Deputy Gerry Adams seems to favour for this amount.

**Deputy John Brady:** The Deputy is saying nothing about the wine he might drink.

**Deputy Willie O'Dea:** The Government has indicated to us that it will not vote against the motion if its amendment is defeated. Obviously, it does not want to vote against the motion because to do so would be to vote to perpetuate the current system. However, it strikes me as odd that the Government is prepared to vote for its own amendment which would continue for an indefinite period the amount of time taken up by examining, analysing and reporting, etc. The former Tánaiste, Deputy Joan Burton, who introduced this approach has repudiated it. The Taoiseach has accepted that it is unfair and anomalous. The Minister for Finance has described it as "bonkers and unbelievable". He says it was wrong then and that it is wrong now.

I want to make it clear to the Minister, Deputy Regina Doherty, that we are not insisting on the Government conjuring up hundreds of millions of euro to go right back to 2012. The question of compensation can be dealt with on a phased basis. We are asking the Minister to begin immediately the process of removing the discriminatory provision that affects people who were born after 1 September 1946. We want a start to be made. The Government's amendment refers to an "analysis" and a "report" and states the Government will "examine means of addressing this anomaly", but it does not set out a timescale for all of this. Within what timescale is the Minister talking about all of these wonderful things happening? I presume they will happen

with the assistance of Age Action Ireland's report. When will measures start to be put in place to rectify the situation for the people whose cause we are pleading? Justice delayed is justice denied. How long are people expected to continue to endure this injustice? It has been ongoing for week after week, month after month and perhaps year after year. The time for prevarication has passed and the time for action is now. We expect action now. I am asking the Minister to set out a definitive timescale within which she will start the process of this reform.

**Deputy Fiona O'Loughlin:** When I was elected to this House 20 months ago, this was one of the first issues to come across the desk in my office in Newbridge, County Kildare. I was shocked and appalled to learn that women of pensionable age could be treated like this. To be perfectly honest, I did not believe it at first. Having been able to raise it in this House on a number of occasions since, I have been further appalled to learn that the Government is doing absolutely nothing to try to provide for redress for the women on whom this has had such an adverse impact.

*7 o'clock*

I was delighted when my colleague, Deputy Willie O'Dea, signalled to our parliamentary party, following much discussion among members, that this was something we wanted to bring forward and saw as a priority. I commend the work he has done on the issue.

The changes which have happened in recent years, in particular since 2012, have aggravated an already serious inequality between the retirement incomes of women and men. Financial hardship in retirement has become a real problem for women because of the way the current system is structured. It is deeply unfair to penalise women who took time out of the workplace to care for their children or aged relatives. The current system has to be reviewed.

We have a problem with gender pension issues in general. The gender provision gap in pensions in Ireland is unacceptably high, at 37%. The Central Statistics Office, CSO, indicates that women are 80% more likely to be impoverished at the age of 65 years than men. Women aged 75 to 79 years are three times more likely to be impoverished. These are sobering statistics which we have to take into account when debating this issue.

The motion specifically addresses the inequity which has been created by the current averaging system which disadvantaged women, in particular. Some may think a reduction of €30 a week is not that much, but for many, the gap can be €50 or €60. For a pensioner, €120 a month is a very significant amount of money. It equates to 31 bales of briquettes, 120 l of milk or 96 loaves of bread. I am sure it would pay for car tax and insurance and go some small way towards putting petrol in a car. It is a considerable amount of money to shortchange women on a monthly basis.

Some 23,000 female workers are being paid lower rates because they left their jobs before 1994 to care for their children. The date of their departure means that they are missing out on at least €1,500 a year. They are also being denied the increase of €5 announced last Tuesday. Having spoken to many women in that situation, I know that they feel insulted that when there is an increase in pension payments, they do not receive the full amount. It is something the Government has to take on board.

As a result of the changes made, the number of paid contributions needed to qualify for a State pension increased from 260 to 520. That makes it much more difficult for those without a full-time long-term working history to qualify for the maximum weekly payment. It penalises women who took career breaks to have children and care for elderly relatives.

18 October 2017

According to figures from the Department of Employment Affairs and Social Protection, approximately 40,000 new applicants since 2012 have received smaller pensions than they would have if they had retired before 2012. This has had a significant impact, not just on them but also their families.

The averaging-out method has caused serious inequalities. It has punished pensioners financially. The band changes need to be removed and the changes backdated. My party is very happy to accept this on an incremental basis. We understand and appreciate that changes cannot be introduced overnight, but we need a roadmap whereby these inequities can be dealt with in a serious way. The 40,000 affected need to be dealt with in an appropriate way and the inequities addressed.

Lack of access to pensions is a critical issue for women. Again, it affects their families, children and siblings. Rather than address these inequalities, the Government has allowed them to deepen. Since 2012, the figures have increased ninefold.

I commend the National Women's Council of Ireland, Age Action Ireland which was mentioned by Deputy Willie O'Dea, and the ICA, all of which have done much for a very long time to highlight the inequities. Their campaign is ongoing. I accept that it is a complex issue, but there is a clear solution. The message we all heard last Tuesday was that in budget 2018 money was being put back in people's pockets. Again, I emphasise that the increase of €5 per week in the old age pension will be less for the 40,000 people affected. It is imperative that the Government introduce a fair and equitable pensions system to ensure women and men can have a decent standard of living in their older years. That is what the motion is about. In supporting my colleague, Deputy Willie O'Dea, and my parliamentary party members, this is one of the best motions we have brought before the House. We do not want to defend one of the worst inequities in the system.

**An Leas-Cheann Comhairle:** We move to the Sinn Féin slot of 15 minutes. Deputy John Brady is sharing time.

**Deputy John Brady:** In December 2016 Sinn Féin brought forward a pension equality and fairness motion calling on the Government to restore the pension bands and rates to their pre-September 2012 position. It was the very first motion I brought forward as a new Deputy in the House.

**An Leas-Cheann Comhairle:** My apologies. I should have called the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, first.

**Deputy John Brady:** Perhaps you thought ours was the Government party. We will be.

**An Leas-Cheann Comhairle:** That is a subjective opinion.

**Minister for Employment Affairs and Social Protection (Deputy Regina Doherty):** I move amendment No. 3:

To delete all the words after "Dáil Éireann" and substitute the following:

notes that:

- our pensioners are the backbone of our society. They are the people who built this country in the years before the economic expansion we have enjoyed in recent years.

They endured the hardships of a stagnant economy in the 1960s through to the 1980s, yet they reared the current crop of workers - a society of people who are among the most productive in the world and among the best educated in the world;

- our pension system is under duress and that is why the Government intends to implement the most comprehensive reform of pensions informed by the actuarial review of the Social Insurance Fund conducted for the Government by KPMG published today;

- the two most significant measures in the plan will be a roadmap to reform the State pension through the introduction of the total contributions approach, TCA, for pensioners and the development of a new auto enrolment supplementary retirement savings system for employees;

- this plan will also include measures to support fuller working lives to allow people to work beyond pension age where that is their choice;

- options for the TCA for the State pension will be specifically designed to acknowledge and allow for time spent caring, whether for our children or elderly loved ones. These options will then be subjected to a period of consultation with relevant stakeholders, providing them with information and requesting that they outline what they consider should be the priorities in this reform. After this, the Government will agree the new approach and prepare the necessary legislation for consideration by the Oireachtas;

- the Government would welcome the support of the members of the House in this public consultation which will contribute to allaying the anomalies in our pension system;

- these are complex reforms which will require significant political, legal, technical and administrative challenges to be addressed;

- with pensions, any time the rules are changed there is also a need to understand the impact of those changes on other participants and on the funding requirements for the Social Insurance Fund. The changes introduced in 2012 to bands, rates and minimum contributions were designed to more closely align pension benefits to pension contributions and to ensure that the Social Insurance Fund went back into surplus from deficit, and remain so;

- there were some people that were particularly disadvantaged as a result of these changes in 2012. The Government is acutely aware of the anomaly created by averaging, in particular, as it affects women whose pension entitlement is adversely affected by a short period of employment early in their working lives followed by a significant break in employment to perform caring duties;

- accordingly the Government intends to examine means of addressing this anomaly without necessarily reversing the changes to the averaging approach introduced in 2012; and

- the Department of Employment Affairs and Social Protection will conduct an analysis of the participants most adversely affected by the rate changes in 2012 and will report back to the Government with options on how to address these challenges.

The amendment I have proposed outlines the challenges faced in formulating pensions poli-

cy and indicates the general approach the Government will take into the future in order to introduce greater equity into the system. Pensions, as we know, are diverse and complex and that is reflected in the motion. It covers a very wide range of pensions issues, including, for example, gender equality, retirement age and pension eligibility rules.

Given that the motion arose out of an issue raised during post-budget discussions relating to State pensions, I will focus my contribution on State pension issues. Spending on State pensions has increased rapidly in recent decades. In 1997 spending on pensions was €1.7 billion. By 2007 this had increased to €4 billion and in the following decade to this year the cost had increased to €7.3 billion. Adjusted for inflation over the last decade, this amounts to an increase in real terms of 76% over ten of the most difficult economic years in the history of the State. This increase has occurred notwithstanding the 2012 reforms and the increase in the State pension age in 2014. Without these changes, the rise in costs would have been even more dramatic. As it stands, spending is estimated to increase by approximately €1 billion every five years. This expenditure increase is due in no small part to the very big increase in pensioner numbers. There are about 680,000 persons over the age of 66 years expected to benefit from State pension payments this year.

The latest actuarial review of the Social Insurance Fund, published and laid before the House today, confirms that this number will increase consistently in the coming years. This, of course, gives rise to a major challenge to the future sustainability and affordability of the social insurance system which affects every single person in the country. The Social Insurance Fund operates on a pay-as-you-go basis, with today's workers contributing towards the benefits of today's recipients. Therefore, it is worth remembering that the increasing cost of pensions is not funded by past contributions by people now retired but can only be funded by increases in contributions or taxes on current and future workers. As important as it to try to ensure equity in the treatment of today's pensioners, it is just as important that we strive to protect the long-term sustainability of the system in order that today's workers will be able to avail of an adequate pension when it is their turn to retire. Successive Governments have, therefore, sought to combine increases in the rate of the pension with reforms to make the system more sustainable into the longer term. The focus in the years of recession was on protecting and maintaining core rates and in so doing to make some changes which were consistent with the long-term pension strategy set out in the national pensions framework published in 2010. They include the changes made in 2012.

In the past three years the Government has increased core pension rates. This benefits all pensioners, especially the most vulnerable. The Government has also supported or implemented new funding and new measures for older people in schemes such as the fuel allowance scheme, the free travel scheme and the new telephone support allowance scheme which was only announced last week. The Fianna Fáil proposals to reverse the rate band changes made in 2012 would cost almost €73 million extra in 2018 alone. This would increase to almost €85 million extra in 2019 and continue to increase every year after that. The 2012 rate band changes resulted in a system that more closely aligned a person's pension benefit with the social insurance contribution history. In addition, the revised system continues to provide very generous pensions compared with the norm in other countries. For example, a person with only 20 years contributions over nearly 50 years will still attract 85% of a full pension, which is substantially higher than could be expected in any other European Union country, including those with very generous homemaking provisions.

Had the Government of the day, instead of making these changes, taken an across-the-board approach to cutting pensions, regardless of means and contribution records, the hardest

hit would have been pensioners with no additional incomes and widows and widowers living alone on only one pension payment. A very significantly higher proportion of such pensioners are women and this approach would have resulted in more women over 65 years experiencing consistent poverty relative to men of the same age. The 2012 changes, therefore, balanced the objectives of reducing cost, while minimising the impact of cost reductions on the most vulnerable and moving the State closer to the pension system envisaged in the national pensions framework from 2010, whereby the value of a person's pension is closely related to the contribution history. Backdating the homemaker scheme to include periods taken out of paid employment before 1994, as has been suggested by some, was considered to be exceptionally expensive at the time of its introduction in 1994 and it continues to be so today. The cost of backdating the homemaker scheme now to include periods prior to 1994 is estimated to be in the region of €290 million extra if introduced from the start of this year and again this figure would rise each subsequent year at a faster rate than the increase in pension costs generally. Given these figures, it is obvious that taking measures such as reversing the rate band change or backdating the homemaker scheme would, even on a phased basis, significantly impact on the affordability and sustainability of pensions paid from the social insurance fund in the medium term. It would also jeopardise our ability to provide for further increases in payment rates in forthcoming budgets and considerably restrict the fiscal space necessary to bring forward the broader reforms that are badly needed.

There has been much criticism of the yearly averaging approach to pension calculation. When the contributory pension was introduced in 1961, a yearly average approach was selected as the basis for calculating entitlements because reckonable social insurance had been introduced just eight years earlier and, therefore, nobody would have had the 30 to 40 years of contributions necessary to be paid under a total contribution approach. By contrast, the yearly average approach allowed many people to qualify for a full pension relatively quickly. The disadvantage of this approach is, of course, that people with a relatively short contribution history can qualify for a full pension; that is at the heart of the issue raised in recent weeks. A person with a partial contribution history accumulated over a long period does not receive the same pension as a person with the same number of contributions accrued over a shorter unbroken period. The real anomaly is not that the pension paid to the person with the partial history is too low but rather that the person with a short contribution history does much better than is really justified.

Having said that, I agree that the position of people - we all recognise that it is mainly women who are affected - who left work to take up caring responsibilities is a special case. We need to be careful that the solution used to address this special case does not exacerbate the underlying inequity and impose unnecessary and unjustifiable costs on future workers. The extension of pay-related social insurance, PRSI, over the years means that we can move to a more equitable total contributions approach from around 2020, as workers will have had a full 30-year window to accumulate the necessary contributions to sustain a full, or close to full, pension. The combination of a total contributions approach and a homemaker credit or disregard will ensure the pensions system is more equitable, while providing recognition for time spent in the home.

It must also be noted that where someone does not qualify for a full-rate contributory pension because of a break in the contribution record, he or she may still qualify for an alternative payment. If his or her spouse has a contributory pension, he or she may qualify for an increase for a qualified adult, amounting up to 90% of a full-rate pension. Alternatively, he or she may qualify for a means-tested State pension in his or her own right, amounting up to 95% of the

maximum contributory pension rate. Whereas the non-contributory pension is means-tested, there are very significant capital and income disregards available. This means that the very large majority of payments are made at the maximum rate. This, in turn, means that anyone on a reduced rate of contributory pension because of a broken contribution record who does not qualify for a means-tested payment must have significant other means such as another private pension or a second property, in addition to his or her home. He or she is generally better off than many other pensioners.

Not only would reversing the 2012 changes cost a huge amount of money and run counter to the policy of on what we all apparently agree - moving to a total contributions approach - it would, being a broad brush measure, also tend to unnecessarily benefit people who have access to other resources. Accordingly, pending the introduction of the total contributions approach in 2020, my preference is to take a more targeted approach to addressing the issue of people with a short work record, particularly early in their working lives. As indicated in the amendment, I have asked my officials to carefully examine approaches that may help to address the issue raised with the averaging approach, as it affects people with a short work period early in the career followed by a long break for whatever reason. All our records from before 1984 are paper-based, which is the only reason for the delay. In advance of the analysis, it is impossible to make specific proposals that might work, as we must see what might provide the best advantage for the most people, while ensuring we do not inadvertently cause further anomalies or disadvantages to arise. We should not be here this time next year talking about some other unintended consequence of a change we want to make. We also need to determine, as best we can, how much any such approach might cost and how that cost can be dealt with in the budgetary maths. This is the most balanced and reasonable approach to take to addressing the issue of concern and I ask Members to consider the amendment before voting for the motion.

**Deputy John Brady:** In December 2016 Sinn Féin brought forward a pension equality and fairness motion, calling on the Government to restore the pension bands and rates to their pre-September 2012 position. It was the very first motion I brought forward and, as it was such a serious matter, I felt the need to do it. Our friends in Fianna Fáil refused to support the motion and we can see their crocodile tears this evening.

**Deputy Eugene Murphy:** We amended it.

**Deputy John Brady:** Ten months later we have a motion from the same Fianna Fáil Party calling for the same treatment that they refused to support in a motion tabled last year.

The Minister has stated that in every complex system there are winners and losers and that in this system there is an anomaly that disadvantages a very small number of people relative to the large number of pensioners we have. This is about fairness and equality for older people. It is not good enough to say there are winners and losers and that only a small number of people are affected. We are talking about in excess of 35,000 pensioners. These are people who went out to work and paid their contributions; why should they be blatantly discriminated against?

It is unfortunate that Fianna Fáil did not see it fit to support our motion on this matter last December, but Sinn Féin welcomes the motion, despite it being late in the day. This matter could have been dealt with ten months ago and it is very unfortunate that did not happen. We are seeking to amend the motion to include another cohort of people who have also been unfairly treated by the Government. In 2014 Fine Gael and the Labour Party abolished the State transition pension, leaving those who are forced to retire at 65 years by contract on a jobseek-

er's payment. We know that there are more 65-year-olds in receipt of jobseeker's payments than any other age category in the entire State. The people in question worked and paid into their pension scheme and now cannot access it. That is totally unfair and the matter needs to be addressed.

The longer these issues are allowed to continue, the more expensive it will become to rectify them because more people will see an impact. It is not impossible to address these issues if the Government had the will to do so. Sinn Féin was able to do it in its alternative budget. Our measures were fully costed by the Department of Finance and the Department of Public Expenditure and Reform. It would cost €84 million to restore the State transition pension and €70 million to restore the pension bands and rates to their 2012 position.

The motion is little more than a PR stunt by Fianna Fáil - nothing more, nothing less. It has had ample opportunities to address these anomalies and time and again has chosen not to do so. The reversal of the 2012 changes is nowhere to be found in its so-called budget proposals either this year or last year.

**Deputy Anne Rabbitte:** It is included in our manifesto.

**Deputy John Brady:** The reversal of the 2012 changes is nowhere to be found in Fianna Fáil's confidence and supply agreement with Fine Gael. The cost of the reversal of the 2012 changes is nowhere to be found in its general election manifesto either.

**Deputy Anne Rabbitte:** It is.

**Deputy John Brady:** There are no costings whatsoever. It appears in a small byline without costings. Fianna Fáil did not even see fit to raise the reversal of the 2012 changes with the Taoiseach or the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, during the deliberations on budget 2018, despite its protests to the contrary. Mentioning the issue somewhere along the line, which is what appears to have happened from the conversation with the Taoiseach, clearly shows what Fianna Fáil thinks of it in terms of its priorities. This is little more than a political stunt by it as it only chose to highlight the issue after it was brought to media attention last week.

The Government amendment refers to a total contributions approach. This will have no impact whatsoever on existing State pension recipients. I read with interest an article in *The Irish Times* today which claims that the change would only apply to new entrants to the workforce from 2020. The Minister needs to explain that. If it is the case that it will only apply to new entrants into the workforce from 2020, it will have serious implications.

The Government's amendment will do nothing for the 35,000 older people on reduced pensions because of the changes implemented by Fine Gael and the Labour Party in government in 2012 which were rammed through the Dáil without debate. Any debate on the matter was guillotined in this Chamber on both Second Stage and Report Stage. There was an absolute knowledge of the implications, particularly for females in the State hitting retirement age.

The motion is not only opportunistic on the part of Fianna Fáil but it also shows a real contempt for older people who are being punished disgracefully. We brought forward a motion last year and Fianna Fáil refused to support it. However, we have tabled an amendment to the motion and hope it will be passed. We will do anything and everything we can to end the discrimination, even if it means supporting Fianna Fáil's motion. If the motion is passed,

what exactly will Fianna Fáil do? Will it sit on its hands again and do nothing, as it has done so many times, or will it seek to have it enacted and hold the Government to account to ensure the changes will be brought forward straightaway to end the discrimination against older citizens with immediate effect.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputy Caoimhghín Ó Caoláin to speak, without interruption.

**Deputy Caoimhghín Ó Caoláin:** Is mór an trua é, ach níl mórán ama agam. Beidh Sinn Féin ag tabhairt ár dtacaíochta don rún seo. Sinn Féin will be supporting the motion. More than 36,000 older people are in receipt of a lower pension payment than they would have received had they retired before 2012. Of this figure, 62% are women. They are being punished for taking time out of the workforce to care for family members or loved ones. They now have to survive on a smaller pension, widening an already serious gender pension gap. The State pension is the single most important income support for older people and will be into the future. We need to ensure fairness and equality are at the heart of the pension system.

I am not going to go over all of the points made by my colleague, Deputy John Brady, concerning Fianna Fáil's record on this issue, but it is important to point out that it has had ample opportunities, not only with Sinn Féin's motion last December but also with the confidence and supply agreement on the formation of the Government and its own budgetary intervention for budget 2018, to intervene. Sinn Féin included it, not only in bringing forward the motion last December but also in its alternative budget for 2018. It is fair to say this is purely theatrics on the part of Fianna Fáil. While I do not very often agree with the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, although there are some issues on which we most certainly agree, as has been demonstrated over the years, I nevertheless have to say that I concur with her in remarks on "Morning Ireland" today when she said Fianna Fáil clearly was not to be trusted and so say all of us.

**Deputy Willie O'Dea:** The Armagh sniper.

*(Interruptions).*

**Deputy Caoimhghín Ó Caoláin:** I listened to the Deputy all day on Friday and Saturday. As always, he can dish it out, but he damn well cannot take it.

*(Interruptions).*

**Deputy Martin Kenny:** The clock has started and on it goes. This issue has been well rehearsed. As Deputy John Brady said, last December we put a motion before the House. I printed it again this evening. The main point made in it concerned the need to restore pension rates and bands to their pre-September 2012 position, which would deal with most of those who find themselves in this situation. I acknowledge and as the Government has stated that it would not deal with all of those affected. Despite all of its protestations, Fianna Fáil tabled an amendment to that motion. I also looked at that amendment and it did not mention anything about restoring rates to their pre-2012 position. However, the motion it has presented tonight states it wants the band changes made in 2012 to be reversed. Hallelujah, someone was on the

road to Damascus and discovered that this needed to be done.

Deputy Willie O’Dea has made huge mileage out of this, saying Fianna Fáil always wanted to solve this problem. I understand the pressure is on. We have all met the women’s groups which have been campaigning on this issue. I am sure the Government parties have done so also. The reality is that Fianna Fáil is the party in this House which has an arrangement with the Government through the confidence and supply agreement and it did nothing about it. What happened last December pre-dated the budget and it was before the announcement of the budget that pressure needed to be put exerted. When we tabled the motion last December, Fianna Fáil buckled and resorted to type. It did not support it because it had not come from it. Now that it has seen the light because of the protestations of members of the public, it has decided that it wants to change the rates and bands back to the way they were pre-2012. We welcome this and support it, but it needs to be called for what it is. The reality is that it is a stunt. Fianna Fáil needs to stop the stunts and start living in reality.

**Deputy Willie O’Dea:** It is rich of Sinn Féin to talk about stunts.

**Deputy Carol Nolan:** The changes made in 2012 to the State pension mean that over 35,000 people have been left with a smaller pension payment than they would have received had they retired before that year. The vast majority of those affected are women, many of whom are receiving up to €35 less in their pension payments every week. That is wrong and this discrimination cannot be let continue. I commend the National Women’s Council, Age Action Ireland, the ICA and the other groups involved for their tireless campaigning on this matter. Last December we brought forward a motion to try to address all of these issues. Sinn Féin attempted to have restored the pension bands and rates to their pre-2012 position in order to eliminate the unfair discrimination against women and end this blatant injustice once and for all. We also tried to provide for the restoration of the rates and bands in our alternative budget.

We have shown, time and again, that we are on the side of women and equality. We have shown that it is possible to balance the books and do the right thing. Fianna Fáil has come late to the party. It chose not to support our motion last year but it is enlightening to see that, ten months later, it is embracing our proposals so I suppose it is better late than never. Fianna Fáil did not lift a finger during the budget negotiations to try to ensure that this discrimination was brought to an end once and for all, which clearly shows that the party is only paying lip-service here tonight. It has taken the opportunity to score political points with this motion rather than taking action when action was required. Some would say that this is too little too late.

We will be supporting this motion in the hope that a real difference can be made to the lives of the many women who have been affected - better late than never. I urge the Government to take heed of the growing support and act on this issue as soon as possible.

**Deputy Kathleen Funchion:** I am disappointed but not surprised that we are again discussing an issue that has a disproportionately negative effect on women. Since I was elected last year, I have found this to be a common trend. It is unacceptable that women are receiving in the region of €35 less per week in their pensions because they took time out of work to care for their families and raise children. That is wrong, unfair and outdated and it runs contrary to the principles of gender equality. People are rightly outraged at this unfair discrimination, which is increasing year on year in the context of the number of people it affects. I commend all the women of Ireland who have become very active on this issue and campaigned to put it front and centre. The National Women’s Council of Ireland has said that since budget 2018 mea-

asures were announced last week, it has been inundated with calls from women, some of whom who have only reached pension age and have realised that they have limited or no entitlement to a State pension. Equally, I have been asked about this situation by women from across my constituency on many occasions. The failure to respond to the tens of thousands of pensioners suffering because of the 2012 cuts is one of the biggest disappointments emanating from last week's budget announcements. Given that I am out of time, I simply urge people to support Deputy Brady's amendment and the motion and end this discrimination for women.

**Deputy Willie Penrose:** One can say with absolute certainty that the current pension eligibility system for old age pensions is complex, riddled with established and pronounced anomalies, discriminatory and clearly not fit for purpose in the current environment. It lends itself to wholesale reform in the interests of equity and fairness rather than, as the Minister stated, *ad hoc* corrections to some of these glaring problems or anomalies, which generally result in specific problems being addressed with a probable unforeseen adverse consequence down the line and thus triggering another chain reaction.

I want to state unequivocally and unambiguously on behalf of the Labour Party that we support the Fianna Fáil motion. The motion refers to a preference for a system grounded, to some degree, on total contribution record, which will need to be debated and examined, as emerged from the national pensions planning framework in 2010, which Fianna Fáil commissioned and pronounced at that time. In my view, it would eliminate many of the complexities and anomalies and ensure that people are fully *au fait* with their entitlements to pensions and the precise amounts thereof well in advance of reaching the specified pension age. This has been complemented by the auto-enrolment scheme, with contributions or savings being invested in a private scheme to ensure that people have adequate income provision for their needs upon retirement.

Undoubtedly, the changes made by the former Minister for Social Protection, Deputy Burton, in 2012 by way of increasing the number of bands pertaining to the threshold of eligibility emanated from the long-term strategy set out in the 2010 national pensions framework. These have caused significant difficulties by way of reductions of up to €35 per week for some recipients and that matter must be addressed immediately. Over 60% of those who have been negatively affected are women. It should not be forgotten that up to 38% of the people involved are men. One cannot but note that some of these adjustments that were, and clearly are, regrettable were not effected for some ulterior or specific reason other than to achieve the necessary savings as set out in the framework at the time. In 2012, we were in the midst of an unprecedented financial crisis, the details of which are well known so there is no need to recount them save to say that the deficit was over €13 billion. In 2018, we will have a zero deficit or, more likely, a surplus. A large number of measures were implemented to restore the State's finances. Due to the collapse in employment, as a result of which the unemployment rate rose to in excess of 15%, there was a huge fall in the volume and value of PRSI receipts and an unsustainable deficit of €2.8 billion in the Social Insurance Fund in 2012. I am not trying to justify the measures introduced, I am simply trying to explain how they arose. The troika was exerting extensive pressure to put the State finances on a sustainable path and the situation was clearly recognised in the national recovery plan by Fianna Fáil in 2010, which committed to changes in the State pension that would require some structural change to ensure the sustainability of State pension provision going forward.

This was a measure in 2012 that should now be reviewed and reversed in the context of the fact that the Social Insurance Fund will likely be in surplus to the tune of €1 billion this year. That will grow to at least €2 billion in 2018. As we have seen with some of the measures that

had to be introduced during the very difficult years, as the economy has recovered, there has been process of pay restoration in the context of reductions imposed under the financial emergency measures in the public interest, FEMPI, legislation. The Labour Party believes that a similar process should be adopted or action taken in respect of pension entitlement and it should now be restored. This is just one aspect of this pension debate, albeit a very important one.

The media seems to be a bit confused because it was in 1997 that then Government passed legislation to provide for an increase in the minimum of paid contributions to the contributory State pension. That increased from 260 to 520 for persons who reached 66 after 5 April 2012, so it automatically came into being. It was not implemented by the then Minister, Deputy Burton, or by anybody else so let us be fair and clear. The record is very clear. I was here in 1997 when all of that happened.

Thankfully, people in Ireland are living longer. When the old age contributory pension was introduced in 1961, life expectancy was 68 years for men and 72 years for women. Now it is 79 years for men and 83 years for women. The increase in life expectancy means that the number of people aged 65 or older is rising all the time. The 2016 census indicates that the proportion of the population in the 65-plus age cohort has risen by one fifth since 2011, while the recent CSO population projections in 2013 forecast an increase of almost two thirds in this cohort between 2011 and 2026.

When we review the pension entitlements in an historical context, there can be no doubt but that women were the subject of significant financial discrimination. The averaging system introduced in 1961 bears eloquent testimony to this State-sponsored and supported discrimination. The system of averaging takes account of a person's contributions for the first year of their employment and the last day prior to reaching pension age. This, in effect, could extend over a period of 48 or 50 years. For example, the working life of a woman who works from the age of 18 to 26, gets married, is then out of the workforce rearing her family until 38 years of age and retires at the age of 66 is effectively 36 years. However, for averaging purposes, she is deemed to be 48 years in the workforce and this leads to an automatic reduction in her pension. Indeed as Minister of State in the Department of Social Welfare in 1994, Deputy Burton introduced the homemaker's scheme which acknowledged for the first time the issue of child-rearing with regard to conditions pertaining to qualification for the State pension. The scheme provides for up to 20 years to be disregarded for contributory State pension purposes. This helps to deal with the travesty arising from the averaging provision.

Of course, the issue which arises and which cannot be dismissed is the effect of the marriage bar that was in place from 1933. As a result of the latter, an entire cohort of women were affected from 1933 until the bar was removed in 1973. That was discriminatory and outrageous in terms of its gender focus. One must ask how it could stand except if one looks at Article 41.2.2° of the Constitution. I wonder whether that was where it gained solace and was protected. European law was introduced in 1973 and wiped it out. Women who got married were banned from working in the public service and financial institutions but no such prohibition was implemented for spouses who could have been working side by side with them in the same jobs. It was only our entry to the European Economic Community in 1973 that precipitated the abolition of this preposterous and discriminatory measure against women. As a young Deputy in the early 1990s and 2000s, I was strongly in favour of and advocated a system whereby all women who found themselves the subject of discriminatory treatment arising from the marriage bar should have received from the State, via the Department of Social Welfare, an imputed contribution record of 52 contributions or stamps for each year they suffered under the marriage bar.

That would at least have served to rectify the injustice when they reached pension age. While the 1994 homemaker's scheme was an advance in terms of recognising the practicalities of child-rearing, it did not address the glaring deficit stretching back to least 1973. That anomaly remains a major injustice to this day. Of course, it could be looked at but is now a cost issue.

There is also an urgent need for action on the overall gender pension gap that disproportionately impacts upon women. A number of factors contribute to the gender pension gap, such as the predominance of women in low-paid and part-time employment as well as the fact that it is women who usually take career breaks to look after children or relatives.

Another bugbear of mine in the context of the pensions system is the concept of the qualified adult dependant, usually the wife or partner because the system was clearly based on the male breadwinner model. This should clearly be changed in the current context. The wife had her value assessed initially at 70% and now 90% of the value of the recipient. She is now treated as an appendage of her husband, instead of the couple being dealt with as a unit, whereby if the husband qualifies for a certain figure based on his contributions that his wife or partner should be treated similarly, and get the same amount. It is only recently that she would have been paid out a reduced sum in her pension in her own name. Previously, it was part and parcel of the husband's pension payment, and sometimes she might not receive a red cent of that. Let us consider that and treat both parties as a unit and not treat the wife or partner as a percentage in terms of qualifying payment.

There is clearly a strong argument for a provision to be introduced to allow the exclusion of a fixed number of years where no or low contributions were made for lifetime averaging purposes. This can be addressed by the introduction of the total contributions system. As Ireland slowly recovers from the economic crisis, reverting to the pre-2012 system should be a central part of a wider strategy, which is to achieve a more equal Ireland between men and women in pay, pensions and in taking up responsibilities of care. This strategy should also include compensating those who have lost out due to the 2012 changes.

I have also spoken in support for the elimination of the mandatory retirement age in employment contracts, where people who voluntarily wish to do so should, if their heads are good, continue to work as they wish. It would help to address another major issue to which Deputy John Brady referred, namely, the abolition of the State pension transition. Another pet hate of mine, and something that irritates myself and my colleagues, is that at 65 years one is compulsorily retired in accordance with one's contract. One is paid jobseeker's benefit for nine months, and then one has to apply for jobseeker's allowance which is means tested for three months, and it is possible to lose out because of this. At the stroke of a pen the period for jobseeker's benefit available to those who are forced to retire at 65 years should be extended to 12 months to deal with the three month period with which they are now faced. That would stop the situation where people who have worked 44 or 45 years are forced to turn up at a social welfare exchange, having never set foot in one their whole lives. Give these people jobseeker's benefit until they reach the pension age, which ought to be 66 years.

**An Leas-Cheann Comhairle:** Deputy Paul Murphy is sharing time with Deputy Bríd Smith.

**Deputy Paul Murphy:** No matter how well prepared or steeled one is for what happens inside this House, sometimes the mind boggles at the depth of cynicism and the degree to which brass necks are ubiquitous. It has been well exposed around us during this debate. To begin

with the Labour Party, it is welcome that it is supporting the motion. The party is calling for a reversal to the cuts but it should be clearly stated and acknowledged that when in government, Labour and its then Minister, Deputy Joan Burton, implemented these cuts, made these savage cuts to social protection payments and was responsible for disgusting attacks on the living standards of the most vulnerable in society, the young, the elderly and the disabled.

It is not the case that the bad impact of these reforms has been newly discovered. The Minister, Deputy Joan Burton, knew it at the time. There is a very good article in the *Irish Examiner* from 2014 entitled “No country for old women as females bear the brunt of pension cuts” which highlights how, as Minister, Deputy Burton had access to research from her Department which illustrated precisely how this would impact on older people and disproportionately on women. It was a disgusting and brutal cut.

Then there is Fianna Fáil which could have argued strongly on this during the budget negotiations with the Government. Its support, or at very least its abstention, is essential in order to pass the budget. Fianna Fáil could have made this a matter of principle and said that unless the Government resolved this issue and unless it undid the cut, it would not support the budget. It did not do that. More recently Fianna Fáil has discovered the issue and I welcome it putting down a motion on it but it has another chance on the matter. The motion is all very well - Solidarity-People Before Profit Alliance has an amendment to it but we will vote for the motion and it should pass - but Fianna Fáil knows, as does the Government and everyone else, that it does not make any difference in the real world, it only places some political pressure on the Government. The real question arises over the Social Welfare Bill. If Fianna Fáil was serious about having these cuts reversed it would say to the Government that it will not vote for the Social Welfare Bill unless it includes the reversal of the cuts in the Bill. It is that simple and that will be the test of Fianna Fáil’s sincerity on this issue.

It was clear in the Taoiseach’s response on Leaders’ Questions last week and in the motion today that the Government’s approach is to say that the matter is all very complicated. This week the Government’s amendment argues that these are complex reforms which will require significant political, legal, technical and administrative challenges to be addressed. It is an effort to make it unintelligible for ordinary people and suggest that something really complicated is going on. Fundamentally, that is not the case. Age Action has produced an excellent briefing document which explains it simply for people. The National Women’s Council of Ireland has done similar work on the subject.

The issue is simple. Since 2012, 36,000 people have had reduced pensions. Those affected are overwhelmingly women. As a result of the changes to the bands of contributions, about 50% of women who are eligible for the pension have been affected. We all have constituents who are retiring now who were compelled to give up work on marriage. Even today many women are unable to take up full-time paid work due to high child care costs and so on. It comes down to the Taoiseach’s response last week at Leaders’ Questions when he opposed the universal state pension on the basis that it would mean saying to people who had paid PRSI that their payments now counted for nothing. The point is that these people did make a contribution to society. They may not have paid PRSI, their contribution may have been one of caring and taking the role that the State should be playing in caring for elderly people, people with disabilities and for children, but everyone has made a contribution to society and that is why we should reject the whole notion of pension reform which is fundamentally an attack on workers, on pensions and on the delayed payment of wages to people and instead defend the idea of people having a pension and fight for socialist pension reform which would mean a universal

state pension which would allow all to enjoy a high quality of life after retirement.

**Deputy Bríd Smith:** Once again, the House has before it a Fianna Fáil motion that addresses a very real issue, in this case one which impacts cruelly on 35,000 pensioners and there will be more in the future, who have had inflicted on them a cut of between €15 and €30 weekly. That is a lot of money over the course of a year, never mind over the course of however many years a person has left during their retirement. Again, we see a motion that appears to address the real issue and I have no doubt that many of the pensioners outside the House and in the Visitors Gallery believe that Fianna Fáil is addressing the cuts which have been inflicted but that is not the case. To misquote Shakespeare, in common with many Fianna Fáil motions this is a tale told by an idiot, full of sound and fury, signifying nothing. It cannot deal with the core issues because Fianna Fáil is supporting the Fine Gael Government which will continue to practice this discrimination and any changes it makes will be in terms of rearranging deck chairs, of appearing to be fairer. Crucially, it will not result in more State funds being spent, ensuring the savings achieved by Deputy Joan Burton's cuts will remain.

It is worth reminding ourselves of what those savings amount to. The Government abolished the transitional pension to which workers were entitled at 65 years, saving €75 million per annum, that is €75 million taken from pensioners; it changed the contributions necessary to be entitled to the pension which saved €50 million annually and €10 million year-on-year after that; and it extended our working lives incrementally, from 66 years, to 67 years, to 68 years and now its academics and advisors in the ESRI are suggesting that it be extended to 70 years. The Government continues the discrimination against women who raised their families prior to 1994. This motion and all its pieties and the pieties from the Government which talks about valuing our older population will not do what is necessary and the Government will not change what is happening. It will not do so because although Deputy Joan Burton and the Labour Party pulled the trigger, the gun was loaded by Fianna Fáil and Fine Gael in the justifications which they gave to this move. They say people are living longer but that is not the problem; the problem is not that we do not put away enough money while working. The problem is the system of capitalism itself and how it prioritises profits over decent wages and public services. Even workers' defined benefit schemes in the most lucrative companies which make huge profits are under attack because the firms want to maximise profits.

I will finish by looking at what the Taoiseach said when he was Minister for Social Protection. The Taoiseach, and then Minister, said when he was arguing this last year in the debate on the social welfare Bill, that it is unfair and needs to be changed but that any changes need to be financed from the same pot and that the pot is only so big and if some gain others must lose. I argue that the pot is the size it is for many reasons, not least because we have one of the lowest PRSI contributory rates from employers in Europe. B bogus self-employment is rampant in industries such as the construction industry, where the State is actually losing hundreds of millions of euro a year that could be paid in PRSI contributions. The Government will not take the Apple tax or the proper corporation tax. The Government will not try to increase that pot for pensions that determines the benefits pensioners get. The only thing that will really change the minds of this Government is what the pensioners did when Fianna Fáil attacked their medical cards. They gathered in their thousands outside here in Kildare Street. That rapidly changed the minds of the then Government. At the end of the day, we need to have a State that fully funds pensions for everybody through taking contributions from employers and employees in a just way across the board and delivers real services in health and transport and all of the community needs that older people have. That will not happen under the Minister's Government or,

indeed, under a Fianna Fáil Government.

**Deputy Willie O’Dea:** The Deputy does not want to be in government.

**Deputy Paul Murphy:** We do.

**Deputy Willie O’Dea:** He wants to be shouting from the outside.

**Deputy Paul Murphy:** We want a left Government.

**Deputy Catherine Connolly:** I welcome the opportunity to contribute to the debate, even in my short three minutes. I also thank Fianna Fáil, although I share the deep cynicism in the room about its commitment to see the actual changes through. I also welcome the amendments from the real Opposition, which go to the heart of a debate on pensions that needs to be had in this Dáil in due course. I also wish to acknowledge the tremendous work done by Age Action, the National Women’s Council, the Irish Human Rights and Equality Commission and the ICA.

It is also worth highlighting that the Department, and presumably the Minister and the Government, had full prior knowledge of the unequal impact of these changes on women and, more particularly, of an analysis of a comprehensive sample of PRSI contributions carried out by the Department at the time, details of which were released under a freedom of information request, which highlighted and indicated that gender disparity, and it was quite clear. More specifically, the documents show that the impact on the lower categories, where there were mostly women, was flagged by officials in October 2011. That the Government of the day and this Government would persist in first introducing and then leaving in place a pension that is totally discriminatory beggars belief, even more so given the very recent budget speech by the Minister in which he said, quite unbelievably, “I am also pleased to say that work on equality and in gender proofing of the budget continues”.

The changes introduced by Deputy Burton at the time were and remain particularly egregious given that they widened an already unequal pension gap. We know that women retire on at least 30% less pension, and that is on top of a pay gap prior to that. We also know there is a need for a wider debate on the other issues that have been raised, particularly the absurd situation whereby 65 year olds are forced to retire and then have to suffer the indignity of going down and saying they are available for work and filling out a form confirming they are available for work. The Government, with this policy, is asking people to lie. There is a solution to this problem. It is a very specific solution to deal with a very finite number of people. I have absolutely no hesitation in supporting the motion.

**Deputy Joan Collins:** I welcome the motion and I will support it. I will also support the amendments. In budget 2012, a Labour Party Minister in her first budget cut the social protection budget by €475 million. This was following a cut of €810 million in 2010 and €515 million in 2009 under Fianna Fáil. In 2012, a total of €1.8 billion had been taken out of people’s pockets, the pockets of those who needed protection who were reeling the most from the recession. Deputy Burton announced and continued to announce that primary weekly social welfare payments would be protected. We in the Opposition knew then this was not the case, and it has now been clearly demonstrated that she did not protect those payments.

I remember discussing the cut during the guillotined debate in the Chamber. It was a really cunning cut because it went under the radar and not many people understood exactly what it meant. The Government knew that those affected, who were mostly women, would not realise

the change until they hit pension age, and it hoped they would be isolated and would not cause a fuss and it would continue on. People were shocked and angry at what they met when they hit pension age.

The gender discrepancy was clear in an analysis done in 2011. The Department of Social Protection was aware that thousands of mainly women in low-paid work, would lose out, but it went ahead. Deputy Burton was not for turning. It looks like the Labour Party is for turning now that it is in opposition. No wonder people in this country are so cynical about politics. There was talk of some measure of restitution by introducing a homemaker's credit scheme, but this was passed to the Department of Finance, which stated it did not have the money. The Minister does not need to do an analysis because it is already there.

The Taoiseach was very disingenuous this morning when he stated many of those affected even under the previous scheme would not receive a full pension. How sneaky is that comment? There is a huge difference between being down by €4.50 of the full pension and being down by €30 of the full pension. On 31 August 2012, workers retiring with an average of 21 annual PRSI payments throughout their working lives received a contributory pension of €225. The workers who retired two days later who made up to 29 contributions per year received €196, which is €30 less. The bands were changed and were broadened out from four to six. In particular, band 2 was divided into three, with the lowest band of 20 to 29 average contributions getting just 85% of the minimum payment, whereas before it would have been 98%, and the other two bands were reduced from 65% to 40% and from 75% to 50%.

I support the motion, but ask why Fianna Fáil did not make this a key demand during its discussions with Fine Gael as part of the confidence and supply agreement. Why did it not make it a principle and something under which lines should be drawn, and even threaten to bring down the Government if necessary, if it thought it was so important? Some people would say this is a cynical political ploy by Fianna Fáil. I do not know whether or not it is, but people can make up their own minds on that.

The Minister must end this pension discrimination and gender discrimination against women and the people affected by this measure. The Government should remove the bands and go back to the 2012 system and then deal with the general overall pension issue.

**Deputy Thomas P. Broughan:** It is incredibly and totally farcical that Fianna Fáil has brought this motion before the House just a mere ten days after it signed off on budget 2018 with its coalition partners, Fine Gael. Where were Fianna Fáil's concerns when negotiations were ongoing or, indeed, in the run-up to the 2017 budget? Where was Fianna Fáil then? We on this side of the House cannot help but wonder if this was an agreed publicity stunt between the two conservative parties that are running the country and hoping to swap partners and continue to run it after the general election. The Minister for Finance called the situation "bonkers" on air and then Fianna Fáil came to the rescue with a motion that will surely pass in the Dáil. Of course, Fianna Fáil also supported all of the economic decisions of the last austerity Government.

The Taoiseach, Deputy Varadkar, tried to muddy the waters this morning by claiming the Opposition did not understand that restoration of the pre-2012 social insurance bands would still not give all women a full pension but, of course, we do understand precisely. The Taoiseach has spoken about universal pensions. The ESRI made proposals to merge PRSI and the universal social charge and give everybody a decent pension. These are welcome. We know

that since late 2011 in this House, the Government and the previous Government have hugely disadvantaged that cohort of women and some men now in their 50s and 60s. Professor Alan Barrett of the ESRI summed up the current and last Governments' disgraceful actions by stating they changed the rules in the middle of the game for that most vulnerable generation of women workers.

My colleagues have explained the impact of the change from the four bands to the six bands. Under the new system, those with an average of 20 to 29 contributions now receive just 85% of the maximum. We Deputies meet a lot of these women, week in, week out, and we know a very serious injustice has been done to them.

*8 o'clock* Those with an average of 15 to 19 contributions per year are down to 65% of the maximum and those in the bottom band, with an average of ten to 14 contributions per year, who spent a lot of their lives doing caring duties, are just receiving 40%.

Where was Fianna Fáil's concern on 9 February this year when Age Action Ireland published its report, *Towards a Fair State Pension for Women Pensioners*, by Ms Maureen Bassett? Shortly afterwards, on 21 February, I raised the matter on Leaders' Questions with the then Taoiseach, Deputy Enda Kenny, and he informed me he would refer it to the Committee on Budgetary Oversight for consideration and that Ministers would reflect. Ministers reflected and did nothing. The committee, unfortunately, did nothing either, and we are still left in the same situation.

The motion is of great importance and I welcome reports that it will be passed by the House. I hope it will not be just empty rhetoric. Despite the comments of those who voted year in, year out for the budgets of the previous Government, I hope this measure will bring forward a restoration for the citizens - particularly women - this Government and that which preceded it treated so disgracefully.

**Deputy Michael Fitzmaurice:** I welcome the opportunity to speak on this motion. I support it fully. I commend Age Action Ireland, the ICA and each individual who picked up the telephone to contact Deputies in recent years to highlight this grave injustice. Many women were forced to give up work, as everybody knows, and stay at home. They reared the next generation. In fact, some of those present are of the generation in question. The women have been given no thanks for what they did and are basically treated as second-class citizens.

We talk about how the problem should be resolved. All evening I have been listening to comments on who did what in 1977, 1997 or 2011. That is not going to solve it. We have to find a way of solving this and moving forward. To be brutally honest, we have to be careful about bringing people up to the top of the hill and leaving them there. Many people rang me today and asked whether the matter will be dealt with when the vote goes through. The answer is that it will not. I have not been a Deputy for that long but I have seen many motions on subjects that have featured for months but in respect of which nothing happened. This is because a motion is not legislation or a budget. People need to be told that straight out. Unless those in opposition all work together and do not support a finance Bill, or unless some deal is done, no change will be made. I have listened with interest to Deputy Penrose, who has said there would be money in a fund. We should not hesitate in this regard.

We also need to bear in mind that it is not only women who are affected. There are men who have contacted me and who are caught in this scenario also. We must ensure we treat all

our elders equally. It is awfully unjust if people who stayed at home to rear a family or men who went away to England to work and came back do not get fair play as a result of a break in credits. This needs to be sorted out.

**Deputy Michael Harty:** This issue constitutes financial discrimination, mostly against women who took time out of their working lives to rear their children and care for their families and who, prior to 1973, were forced out of the workforce by the marriage ban, which was correctly described by the Minister for Finance during the week as “bonkers”. The inequality in contributory pension payments that arises from this anomaly is, in effect, an institutionalised pension levy on homemakers and caregivers. Such a levy needs to be corrected as a matter of urgency. The changes introduced by the former Minister for Social Protection, Deputy Joan Burton, in 2012, during the term of the previous Government, caused a pension reduction by introducing a new requirement for a higher number of PRSI contributions, a new averaging rule and new bands relating to the number of contributions paid divided by the notional number of years worked, including years taken up by rearing a family and, perhaps, holding down a part-time job as a student. In 2012, the rules were changed, which has resulted in a reduction of €1,500 per year in the pension. Some 36,000 women have been affected by this. Two thirds of those affected are women. Those who retired before 2012 were not affected by the changes. Women rearing their children prior to 1994 did not have their absent years taken into account.

The pension rules are complicated but close examination reveals discrimination inherent in the system, which was driven by austerity in an unfair manner. The legacy issues must be addressed. The anomaly ignores the social and historical context of how women ran their lives and how they worked as homemakers. The State contributory pension scheme is heavily gendered, in favour of men, who historically were paid more than their female counterparts. The anomaly needs to be addressed immediately. A pension change that is introduced should not have any losers, no matter how small the numbers. In this case, however, it is 36,000.

Austerity has many legacy issues, including the housing shortage, homelessness, health care waiting lists and, now, pension levies. The Minister for Finance stated that he will move to a pension system which takes account of the entirety of people’s contributions. This inequality needs to be corrected over as short a period as possible if we are to have any credibility as a republic of equal opportunity.

**Deputy Danny Healy-Rae:** I am very glad to say a few words on this but I am very disappointed that the woman, the Deputy, who caused this trouble is not present to hear this debate. I do not like talking behind someone’s back but, be that as it may, I will say what I have to say. It was the former Tánaiste and Minister for Social Protection, a woman who was supposed to have been representing women, who signed off on this anomaly, which has affected so many women adversely around the country. I first came to know about this in and around 2014. It took me a long time to get my head around what was going on. It took me a good while to understand what has happened. What has been done to the women of Ireland is totally unfair. I refer to the women who are not getting their full pensions and who have been subject to cuts of €30 and €40. As I understand it, there are some women who are getting no pension but whose husbands are getting a payment for them. I do not know who organised that or set that scheme up, but that is totally unfair. It is degrading for a woman. That system must be rectified as well.

What was done to these people, lovely women, is the height of blackguarding and we have highlighted that fact. While I support the motion, I am disappointed that Fianna Fáil could not have a positive input and ensure that the matter was redressed in some small way so that the

affected women would get some start and be recognised in the way they should be.

Let me give an example of what is happening. Two sisters went to work at the same time in the 1970s. One of them had a stamp paid for her while the other girl worked in the black economy. The woman who worked in the black economy, when she went back to work in the late 1980s or early 1990s, is getting a full pension while the other, who paid her stamps, has had her pension cut by €30 or €40. That is very wrong.

**Deputy Michael Healy-Rae:** I thank Deputy O’Dea of Fianna Fáil for bringing this motion before the House. It is very important. I will give the lady her proper title. Like my brother, I do not like talking about anybody when she is not present. “Wonder Woman” is how she was known at the time by her favourite pets in the newspaper organisations. They used to call her Wonder Woman; I will never forget it. I will never forget them, and they know who they are. They gave her that title in their own infinite wisdom. Wonder Woman did this to respectable ladies, hardworking women who did an awfully important job: they reared families. They were workers and wanted to help their families but they lost out. They are losing out every week. People only live for so long. These women are being disenfranchised.

I have seen in reports today which indicate that the Government will address this situation in 2020. That is not good enough.

**Deputy Regina Doherty:** That is not true.

**Deputy Michael Healy-Rae:** I really hope I am wrong. If the Minister could tell me I am wrong I would be delighted. If the people who reported that today are wrong I would be very pleased to hear that also. A couple of years is a very long time when one is relying on one’s pension and €20 or €30 a week is a significant amount of money when one has reached pension age. It is fine for people that are earning and who are able to go out to work. They have their own troubles but when one is in retirement and depending on the pension one’s money is tight and curtailed. I plead with the Government to address this anomaly. I am delighted that the Minister, Deputy Regina Doherty, was shaking her head to indicate I was wrong about 2020. I would be delighted if I am wrong. I call on the Minister to clarify the position.

**Deputy Mattie McGrath:** In July the Joint Committee on Social Protection published a review of the contributory State pension. Some of the main recommendations made by the committee include the fact that the joint committee is of the view that the current averaging system is inequitable and a new type of contribution system should be devised. The joint committee noted that the Minister is considering the introduction of a total contribution system to replace the averaging system. However, the joint committee believes that proposals should be developed for a universal pension payment to replace the State pension, contributory and non-contributory.

Is it not strange that there is not one representative of the Labour Party here? I think I saw one of them speak earlier but given that the then Minister-----

**Deputy Danny Healy-Rae:** Wonder Woman.

**Deputy Mattie McGrath:** Miserable woman I call her for the way she treated people. The joint committee considered that the 2012 changes, specifically-----

**An Leas-Cheann Comhairle:** I am not sure that is parliamentary language.

**Deputy Mattie McGrath:** All right but I think I am parliamentary enough at this stage. The joint committee recognises that pension recipients deserve to have a feeling of stability and security about their incomes, and urges the introduction of some form of indexation of pension rates. Family carers, women who stayed at home to mind sick children, sick husbands or their in-laws are the hardest hit. It is a mean system.

I reserve some criticism also for Deputy O’Dea and his colleagues. They have provided the supply and confidence arrangement. They should have started somewhere. Charities got a mere €5 million. The Minister must start somewhere in order to rectify the situation.

The Minister for Finance, Deputy Donohoe, referred to the system being “bonkers”. Successive Governments - I was a member of one myself - have continued with this approach and it is being perpetrated on people who have contributed, who were homemakers, and who provided a good service to the State at a time before there was ever child care, crèches or free child care years. There are significant blocks.

What about the republic of opportunity? I said when the former Taoiseach, Liam Cosgrave, died that he was a man who looked after that long before our newest whizz kid on the block, the current Taoiseach, thought of the republic of opportunity. To hell or to Connacht with the women. It is a disgrace. I am meeting women and men, but mainly women, carers and many proud mothers who are €35 a week worse off, up to €100. Shame on this House for continuing to treat them in this way. I know we could not change it all overnight but surely we should attempt to rectify the situation. We talk about equality in many areas but this is the most glaring inequality affecting married women that we will ever see. It is a disgrace.

**Deputy Róisín Shortall:** I wish to share time with Deputy Catherine Martin.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed. There is a total of nine minutes.

**Deputy Róisín Shortall:** I very much welcome this motion which the Social Democrats will be supporting. It begs the question of why this issue was not dealt with in the context of the confidence and supply agreement and, furthermore, why it was not dealt with in terms of the budget that we have just put through this House. One would wonder why Fianna Fáil would seem to have come to the issue so late in the day in terms of proposing solutions to this problem, even though I acknowledge it has been raising it for some time.

The changes introduced in budget 2012 by the then Minister, Deputy Joan Burton, have given cause for a lot of concern among many people, in particular women. It was said at the time by the Minister that, “a core principle of sustainable social protection systems in advanced economies is that citizens receive benefits in proportion to their contributions”. That all sounds fine and perhaps people were misled by that but it is not what happened. The reality is that the changes to the bands in terms of qualification for a State pension impacts very negatively on many people and disproportionately affects women because they are far more likely to have engaged in irregular and low-paid work. In addition, we know that in the main it has been women who have taken time out of the workforce in order to engage in caring for their children or caring for other family members. Again, that is the reason it disproportionately affects women.

Added to that we had the prevailing circumstances of the time in recent decades. In the first instance it was the accepted norm that families would operate on the basis of a single income and generally have a male breadwinner. There was also the marriage bar and little or no support for child care. All of those issues conspired to give rise to a situation where women took time

out of the workforce to look after families in the main and it would seem they are now being punished for having done that.

The changes that were introduced do not recognise the reality of life for many women who took time out. That reality of the need to make provision in the social welfare system is recognised in the subsequent homemaker's scheme. That is a very important scheme and it does recognise the principle that credit must be provided in terms of social welfare for those years taken out of the workforce. That principle has been accepted in the homemaker's scheme but, unfortunately, the Government seems to be not prepared to accept the principle in respect of qualifying arrangements for pension provision.

There is a solution. We know that it would cost an estimated €60 million this year to sort out the problem and it would be approximately €10 million in each year subsequent to that. That is possible. It is what this motion is calling for. What the motion does not do is identify where the money will come from. I want to identify where the money will come from because we know that in 2013 the then Minister for Finance, Deputy Michael Noonan, gave an undertaking to this House. He promised to restrict tax relief on private pension pots to ensure that any tax benefit would be limited to a pension of no more than €60,000. A pension of €60,000 is very substantial. He promised to limit it but, unfortunately, he did not follow through on the promise. What he did was to introduce a minor change but he did not go the full way. That has resulted in a situation where Ministers and senior officials are now entitled to pensions of up to €100,000. What we need to do now is deliver on the promise made in 2013, make the necessary changes in this year's Finance Bill and that will provide us with a figure of €120 million to address this serious problem that has been created through the 2012 changes.

**Deputy Catherine Martin:** Tá an Comhaontas Glas sásta tacaíocht a thabhairt don rún seo. Maidir leis an mhíchthromaíocht atá á léiriú ag córas pinsin an Stáit i leith na mban sa náisiún seo, is léir don dall nach bhfuil meas a léiriú ag an Rialtas ar na mná seo. Agus mar sin, mar shocáí agus mar pholaiteoirí, caithimid dul i ngleic leis an éagóir seo gan mhoill.

The pension gap has widened in recent years between men and women, with women now having, on average, 37% less of a pension to live on than men. The introduction in 2012 of new bands for pensions, the homemaker's scheme not applying prior to 1994 and the marriage bar are all measures which discriminated strongly against women, and they all continue to maintain discrimination in society and the economy today.

The Taoiseach said that he planned to "reward work and enterprise" in budget 2018, but it appears that fair pensions for women forcibly barred from work by the State were not on the radar of his so-called just society or republic of opportunity. The Green Party has submitted an amendment to this motion seeking the homemaker's scheme to be applied retrospectively to 1973 and calling on the Government to indicate a timeline to eliminate this patent discrimination which the Minister, Deputy Donohoe, has described as both "bonkers" and "unbelievable".

In 2012, the previous Government introduced changes to the eligibility criteria for the contributory State pension, changes which adversely and disproportionately affect women. The Government seems intent on continuing this discrimination, as it indicates plans to replace the current system with the "total contribution" approach for "new" pensioners from 2020 - the key word here being "new", as the Government will be ostracising pre-2020 pensioners by excluding them. The Green Party amendment to the motion calls on the Government to ensure that any such introduction would apply to all contributory State pensions and pensioners.

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I commend Deputy O’Dea on bringing this motion before the House. However, it is a shame this issue was not a priority in the lead-up to the budget. Thus it did not feature in budget 2018. That is most regrettable. It is a missed opportunity, but not only on the part of the Government. Where was the Fianna Fáil voice when it was needed and could have made a difference for thousands of women in budget 2018?

At last, this campaign, which has been championed by the National Women’s Council of Ireland, Age Action Ireland and the Irish Countrywomen’s Association, is gaining momentum. The Fianna Fáil intervention today, however belated, is still to be welcomed because it is never too late to do the right thing. It is better late than never.

During the past week we have heard many Government politicians talk the talk about how unfair the current pension system is. Despite the candid admissions, there remains a deep reluctance on the part of Government to give any firm commitment to redress this issue effectively and fairly. The demands of these people, mostly women, are not unreasonable. They simply seek equality and justice, and they are right to insist on these. When discussing pension contributions, we should not forget the contribution these women have made to society. Their valuable contribution to society is clearly underappreciated and undervalued by this Government. The thousands of women who continue to be forgotten by this Government deserve more than recognition of their plight. They deserve so much more than words. They deserve equality.

**Deputy John Curran:** I intend to share time with Deputy Michael Moynihan and Deputy Fleming.

During the course of this debate a number of political charges have been made against our party. I am not going to respond to them at this stage. I will leave that to Deputy O’Dea in the summing up.

Some of those listening to the debate might think this issue has not been discussed or highlighted. However, it has been brought up over several years. In particular, it was highlighted during last year’s budget. The Joint Committee on Social Protection looked at this in significant detail over the course of the year. The purpose was to examine the matter in a timely fashion and make recommendations in advance of the budget. Deputy John Brady was on the committee and he understands the process. We did it faithfully and honestly. We did not simply publish a report and leave it at that.

I regret that the Minister is not in the Chamber now because I would like to address her directly on this point. In advance of the budget on 28 September, the Minister attended the committee. I raised this matter with her, and I have before me the transcript of the debate. It is not as though she was not familiar with the issue or that the issue had not been addressed in significant detail, because it had been. The Minister addressed the committee that day, and Deputy Brady will probably remember that during the course of her opening statement she said it would be of use to her in preparing the budget if two or three issues of concern to the committee were highlighted. On concluding the meeting, I put it to the Minister that the two issues of most significance to the committee were the two areas where we had prepared reports: the areas of pensions and lone parents. Let us make no mistake, the Minister was aware of the anomalies that existed and of the priorities of an all-party committee in which there was agreement on the issues. We made the issues clearly known.

I am disappointed by the outcome of the budget because this issue was not addressed in

any sense. I listened today to the response of the Minister with great interest. She gave all the reasons this could not be done. I put on record that the pensions element of the social welfare budget is €7.5 billion, and yet we need approximately €60 million to address this issue in 2018. Are we really saying that these people who dropped out of the scheme and who were put on a new scheme in 2012 are to be left languishing? We have heard the Minister and the Taoiseach refer to how we need to introduce a new system. We talked about the anomalies that exist and, in the Taoiseach's own words, not doing things in a piecemeal manner, yet that is exactly what the 2012 changes were. They were decisions and actions taken in a piecemeal manner. Women have been adversely affected by 2:1. They had no choice and there was nothing they could do. They were already working and in the system. They are being treated differently simply because they got to pension age after 2012.

In her contribution tonight the Minister spoke clearly about the other schemes, including a contributory pension scheme versus a non-contributory pension scheme and what could be done. However, this would apply equally to people who were in the pension system before 2012. We have an anomaly of unfairness and it needs to be dealt with. We need to be clear in the House tonight when we discuss this issue. Many people have talked about the big picture and the changes that will come from moving from the averaging system to a new system. That does not necessarily address the cohort of people who have been adversely affected from 2012, because they may not be accommodated in the new system.

The committee was clear in its findings. We recognised that the averaging system had anomalies and was not working as intended. The Taoiseach, who was formerly the Minister for Social Protection, and the current Minister clearly indicated they were moving to a new system of total contributions. The committee made several recommendations. The most important was the recommendation that while the Minister was getting on with the job of developing a new system of pension payments based on total payments, the 2012 changes should be postponed, averted or rewound. Moreover, the people now caught in that category should be dealt with fairly. The committee clearly wanted a suspension of the changes made in 2012 while the new programme was rolled out.

On a personal note, I am sorry the Minister is not here today. I am disappointed with her comments on my party. I took personal offence when she said this party could not be trusted. I am Chairman of the committee that has worked closely with the current and previous Ministers. We have done nothing but treat the Ministers on the other side of the House with courtesy and respect. We have done our work as a committee in a diligent and fair manner. We have honoured the confidence and supply agreement. Not only have we carried it out to the letter, but also we have acted within the spirit of it. The Minister's comments should be withdrawn. This side of the House deserves an apology for those unwarranted remarks.

**Deputy Sean Fleming:** I wish to join in the debate because this issue of the unfair treatment of women in respect of their State pensions has been well known by many people for a long number of years. I have raised this matter in the Dáil on several occasions over recent years, both in the Chamber and by way of parliamentary question. I would go so far as to say that it is not an anomaly. It was actually a decision by the previous Fine Gael-Labour Party Government to attack women.

During the course of 2012 and 2013, I responded to the various budget statements issued by the then Ministers, Deputies Noonan and Howlin. On all occasions we highlighted a lack of gender proofing. There was a concerted attack on women by the previous Government. It did

this to hit people - females - who were coming to pension age and who wanted the full State contributory pension. During that period, the Government also cut child benefit, which was payable in practically every case to the mother. The Government also cut the one-parent family payment, which in practically all cases was payable to the mother. The Government actually reduced the maximum qualifying age of the child at which a mother can claim the one-parent family payment. There was a concerted attack on women's rights by Fine Gael and the Labour Party when they were in government last time around. It is no wonder we are here today.

We have raised this time after time. We have asked for these issues to be dealt with. Essentially, we all know the situation. Women who have worked for their full lives, some of whom have worked more than other colleagues in the workforce, get less of a pension because their years of contribution are averaged out, in some cases over 51 years. This came to my attention first when the State pension of a lady was cut by €30 per week, which is €1,500 per annum. This was all because she did three weeks of work when she was a teenager during the summer holidays. Had she not worked, she would have got a full pension.

This system is perverse. It penalises people who work early in their lives. It penalises women and it needs to be reversed. We want a timetable for when the Government will address this. It is unanimous that this has to be dealt with. I call on the Government to give us the timetable. If a Supplementary Estimate is required, we will assist in that.

**Deputy Michael Moynihan:** I thank my colleagues for the few minutes available to me. This is a serious issue. The 2012 Act that was changed has detrimentally affected people. Other parties spoke, criticising our party for putting down this motion. Many anomalies in this pension system go far back, such as the *pro rata* pension that was introduced because self-employment was included in 1988 and in 2010 when there was an attempt by the Department to take farmers' wives' pensions off them and the Attorney General had given advice that it should be removed. An amendment put down by former Deputies John Cregan and Noel Ahern and by myself resolved the issue, against the advice of the Attorney General, but we were proved right in the documentation we put before the House.

It was clearly known at the time how the attack in 2012 would affect people. It affects men as well as women, particularly men who worked in business. No PRSI was paid for self-employed people up to 1988. They would have had jobs off-site that they would have worked in their earlier years and then when it came to their contributions, there was a huge gap and they would be left without pensions. Men and women are affected by it, but predominantly women. We see now, as people come on board, that the Department has over the last weeks refused to send out PRSI records to people. They must now go online for those records. These are people heading into their mid-60s who may have no access to broadband or computers and they are told that they do not get a paper copy of their records. The simple issue here is how the 2012 Act was implemented by Deputy Joan Burton, with all the wailing that she went on with prior to 2011 when she was on the Labour benches, to give a fair assessment of her speeches, and again when she went to the other side. This is her legacy for the women of Ireland. It is a very dangerous legacy and we need to find a way to address it because men and particularly women are being extremely badly treated by this legislation.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** Taking into account the views of Deputies on this debate so far tonight, I want to reiterate the Government's recognition of the need for fairness and equity in the provision of State pensions and the importance of the issues raised. The State pension system is of primary

importance in the provision for the old age of our citizens. There are approximately 680,000 persons over 66 expected to benefit from State pension payments next year. Regardless of work history, breaks in employment or years out of the workforce, the State non-contributory pension provides a basic level of income. There are generous disregards in this means-tested pension which means that pensioners are protected against poverty. The State contributory pension is a social insurance based scheme for those who have contributed to the PRSI system. It is complex and while it has pros and cons, some of these stem from the history of the State pension system and the type of society it was devised in.

As we all know, Ireland of 2017 is very different to the Ireland of 1961 and the breadwinner model on which the State pension was based. Women's participation in the workforce has changed radically over the intervening decades. Spending on State pensions has increased rapidly in recent decades. This year, the cost is €7.3 billion. This is estimated to increase by €1 billion every five years due to the increase in pensioners. These projections mean that there are big sustainability and affordability challenges in the years ahead and we must start to address them now. The State contributory pension comes from the Social Insurance Fund which is funded on a pay-as-you-go basis. That means workers of the day pay for the pensions given to older people. The policy choices we make today must be made carefully so that we can continue to pay good State pensions in the future. The Government wants to combine increases in the rates of pensions with reforms that make the system sustainable for future pensioners. The motion, which proposes to make changes to the State pension, would cost €70 million next year to reverse the rate band changes and €290 million to backdate homemakers' disregards prior to 1994. This is a significant amount of money and would increase in every following year as the number of pensioners increases. To do all this would undermine the affordability and sustainability of pensions in the medium term and will not allow for the wider structural reforms that are needed, such as the total contributions approach which was mentioned earlier.

When the contributory pension was introduced in 1961, a yearly average approach was used for calculating entitlements. The reason was that, as reckonable social insurance had just been introduced eight years previously, no one would have had the 30 to 40 years of contributions necessary to be paid under a total contribution approach. However, the yearly average approach would allow many people to qualify for a full pension quickly. With the extension of PRSI over the years, notably to self-employed and farmers in 1988, a total contributions approach can be used from around 2020 without disadvantaging people in those sectors. They will have had a 30 year window to accumulate contributions. The main difficulty with the yearly average approach is that it is possible for people to start paying social insurance much later in life and still qualify for a pension at the maximum rate. This is not fair on those whose pension payments are more proportional to their contribution to the system. The total contributions approach reform will remove this unequal outcome.

The yearly average system resulted in reduced pensions for those who had taken time out of the workforce to look after their families. The homemaker's scheme was introduced from 1994 to alleviate that. It makes qualification for the contributory State pension easier for those who take time out of the workforce for caring duties. It allows caring or homemaking gaps of up to 20 years to be disregarded from 1994 when a person's social insurance record is being averaged. Backdating the homemaker's scheme at the time to include periods before 1994 would have been extremely expensive and there would have been much less money for improvements in pensions for more people. Backdating the scheme now would still be costly, at an estimated €290 million.

The rate bands of the State pension contributory have been discussed in great detail. The current rate bands applying to the State pension contributory were introduced from September 2012, replacing previous rates introduced in 2000. It must be pointed out that rate bands prior to 2000 were less generous, and the improved rate bands introduced in 2000 were a feature of the economic and political environment at that time. The economic crash changed the focus and the core rates of the pension, which many other pensioners were solely dependent on, were not reduced. Instead, the rates for people who had additional means and lesser PRSI contribution records, were reduced. The 2012 rate bands more closely reflect the social insurance contributions history of a person than those in place between 2000 and 2012. The current rate bands still provide pensions to people which are not proportionate with their level of contribution. A person with only 20 years of contributions over nearly 50 years will still get an 85% pension. Had all pensions been cut, regardless of means and contribution records, the hardest hit would have been pensioners with no additional incomes, those paid a State pension non-contributory, and widows and widowers living alone on only one pension payment. A significantly higher proportion of such pensioners are women and such an approach would have affected them badly. People on the lower rate bands with other income which meant they did not qualify for a non-contributory pension, which is 95% of the contributory pension, are generally in a better financial position than those solely dependent on the non-contributory pension, as otherwise they could claim that payment instead. Changing these bands would give additional money to people who already had means and nearly 40% of those are men. It is estimated that to revert to the previous bands from January 2018 would result in an annual cost of over €70 million in 2018, and this annual cost would increase by an estimated €10 million each following year.

It is intended to introduce the total contributions approach replacement for new pensioners. This will make the rate of contributory pension more closely match contributions made by a person. The position of women who have gaps in their contribution records as a result of caring duties will be considered very carefully when developing the new model. A public consultation is planned on this reform, and this will provide an opportunity for people to submit their views on what they want to see in this reform. It must be noted that the pension system is very effective in protecting both men and women from poverty and social exclusion. The average pension payments made to men and women over 66 years of age are within approximately 1% to 2% of each other and figures from the CSO show that while 2.9% of men over 65 are in consistent poverty, only 2.6% of women in that age category are in consistent poverty. EU statistics also show that the gender gaps among the elderly in Ireland are much narrower than across the European Union. Among those over 65 at risk of poverty and social exclusion, the gap in Ireland, of 2.1%, is half the gap across the European Union.

The main aim of Government policy on pensions is to make sure that pensions are affordable, sustainable and keep their value in the coming years. The reforms that are planned will result in a more inclusive and fairer pension system for all citizens. The Minister has acknowledged the need to examine how many people, mainly women, who spent time out of the workforce for child-rearing and caring duties are impacted by the current system. I ask that consideration be given to allow time for this examination to take place so that a fair approach can be developed to tackle the issues debated here. Any changes need to be effective, fair and proportionate and in line with the reforms planned.

**Deputy Mary Butler:** Fianna Fáil has brought forward this motion as its Members believe steps must be taken to address the inequity in the pension system that disadvantages women, in particular, but also men. Fianna Fáil Deputies the length and breadth of the country have heard

from pensioners, many of whom are women, who were distraught to learn upon reaching retirement they are not entitled to a full State pension.

Contrary to some of the charges made here tonight about Fianna Fáil being late to the party, I welcome my colleague, Councillor Michael Sheehan, who is in the Gallery and thank him for organising a series of meetings over the past 12 months at which both Deputy O'Dea and I spoke with members from Age Action and from the Irish Countrywomens Association, ICA. I welcome them all here tonight. It is lovely to have them here. Moreover, I decided to look at my diary to ascertain when I, as Fianna Fáil spokesperson for older people, first met Justin Moran from Age Action on this issue and contrary to what had been stated, it was 17 months ago. It is good to have an electronic diary as one can find out such details. The charge made by the Minister earlier that this motion arose out of an issue raised during post-budget discussions is another anomaly. I am delighted to put on record that my party's spokesperson on expenditure, Deputy Calleary, met the Minister, Deputy Donohoe, on 4 October. I am glad to note the Taoiseach cleared up that point today.

As for Sinn Féin, we are well used to the politics of attack. I do not expect anything else. However, I noted that while the spokesperson for social protection from Sinn Féin was speaking, he omitted the fact that we had tabled an amendment to the motion he had brought forward. I also was surprised that while discussing the motion, he spent half his time attacking Fianna Fáil and not discussing the issue to hand.

The issue is gathering momentum and people are wondering why. The reason is that as more people reach the age of 66, they realise to their absolute horror that having worked for most of their lives they are not entitled to the full pension after the changes introduced in 2012 by Deputy Burton, then Tánaiste and Minister for Social Protection. Deputy Burton has said she now regrets them but the regret does not put the €15, €25 or €30 per week back into the pensions of those who are missing out on those amounts.

The current pension system, which is based on an averaging system, disadvantages women in particular who took time out of the workforce for caring and child-minding duties. The situation was further exacerbated by the disastrous changes introduced by Fine Gael and the Labour Party in 2012. Of the 36,000 people affected who receive a lower pension because of these changes, 62% are women but I also refer to the 38% who are men. Age Action, which I spoke to again today, states it has been contacted by many men who, during different recessions over the years and during downturns in the economy, had to travel abroad, mostly to the UK, for work in order that they could support their families and send money home. Case studies have shown that a woman with twice as many PRSI contributions as another person can have her pension greatly reduced because of the changes made in 2012.

The Government must outline a roadmap over the course of a number of budgets to bridge the gap and end the inequality that is clear for every right-minded person to see. The State has a role to play in leading the way and ending gender discrimination in this country. It needs to start with this glaring obvious problem that is affecting so many of our citizens.

**Deputy Willie O'Dea:** I thank everybody who spoke here this evening and I thank people for the support they have expressed for the motion. Nevertheless, there are a few matters I have to clarify.

Deputy Brady stated that we refused to support the exact same motion as the one before the

House when he put it forward. The motion the Deputy put down is the same motion as he has tabled tonight, including his amendment, which would cost more than twice as much money. It is a different motion. We amended the Deputy's motion to focus on this particular anomaly. That is what we supported and that is what was actually passed by the Dáil.

**Deputy John Brady:** It was specifically calling for the reversal of the changes.

**Deputy Willie O'Dea:** When Deputy Brady is purporting to tell the truth, he should learn to tell the whole truth.

**Deputy John Brady:** The whole truth, so should Deputy O'Dea.

**Deputy Willie O'Dea:** The fact of the matter is that Sinn Féin has no interest in pensioners. It has no interest in people in receipt of social welfare benefits and I will tell Deputy Brady why. After the last general election with a weakened Deputy Enda Kenny looking for support, Sinn Féin could have approached him and said, "Look, we want to do all those wonderful things that we are talking about", and the door would have been wide open to it, but Sinn Féin did not. Deputy Michael McGrath, my colleague, said Sinn Féin Members prefer to remain as hurlers on the ditch but I prefer to think of them as snipers behind the ditch. That is Sinn Féin's role, and that is in its character.

**Deputy John Brady:** Deputy O'Dea was the first sniper earlier to come with something like that but he is in a position to do something in the different areas.

**Deputy Willie O'Dea:** You were a mass sniper earlier on.

**Deputy John Brady:** You are in the position now to do something about the various matters.

**An Leas-Cheann Comhairle:** Deputy O'Dea, without interruption. Deputy Brady got his opportunity.

**Deputy Willie O'Dea:** I did not interrupt Deputy Brady but we are used to this sort of militaristic fascism from Sinn Féin. When they do not like what you are saying, they shout you down.

**Deputy John Brady:** Who was shouting me down?

**Deputy Willie O'Dea:** They shout you down. They do not let you talk. That is it. That is the line.

**Deputy John Brady:** Who was shouting me down?

**Deputy Willie O'Dea:** I was not.

**An Leas-Cheann Comhairle:** Act responsibly.

**Deputy John Brady:** Deputy O'Dea was shouting me down.

**Deputy Willie O'Dea:** I was not.

**An Leas-Cheann Comhairle:** Deputy Brady, please.

**Deputy Willie O'Dea:** We might as well put a candle in the window for Shergar as ask him

to act responsibly.

**An Leas-Cheann Comhairle:** It has been an orderly debate and we want to conclude in an orderly fashion.

**Deputy Willie O’Dea:** Second, Sinn Féin has happily presided over a starvation system of social welfare in Northern Ireland where those in receipt of the old age pension are getting paid approximately €100 per week less than those down here are, and they come down here lecturing us. In Northern Ireland, the rate of carer’s allowance is €69 per week.

**Deputy John Brady:** Rates set at Westminster.

**Deputy Willie O’Dea:** It is approximately €200 per week here and they are lecturing us.

**Deputy John Brady:** It is set at Westminster.

**An Leas-Cheann Comhairle:** Deputy Brady should have respect for the House. The Deputy got his opportunity and I have to exercise control.

**Deputy Willie O’Dea:** He has no respect for democracy, that is his problem. If he keeps talking, I will keep answering him.

I asked Deputy Brady quite recently why Sinn Féin did not make this a priority when it was entering the Executive in the first place. Why did they not say they would not enter into government in this country and preside over a starvation rate of social welfare? A second question to Deputy Brady is, why did Sinn Féin not decide to bring down the Executive then, when the rates of social welfare payable to some of Deputy Brady’s supporters were so inadequate? Sinn Féin decided to collapse the Executive, based on a scandal admittedly, with regard to some sort of heating payment scheme, the details of which escape me-----

**Deputy John Brady:** Corruption.

**Deputy Willie O’Dea:** -----but if Sinn Féin really wanted people to be paid rates of social welfare in Northern Ireland, why did it not collapse the Executive on that? It obviously had a different priority. Do not lecture me about priorities.

**An Leas-Cheann Comhairle:** Through the Chair.

**Deputy Willie O’Dea:** It is ironic that Sinn Féin comes in here obviously so worried about women. The only women I read about are the women who are being bullied out of Sinn Féin. That is the only thing I read about or hear about. Do not try that caper with me because you certainly will not succeed. You can bully young women but you certainly will not bully us.

**Deputy John Brady:** Sorry, I never bullied anybody. That is a specific charge.

**Deputy Willie O’Dea:** Your party.

**An Leas-Cheann Comhairle:** Deputy Brady, you had an opportunity.

**Deputy John Brady:** That was a specific charge that I bully women. I ask him to withdraw that comment.

**Deputy Willie O’Dea:** I withdraw nothing.

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**An Leas-Cheann Comhairle:** Deputy O’Dea, through the Chair.

**Deputy Willie O’Dea:** I said Sinn Féin has bullied women.

**Deputy John Brady:** Sorry, a Leas-Cheann Comhairle, I ask him to withdraw that comment. I have never bullied anybody. That is a very serious charge.

**An Leas-Cheann Comhairle:** Deputy O’Dea.

**Deputy John Brady:** I ask him to withdraw that comment.

**An Leas-Cheann Comhairle:** Deputy O’Dea, through the Chair.

**Deputy John Brady:** I ask him to withdraw that comment, a Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** It is a parliamentary debate.

**Deputy Willie O’Dea:** I did not accuse you.

**An Leas-Cheann Comhairle:** Deputy O’Dea, through the Chair.

**Deputy Willie O’Dea:** I want to make it clear I am talking about the Sinn Féin Party, not Deputy Brady.

**Deputy John Brady:** I ask him to withdraw that comment.

**An Leas-Cheann Comhairle:** Through the Chair. It is a matter for-----

**Deputy Willie O’Dea:** It is typical.

**An Leas-Cheann Comhairle:** I cannot force anybody.

**Deputy John Brady:** That was a specific charge made that I have been engaged in bullying women.

**Deputy Willie O’Dea:** It is typical. He asked me to say something and-----

**Deputy John Brady:** Hold on, I am not the one who has been in court for mistreating women.

**Deputy Willie O’Dea:** -----then he will not give me the chance to say it.

**An Leas-Cheann Comhairle:** Deputies, I will adjourn the debate.

**Deputy John Brady:** I am asking you to withdraw that charge against me.

**An Leas-Cheann Comhairle:** Deputy Brady, please.

**Deputy John Brady:** I have never been engaged in bullying anybody.

**An Leas-Cheann Comhairle:** Deputy Brady and Deputy O’Dea, I would ask both of you to address the Chair, and if there are any personal accusations-----

**Deputy John Brady:** A Leas-Cheann Comhairle, I am asking you-----

**An Leas-Cheann Comhairle:** Deputy Brady, hold on.

**Deputy John Brady:** -----to call for Deputy O'Dea to withdraw that comment.

**An Leas-Cheann Comhairle:** Deputy Brady is long enough in this House to know that if the Chair is on its feet, both of you should take your seats. I am asking both of you to refrain from across the Chamber charges and any debate has to be through the Chair. We will bring it to a conclusion shortly.

**Deputy Willie O'Dea:** I did not make any charge specifically against Deputy Brady.

**Deputy John Brady:** Yes, you did.

**Deputy Willie O'Dea:** I made a charge against his party.

**Deputy John Brady:** We will check the record. Yes, you did.

**An Leas-Cheann Comhairle:** Deputy Brady.

**Deputy Willie O'Dea:** If you say I did, you misinterpreted what I said.

We also had a lecture from the so-called left here, stating Fine Gael will not do this in government and Fianna Fáil will not do that in government. The irony is that those to whom I refer do not want to be in government at all. They want to be shouting from the sidelines permanently. Toy town demagogues, that is what we are dealing with here. How can people lecture any of the major parties in this House about what they will and will not do in government when those individuals have absolutely no intention whatsoever of serving in government themselves?

I am disappointed with the Government's response. It is talking about the whole matter being examined, analysed, reported on, trashed out and legislated for again. As I said previously, however, Age Action has done all of this work already. It is pure prevarication on the Government's part and nothing else. I listened to the Minister of State, Deputy McEntee, saying that we need to give the Government time to go through all of this consideration. Time is one thing that the elderly do not have. I know people who were adversely affected by the changes introduced in 2012 and who have died in the interim. The more time we provide in respect of the changes the Government is proposing, the fewer people will benefit from them. The benefits will end up being paid to their estates. What I am seeking is a definite timetable in respect of those changes promised by the Minister in the amendment she tabled.

Amendment put.

**An Leas-Cheann Comhairle:** In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 19 October 2017.

The Dáil adjourned at 8.50 p.m. until 10 a.m. on Thursday, 19 October 2017.