



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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## DÁIL ÉIREANN

*Déardaoin, 16 Samhain 2017*

*Thursday, 16 November 2017*

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

***Paidir.***

***Prayer.***

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### **Committee on the Future of Healthcare Report: Motion (Resumed)**

Debate resumed on the following motion:

That Dáil Éireann shall consider the Report of the Committee on the Future of Healthcare, entitled ‘Sláintecare Report’, copies of which were laid before Dáil Éireann on 30 May 2017.

- Deputy Róisín Shortall.

**Deputy Joan Collins:** On the adjournment of the debate on 22 June, I made a point about sections 38 and 39 bodies not being addressed in the report and that there would be future reports on the matter. I made the point that we would have to deal with that at a later stage. We have moved on a lot since 22 June. The commitments made by the Minister for Health and the Taoiseach on the all-party Sláintecare proposals on health cannot be taken with anything other than a grain of salt. We are now 21 weeks on from that debate in the Dáil. The report was laid before the House in May. Sláintecare is a ten-year plan to implement a properly funded, universal health care system similar to the NHS. It will not be implemented if the Department of Health is in charge of the process. The Department is littered with abandoned reports and policy documents on reform. If the mandarins do not want something, they kill it by sitting on it, setting up a committee and hiring consultants until it is forgotten that there was a report. The fact that the report was laid before the House on 31 May and that we are only coming back to it in November reflects the same attitude in Government.

Sláintecare was very specific for that reason. The report recommended an implementation office in the Department of the Taoiseach, rather than the Department of Health, to be fully funded by October 2017. It recommended that a highly independent lead executive be appointed by July 2017. This post has not even been advertised yet. It recommended that the post would be equivalent to a secretary general. We now believe it will be two levels below that, much to the delight of the powers that be in the Department of Health. These are two key recommendations and they have been ignored. The implementation office is to be in the De-

partment of Health and has not yet been set up. A consultancy group has been hired, no doubt at huge cost, and an assistant secretary general from the Department is to chair a steering group. This is all the usual stuff.

As well as an independent lead executive and an implementation body outside the Department, Sláintecare requires additional investment of at least €600 million a year on top of the normal funding. Budget 2018 provides nothing to deal with it. It does not provide one red cent to deal with the implementation of Sláintecare. Without Sláintecare and without the necessary leadership, oversight and increased investment, we will continue to have a two-tier unequal service which provides extremely poor access to poor health care at a very high cost. I listened to the debate yesterday with the Minister on the increased cost to the health system. He said that he needed to have outcomes as well. This Sláintecare report was, is, and can be the outcome. The Government will fail on this issue if it does not implement the report in the form the all-party committee recommended.

I have seven seconds left and will make one more point. This is world chronic obstructive pulmonary disease, COPD, week. It has not really been addressed in the Dáil and I think it should be. COPD groups are in Sligo today and they will be in Cork tomorrow. I encourage people to attend their events.

**Deputy John Brassil:** I welcome the opportunity to speak on the Sláintecare report having spent nine or ten months putting it together at weekly, and sometimes twice weekly, meetings. At the outset, I acknowledge the work of the chairperson of the committee, Deputy Róisín Shortall, who did an outstanding job and went far beyond the call of duty in respect of the time and effort she put in. I also acknowledge all the other committee members with whom I worked and the work done by the advice team from Trinity College we employed to help us in preparing the report, Dr. Steve Thomas and his team. Again, the team did wonderful work.

We acknowledged very early on in the debate that there is no such thing as a perfect health system. All we can do is try to improve what we have. Trying to model our system on those which other countries have or trying to implement those systems in Ireland does not work because every country's system is different. If one looks at world reports and indicators on health, one might find that Japan has the best system, that Singapore has a very good system and that Australia has a very good mental health system. Each individual country can provide some level of guidance on how to do things correctly. One could look at the values of universal health care in the UK. It has a very good value system but, as we know, that particular system is also currently in crisis. Israel has exceptional primary care. There are exceptional community services in Brazil. Australia tops the list in mental health and well-being. The Nordic countries are at the top of the list for health promotion. The US is strong on research and development and Singapore is strong on information and communications technology. If one was looking for choice, one would turn to France and if one was looking for funding one would go to Switzerland. If one was looking at care for the elderly, one would look to Japan. There is no one perfect system, but there are very good parts of systems. Looking elsewhere to try to find a solution for the Irish system is a waste of time. We need to adapt our system to work for the Irish population.

This report sets a blueprint whereby we can make significant progress over a ten-year period. It recognises that nothing can be solved overnight, but that ten years is a realistic timeframe. We have set out what needs to be done in each individual area and we have provided funding and costing models for those individual areas. We have asked for an implementation

office, which is the key to the delivery of the Sláintecare report. The Minister will recall that at his party's conference last weekend the Taoiseach made specific reference to the Sláintecare report and its delivery. Using Sláintecare as part of a key address at an Ard-Fheis or a keynote conference speech is really not good enough anymore. We need delivery. We need the implementation office to be put in place. Some legislation is required which has not even been started.

As a newly elected Deputy, having spent a considerable amount of time and effort in the belief that the work I was doing was to be of benefit, I am very quickly becoming disillusioned. My eyes are being opened to the fact that we do a lot of hard work, a lot of talking and a lot of huffing and puffing, but when it comes down to it, there is zero delivery. If there is one key message in my contribution to the debate this morning it is that we need to deliver the recommendations. We need to set up the implementation office and start moving the report forward. Many of the contributions made indicated the disillusionment out there, particularly among staff, in trying to get people to come back and work in the system - doctors, nurses, consultants, GPs, physiotherapists, radiographers and so on. Until there is confidence in the Irish health system and people actually believe that they are coming back to work in a system which will give them job satisfaction and a good quality of life, they will not come back. This report has far more far-reaching consequences than might be seen at first.

One of the areas which we identified very early on was accountability. We keep repeating it. Who is accountable? We have set out a very clear pathway. We need legislation for a new HSE board. We need an accountability structure to be put in place so that, rather than passing the buck down the line time after time, people will be responsible for the area of expertise they are supposed to deliver. If there is not accountability in a system, it will never work correctly. We spent a considerable amount of time looking at expansion of primary care. If people only read the key recommendations of the report and nothing else, they will see that it is very succinct and shows a very clear pathway for improving our system. If we can get our primary care network working properly, we will take the pressure of the system further up the line and give our hospitals and care facilities a much better chance of functioning efficiently.

One of the key things the report focused on, and in which I was involved, was care of the elderly, home care packages and the fair deal scheme. At present, the budget line for home care is separate to that for the fair deal scheme. A separate budget line for the fair deal scheme is needed. Unfortunately, the first thing a community welfare team asks an elderly patient who looks for a home care package is whether he or she would consider the fair deal scheme. The community welfare team wants the patients off its budget and onto another budget but the fair deal scheme costs ten times more. That makes no sense. The budgets for home care packages and the fair deal scheme should be part of the same offering because the financial incentive will then be to ensure that a person who wants to stay at home will remain there. That could happen very quickly with a minor adjustment in budgets. I am sure the Minister of State's office is inundated with people seeking home care packages, for five or ten hours a week, in order that they might care for elderly parents or relatives. There is a cost-neutral solution available and all that needs to be done is to implement it.

Another key aspect of the report is the principle of affordability. Those who can afford to pay now are treated first because they have private health insurance and those who do not go into the queue. Any fair society, no matter how it is viewed, must have a system that treats people on the basis of need as opposed to ability to pay. That key recommendation is in the report and it has been costed. Again, a very simple social objective could be achieved if we

have the desire to deliver.

Rather than sing the praises of the report and point out all its good aspects, I ask that the Minister set up the implementation office, have the legislation that is needed to make the key changes in accountability drafted and get this report moving forward in order to give some semblance of hope that we can resolve the crisis in health care. We sat as one unit and worked together towards the goal of improving the health system. If a cross-party report does not get the hearing and respect it deserves, we will never get anywhere in the context of dealing with the crisis in the health service.

**Deputy Brian Stanley:** I welcome the opportunity to speak on the Sláintecare report. We are all agreed that our health care system is in some disarray and that we need to address the problem. I want to deal, in particular, with the emergency services in the Dublin Midlands hospital group as an example of what needs to be done. I will approach this in a constructive way.

Ministers often shout at us about not having solutions. We produced a plan for universal health care two years ago, when Deputy Ó Caoláin was Sinn Féin spokesperson on health. Much of what was in that document is now in the Sláintecare report. The Social Democrats and people from other parties also had a major input to the report. There is broad agreement on that. I raise this issue in a constructive way because we put a great deal of effort into our plan at the time. Deputy Ó Caoláin consulted widely and met people in the sector.

An issue raised by the public, and one that I have come across when interfacing with the health service, is that consultants and specialists are two-timing. The Minister of State knows what two-timing means when people are having love affairs - they are deceiving both parties. In this case, consultants and specialists are running private practices within the public system and are taking patients out of the public system. For example, a person employed by local government told me yesterday that he brought his child to hospital to have a procedure and was put on a waiting list for a year or more. However, the child could not wait. He and his wife pay a lot of income tax but he happened to mention that he had private health insurance with an excess of €500. They were in Slane clinic within a day. They paid the €500, the insurance company paid the rest and the procedure was carried out in a couple of days. Senior staff whisper in patients' ears - sometimes they do not even bother to whisper - that if they pay privately, the procedure can be carried out. I have had that experience. It has to stop. If people want to take out private health insurance, that is grand but the private system has to operate separately from the public system.

When Fianna Fáil was in government in the noughties, and Deputy Micheál Martin was Minister for Health, it wanted to have co-location. I am glad that we have moved away from that insanity. We have to build a new system around the proposal in the Sláintecare report. Deputy O'Reilly has said that we agree with 95% of it, including the need for a single-tier system, recognition of the role socioeconomic background plays in the quality of people's health, the "carta sláinte", a universal card for access, etc., employing extra staff and single waiting lists to avoid queue skipping.

On page 78 of the Sláintecare report, it is set out clearly that "concrete measures to improve access to Emergency Departments and manage waiting lists [properly]" must be put in place. On page 110, there is a recommendation to "Introduce a maximum wait time in EDs, working towards a four hour target". We all agree with that and we understand this cannot be done in an hour or a week but that it will take time. Deputy O'Reilly has articulated much better than I the

detail of what needs to be done there.

Side by side with this report, the Dublin Midlands Hospital Group produced a report that was leaked to me three weeks ago. Since then, the top tier of the HSE - which is feeding information to a Sunday newspaper - has put in place a news management strategy. It is a case of shock horror one week and the following week it leaks a report similar to this one, specifically dealing with areas of care in Portlaoise. The Minister of State knows, as do I, that the 24-hour emergency department in Portlaoise is in danger of being closed. The report I received sets out what is to replace it, namely, a minor injury unit and medical assessment unit operating between the hours of 12 noon and 7 p.m. There will be nothing after 8 p.m. I have spoken many times about the effect that this will have and the crisis it will create. In the first six months of this year, 20,000 people presented at the emergency department in Portlaoise. There is nowhere else in the system to put the emergency department. According to the leaks to *The Sunday Business Post* from those in the top echelons of the HSE last weekend, it will cost €100 million to provide the extra capacity in other hospitals such as Tallaght. If the emergency department at Portlaoise hospital is removed, according to the plan leaked to *The Sunday Business Post*, serious paediatric services, maternity services and the intensive care unit will go. It is widely acknowledged on the Government benches, and on this side of the House, that since the improvements were made in staffing levels in the maternity unit in Portlaoise, services have improved dramatically. They are now linked to the Coombe, which provides an excellent service. Investment has been made in that service and I welcomed that publicly at the time. While the services have been brought up to a high standard, the proposal is that emergency services will now be removed and shifted to the Coombe.

Has the Minister of State, Deputy Jim Daly, ever tried to get from Portlaoise to Dublin during the three hours of rush hour in the morning or the three hours of rush hour in the evening? How will the patients be transported? They cannot be transported by road because apart from the gridlocked traffic, outside of those six hours the ambulances are not available to do that.

I listened carefully to the views of local consultants and GPs about what needs to be done in terms of critical care provision in the midlands, in particular with regard to Portlaoise. They produced a strategy for the future of services at the Midland Regional Hospital, Portlaoise and a copy was sent to the Department for information. They set out clearly what needs to be done. They say the same thing needs to happen with emergency care as has happened with maternity services in terms of being linked in with units in Dublin hospitals with the sharing of consultants and expertise. That is what we need to do. That will not cost €100 million, which is what the HSE intends to spend if it gets its way to beef up Dublin hospitals to take the supply from the midlands when it closes down the emergency services in Portlaoise.

We heard much talk in the past about the golden hour but the health experts who are pushing the agenda have stopped talking about it. We all know that the first hour after a serious accident or health incident where a person has a heart attack, for example, is key. If Dr. Susan O'Reilly, who is leading the drive to close the emergency services at Portlaoise, is allowed to have her way, based on the fantasy of the Dublin Midlands hospital group, we will not be able to get people to hospital through the gridlock and because the ambulances are not available. The critical golden hour will be lost. If the proposed change is allowed to happen, people will hold Fine Gael to account. Dr. O'Reilly sent a letter to staff this week to inform them that a decision to that effect has been made. I have a copy of the memo with me. She said the issue is now in the hands of the Minister. If that happens it will come down on Fine Gael's head, and the party that is propping it up in government, namely, Fianna Fáil. If anybody dies in the back of an

ambulance either travelling to Tullamore across very bad roads or to Dublin it will come down on the Minister's head. The issue is on the desk of the senior Minister. If he signs off on it he is signing the death warrant of people in Laois and the surrounding counties. He is also signing the death warrant of Fine Gael and there will be political consequences for the party that is propping it up in government if it goes ahead with the proposal.

The Minister should push ahead with the Sláintecare report. The report from Dr. Susan O'Reilly and her team should be put in the shredder. The Minister should talk to the GPs and hospital consultants and make the necessary investment in Portlaoise hospital. It will not amount to €100 million or even €20 million. The Minister should shred the fantasy plan of Dr. Susan O'Reilly and push on with Sláintecare.

**Deputy Ruth Coppinger:** This is a report on the future of health care. We all know that Ireland has been in the dark ages for a long time in respect of reproductive health care. It is extremely disappointing that this report has practically no reference to reproductive health care at all, that is, to contraception and abortion. A total of 51% of the population are women who potentially may become pregnant and who would like to have control of their fertility. One would think that a report on the future of health care would take sufficient account of that. The only reference I can see that is made to it at all is on page 58, which states that the committee has agreed the following services should come under the remit of universal health care: public health preventative care, including health promotion activity, screening and family planning supports for self-management of health. The only reason family planning was added in there was because the Solidarity representative on the committee, Deputy Barry, put it forward. We put forward a much more extensive amendment and proposal on the issue but the committee saw fit to reject it. I will return to that point later.

What is the future of health care for women in this country and for those who can become pregnant? The report totally ignores reproductive health. The HSE reported to the Joint Committee on the Eighth Amendment of the Constitution yesterday that women on low incomes are having difficulty affording permanent contraception. Even with the so-called State subsidy, one still has to pay €148 for the Mirena coil. For many women finding that amount of money becomes a barrier to getting it and as a result, the HSE reported yesterday that many of those women will end up with crisis pregnancies because other forms of contraception are not reliable for them. The VHI and private health insurers do not provide any coverage at all for contraception. It seems that is allowed by the State. Are women to continue to be ignored in the future of health care in this country?

We are meant to be emerging - but have not emerged - from a situation whereby the church controls a huge number of hospitals that have direct control over women. Some of the major hospitals in the capital city do not supply contraception. The Government was going to hand over control of the national maternity hospital to a church-run charity and the Government had to backtrack on it following a huge protest. Those are major issues and this really shows how the Dáil is far behind the needs of society and public opinion.

It was also reported at the Joint Committee on the Eighth Amendment of the Constitution yesterday that 536 packets of abortion pills were seized by the Customs and Excise under the direction of the Health Products Regulatory Authority, HPRA. That means the State directly obstructed at least 536 women from accessing a safe, early abortion and probably forced women to go abroad to have a later one. We do not know. What we do know is that whatever comes out of the Joint Committee on the Eighth Amendment of the Constitution will come back to

the Dáil. Are we going to leave this entire issue in the shadows? There is a half-hearted effort by the HSE and the State to find out the extent of abortion in this country but it will have to be addressed in the health system. The alternative is for us to continue to have an Irish solution to an Irish problem.

Research has been done, which of course is always done outside the country. One could not expect the Government to do it. Two studies have been done on how widespread is the extent of the use of the abortion pill in Ireland. One was done in Texas by Dr. Abigail Aiken, who testified at the committee, and another more up-to-date study has been done in the University of Kent on access by Irish women to safe but illegal abortion. The results of the study are pertinent to the future of health care in Ireland. It showed that in one year, 3,000 requests for abortion pills were made from the North and South of Ireland to the websites of two organisations, namely, Women on Web and Women Help Women. Those pills are legal and used in every other health system in Europe bar Ireland and Malta. A total of 99% of people in Europe have access to that safe, essential medicine declared by the World Health Organization as being much safer than surgical abortion, for example. What will happen in that regard? Are we going to continue to let thousands of women from this State access illegal abortions or will it be catered for in the health service? If one breaks down the figure of 3,000 women seeking abortion pills between the North and South, more than 2,000 are from the South. I accept that not every woman will proceed to carry out a termination even if she gets the pills but it works out that five people a day are having home abortions in their bedroom in this country today. How will that be catered for in the health service whenever we do repeal the eighth amendment and legislate for abortion in this country? The fact that the future of health care report does not even refer to it speaks volumes. Will another chapter be inserted? What does the Minister of State have to say about that? We should be planning to repeal the eighth amendment, which we all know is inevitable, but we should also be planning to legislate to allow women to access this in our own country rather than another one. This could be easily done. GPs could prescribe the pills, as they do in other countries. A woman could go to her own doctor and be prescribed a safe, early medical abortion, and she could ring up if she has any difficulty. That would be the end of the matter. We do not need huge clinics to the same extent as in the past given the availability of this pill.

It is extremely disappointing that the all-party committee rejected an amendment proposed by Solidarity-People Before Profit that there would be a new section on sexual reproductive health, which historically has been neglected by the Irish health system. The number of consultant obstetricians and gynaecologists is one of the lowest in the OECD and Ireland is one of the few developed countries without universal foetal anomaly screening. We keep hearing this mantra about it being the safest place in the world to have a child, but it clearly is not. More than one third of women attending antenatal services last year did not get a foetal anomaly ultrasound and we all know that women outside Dublin, in particular, would have real difficulty getting one. Ireland is almost alone in Europe in terms of the complete lack of access to abortion and free *in vitro* fertilisation, IVF, services. There is some assistance available, but it is not free.

We proposed that the committee would recommend free universal access to sexual and reproductive health services. These would include LGBT+ sex and health education; gender confirmation surgery and hormone therapy; contraception; screening, prevention and treatment for sexually transmitted diseases, including pre-exposure prophylaxis, PrEP; substantially expanded and properly resourced public gynaecology services; fertility treatments, including IVF; access to abortion services, along the lines of the Citizens' Assembly recommendations; and

antenatal screening, including non-invasive prenatal testing and foetal anomaly scans. Consultants recently reported that these scans could now be done at eight and ten weeks, but they cost €150 to €300, so they are not carried out. We could be preventing so much difficulty for families who are expecting.

In addition, we also proposed pregnancy-related sick leave and an examination of extended paid maternity leave. It is extremely discriminatory that someone who has become pregnant uses up health benefits dealing with inevitable health issues. That is not equality. To achieve those goals, we also put forward that it would be necessary to separate church and State. The church should not have control of hospitals because these services will not be provided. It is extremely disappointing that none of this is catered for in the future of health care report, which raises the question whether women will have to come back, fight and demand that these things are provided in our own country.

**Deputy Brendan Smith:** I welcome the opportunity to make a brief contribution on this report as I have to go back to a committee meeting. I compliment Deputy Róisín Shortall. My party colleague, Deputy John Brassil, and Deputy Michael Harty were members of the committee. The committee put in a huge amount of work over a considerable length of time, which showed their commitment and knowledge of the whole area of health. It is an ambitious programme and a challenging one to fund, but it has to be realisable for the good of the people of this country.

Far too often, we hear about the need for structural change, etc., but part of the structural change is implemented and then the other commitments that were made in advance of those changes are not implemented. In too many instances in this country, we have had the removal of services from the smaller general hospitals but we were told that the ambulance service in those regions would be upgraded to ensure that no delays occurred in transferring patients to the new centre, if one wants to call it that. The Minister of State will be aware of the concerns we have in the Cavan-Monaghan area in regard to the ambulance services. Many years ago, when some services were removed from Monaghan General Hospital and transferred to Cavan General Hospital and Our Lady of Lourdes' Hospital in Drogheda, we were promised the ambulance service would be upgraded. Not alone would the fleet be upgraded but the paramedics working there were to be upskilled and would take on new responsibilities. In some instances, that has happened. When it has the most modern facilities and vehicles and highly qualified paramedics, the ambulance service can make a significant difference to the patient in need of treatment. However, far too often, we are coming across instances of undue delays in ambulance response times and the issue needs to be addressed.

The Department of Health will not be able to convince people of the need for structural change and the transfer of services from one location to another if the public is not confident that the structural change promised will be implemented. Those resources have not been given to the ambulance service to ensure the services that personnel working in the ambulance service want to provide are effective on an ongoing basis. I have had correspondence with the Minister for Health with regard to some instances in County Monaghan. The delays that occurred were deplorable and, sadly, some people who may have been saved if there had been intervention at the right time have passed away. That is an obvious source of terrible grief, anguish and concern for those families. However, those families who lost loved ones as they did not get the response from the ambulance service in time have said to me repeatedly that unfortunately they cannot bring back their family member but that their concern is about saving someone else in the future. I will speak to the Minister of State another time about some of those instances.

However, it is essential that the ambulance service is upgraded if we are to have meaningful reform and structural change.

I have not had an opportunity to refresh myself on the contents of the Sláintecare report this morning because I have been at committee since early morning. The report is both good and ambitious, and it should be realisable. That should be the concern of all of us who are privileged to be Members of this House. However, my recollection of the report is that there is very little mention of the potential for co-operation with Northern Ireland. All of us in this House are influenced by where we come from. In the worst of days of North-South relations and British-Irish relations, particular initiatives were put in place. What is called the Ballyconnell agreement goes back to July 1992, when the co-operation and working together, CAWT, partnership was introduced between the trusts in Northern Ireland and the North Eastern Health Board and the North Western Health Board, as they were structured at the time, to provide services for those regions on a cross-Border basis. That particular initiative has been very successful. I recall over the years from my early days making representations that some services were delivered from the then Omagh General Hospital to Cavan General Hospital and Monaghan General Hospital. At the minute, some ENT services are provided by the hospital in Coleraine.

In providing services on this island, we have to assess the capacity for elective surgery on all of the island. For instance, in the area of ENT, with which I am familiar, that level of co-operation exists but needs to be upgraded. However, surely there are other areas where we have to identify potential for greater co-operation. I welcome the fact that paediatric cardiac services are provided at Crumlin hospital for children from Northern Ireland. We are too small an island to be living in isolation and in silos. We must have increased co-operation. We know the Brexit challenges that are coming down the road. We have to plan on the basis that health care on this island should be delivered, where possible, on a cross-Border basis. I am talking about elective surgery and access to emergency departments on both sides of the Border. Some of my constituents in Cavan-Monaghan live nearer to the South West Acute Hospital in Enniskillen than Cavan General Hospital. We have to ensure that there is increased co-operation at all levels. It would be farcical if there was spare capacity in the South West Acute Hospital in Enniskillen while we were not able to treat in time the patients needing such services on our side of the Border. I believe I am accurate in saying that not enough emphasis has been placed on North-South cross-Border co-operation in this Sláintecare report and if there is any review or further analysis of the report then this is an area I would like to see revisited if at all possible.

Like some of the rest of us here in the Chamber, the Minister of State represents a very rural constituency. There is increasing concern among rural GPs over their inability to attract support staff or indeed other GPs. I know that the age profile of GPs in my counties of Cavan and Monaghan is quite high. Some of the GPs with what might be considered good practices say to me that there is no hope of those practices continuing when they retire themselves. This is a very worrying prospect. Speaking in his professional capacity as a GP, Deputy Harty has spoken here about the need for proper supports for the primary care sector so as to ensure that people have access to a proper service at the appropriate time. GP and primary care have to be resourced properly. We need to give urgent consideration to how we can attract more GPs, particularly to rural communities.

With regard to care for the elderly, I welcome some of the developments and indeed some of the facilities that the Minister of State and I have visited together. These are very good and provide a very good service but in too many instances delays and pressures arise over getting people in. One particular initiative was taken many years ago in my home county of Cavan and

it may even have crossed into Deputy O'Rourke's native Leitrim. It was called "boarding out" and was targeted at elderly people who lived alone but were still somewhat independent. These were people who did not need to be in a nursing home but were nonetheless unable to manage living at home on their own, particularly those in remote areas. Provision was made under this scheme that four or five people could go to live in a "boarding-out house", as it was called, with adequate care and attention provided by the people running the facility. The older people could then lead independent lives: they could go down the town or down the village and they became part of the family. That scheme was very successful for many years in County Cavan but is currently being run down. The cost to the Exchequer of such a scheme was substantially less than the costs that would have been incurred had those people been placed in nursing home care. I know people who lived in these kinds of boarding-out houses for many years. They were semi-independent and were able to go down the town or go out to football matches with a family member, or whatever else; they were also cared for and all of their needs were met in a family home setting. We should be pursuing initiatives like this which would ease the pressure on both public and private beds. Perhaps the Minister of State could have a chat with me about this. The bottom line is that, as well as providing proper care - I am not talking here about care delivered below the standards that we all want to see - the cost to the Exchequer was considerably lower than that of a person going into a nursing home.

To conclude, I would also like to stress that the whole area of home support, an excellent service, needs additional funding and we cannot wait for the reorganisation of the health service to provide this. We need additional supports as soon as possible.

**Acting Chairman (Deputy Frank O'Rourke):** As no other Deputies have indicated to speak, I call on the Minister of State to respond.

**Minister of State at the Department of Health (Deputy Jim Daly):** I welcome the opportunity to do so. I thank all Deputies who have contributed and assure them that these contributions are noted and will be brought back to Deputy Harris, the Minister responsible for the implementation of this report. I also thank the Deputies who contributed to the Sláintecare report committee. I was an early member of that committee myself but had to come off it due to being involved with too many other committees at the time. I thank all of those committee members for their time, their contributions and for the dedication and commitment they gave to the committee. On behalf of the Minister for Health and like many others in the House today, I also acknowledge Deputy Shortall's leadership of that committee. This was, to my mind, an example of politics at its best. We can talk about politics and about politicians in various guises but this showed politics working very well, with a group of ideologically differing individuals able to sit down together and put in a lot of hard work, engagement, reading, consultation and resources. The members were able to reach a consensus and plan a future for health care for the next ten years. The Vision for Change mental health strategy, an example from my area of responsibility, shows what has been achieved over the last ten years and what dynamic changes have taken place in that time. We can never be completely satisfied, of course, but if we compare the days when mental health care meant institutionalised care with what we have today with CAMHS and the work of various organisations, it is clear that there has been a radical transformation of mental health care. We can be equally ambitious for the radical transformation of our broader health care system over the coming ten-year period.

The Minister has supported the work of the committee since it was established and he has strongly welcomed the consensus achieved and the vision and principles that underpin the report. The Government is committed to making tangible and sustainable improvements in our

health services and the Sláintecare report now provides a framework and a direction of travel within which to do this. We have an unprecedented level of consensus and support for the vision and strategic direction outlined in the report. The Minister has indicated his intention to harness this and to work with colleagues across the political spectrum and all stakeholders to move forward on a programme of health reform. The Government has already given its approval to move ahead with the establishment of a Sláintecare programme office in the Department of Health. This office will be tasked with implementing a programme of reform as agreed by Government and arising from the Sláintecare report. Recruitment will commence shortly. In parallel to this, work is underway in the Department of Health to develop a detailed response to the report for consideration by Government in December of this year. The process will seek to translate the Sláintecare report into a programme of action for the next ten years and will consider issues that arise in designing such a programme including key actions, deliverables, costings, timelines and key performance indicators. It was acknowledged in the Sláintecare report that more detailed consideration of these issues would be required and this work is ongoing.

Many of the recommendations in the Sláintecare report are already policy priorities, including the roll-out of our eHealth and health and well-being strategies, the development of a new GP contract, proposals for enhancing community nursing services, further roll-out of integrated care programmes, the undertaking of a capacity review and the development of an integrated workforce planning framework. The Minister is also anxious to advance a number of the Sláintecare report proposals which he regards as early priorities. In October he announced the following steps that he is taking in this regard: an impact study of the removal of private practice from public hospitals, to be chaired by Dr. Dónal de Buitléir and with terms of reference and further members of the group to be published shortly; a public consultation process on the future alignment of hospital groups and community health organisations, to commence next month; and plans to establish a governing board to oversee the HSE's performance. As well as this, most of the additional funding for new health initiatives in budget 2018 has been targeted at areas identified in the Sláintecare report: the new primary care fund of €25 million; the additional home care and transition beds at €37 million; a reduction in medicine and prescription charges at €17.5 million; targeted funding for waiting list reduction at €75 million; and a new Sláintecare implementation office at €1 million.

To conclude, I assure the Deputies that I will relay the comments they raised here today back to the Minister for Health. I am sure that this debate will continue for some time.

**Acting Chairman (Deputy Frank O'Rourke):** I call on Deputy Shortall to wrap up the debate.

**Deputy Róisín Shortall:** I thank everyone who contributed to this debate, though I think it very disappointing that it was very quietly slipped in this morning. I think many Members were not even aware that this debate was taking place this morning as this was not signalled last week. The debate also clashes with a number of other events this morning, with committee meetings for example. This is unfortunate and I am not sure what the reason for this was.

I too wish to thank sincerely all 14 committee members who put huge time, effort and real commitment into this process. This was a once-off process, the like of which we had not seen before, of developing an agreed cross-party position on a very significant area of public concern.

Sláintecare was and is a once-in-a-lifetime opportunity to do something of real importance

in this country and should be grasped with both hands by Government. We have a cross-party consensus on health policy for the first time which is key to making progress. For the first time we can take the politics out of health and end the situation that has existed for so long where health was used as a political football, to score points against each other. Sláintecare gives us the opportunity to do this as it is a fully costed, phased plan. It deals with the issues that go to the heart of the problems within our health service, namely the dysfunction that arises as a consequence of Ireland's two-tier system. That system is inequitable, very inefficient and is a huge barrier to people being able to live a life free from illness and worry over what will happen in the event of their developing an illness.

Sláintecare is radical in Irish but not international terms. The committee was keen to learn from the experience of other countries, especially the successful health systems elsewhere, and how they might be replicated in Ireland. The question of how we might learn from best practice and ensure that Irish people have the same kind of entitlement to good quality universal health care that all our European neighbours have was always at the forefront of the committee's thinking. Ireland is alone in having a two-tier unfair health system which speaks volumes of the mistakes that have been made in this country. Sláintecare charts a clear path for how we can develop a really good public health system.

Cross-party agreement exists on the direction in which we need to go towards the final destination, which is a universal single-tier health service where people are treated on the basis of health needs rather than their ability to pay. This political agreement represents a huge step forward. It is the bedrock of Sláintecare which we are now challenged to deliver.

There are some critics of the report but no one has come forward to suggest a plan B. Sláintecare is now the only game in town. It is evidence-based and has full political support. Anyone who criticises elements of the report should be challenged. For instance, the Irish Hospital Consultants Association has been critical of the report and has suggested that we should have more consultants and hospital beds. Those things are important but the hospital consultants have failed to address the fundamental point about equity. How do we achieve equity in the system if the two-tier system continues? My question of the Irish Hospital Consultants Association is this: do they believe in equity? Do they believe in universal access to services? If they do, how do they propose that we will deliver on these two important principles?

I am increasingly concerned about the Government's commitment to Sláintecare. I do not like to say that and had not said so in the first part of this debate but the Government seems to be dragging its heels. The Minister, Deputy Harris, speaks very positively on the plan and expresses his full commitment, but his actions do not follow through. Undoubtedly, for the last 70 or 80 years, health reform in Ireland has been held back because it is so dominated by vested interests. These interests are wide-ranging, and include health insurance companies, the pharmaceutical industry, the private hospital sector and some hospital consultants. Various interests are doing okay from our health system, it is good for their business, but the Government has a duty to serve the concerns of patients, not those of vested interests. That requires political leadership which has not been evident here in the past but it is required now. We must put patients' interests first and be clear and categorical in so doing.

The Government needs to make up its mind. Does it enthusiastically support Sláintecare or not? If it supports the principles that underpin Sláintecare, we need to see delivery. Today the Minister of State, Deputy Jim Daly, outlined a number of steps the Government has indicated it is taking. It is strange that the Government would make its first announcement on an impact

assessment on the separation of public and private. That is a core recommendation from Sláintecare and is fundamental to achieving the universal system. Considerable political pressure was put on members of the committee towards the end of the process, as well as commercial pressure, to block the recommendation to separate public and private. That lobbying was not successful but it did succeed in having a line written into the report that an impact assessment would be required. The impact assessment mentioned in the report refers specifically to public patients. It does not relate to vested interests, but to assessing the impact on public patients because that is where the key responsibility lies. It is strange that this would be the first thing on which the Government moved. I sincerely hope the Government will not use this process as an excuse to abandon this key recommendation because it is central to a universal health service.

I am also concerned by the lack of progress in establishing the implementation office. When I met the Taoiseach in August, he told me the Government was in the process of starting recruitment and it would commence shortly. In September, we were told exactly the same thing, and again in October. Now, in November, the Minister of State told us today that recruitment will commence shortly. I have to question the Government's sincerity and commitment to this if we have now wasted what is almost six months since the publication of the Sláintecare report. There seems to be no urgency in setting up the implementation office. The key thing which every member of the committee said from the outset was that we would not produce yet another report on health reform. We would not engage in this unless there was a very clear commitment on implementation which is why the report includes a strong recommendation to establish a fully funded independent implementation office. What is the delay in recruiting the person to head the implementation office?

I am further concerned that yet again an attempt has been made by the Department of Health to capture any kind of change proposed in health. The committee recommended that the implementation office would be located in the Office of An Taoiseach because we wanted to avoid that departmental capture. I hear on the grapevine that attempts are being made in the Department of Health to slow down this whole process and put obstacles in its way.

The Government must not squander this opportunity to do something of real significance for the Irish people by at last introducing a universal single-tier health service. It must not allow the vested interests to get in the way. It must not let departmental interests slow this down and block progress. The responsibility of all Members is to the people who elect us, to the public.

It is not before time that this country finally started to introduce a universal single-tier health service because Irish people should have exactly the same entitlement to good quality public health care as have all other European citizens.

The Minister of State should bring back to the Minister the message that there is growing concern among former members of the Committee on the Future of Healthcare that the Government is not serious on this and that progress is so slow. Even though the committee has stood down, several of its members have requested that I ask the Minister to meet a representative group from the committee. We are keen to meet him to address what would seem to be a slowing down of the process. A slowing down would represent a very serious mistake by the Government. The Minister of State should ask the Minister to come back to us with an early date on which to engage on this.

Question put and agreed to.

16 November 2017

*Sitting suspended at 11.10 a.m. and resumed at 12 noon.*

### **Leaders' Questions**

**Deputy Stephen S. Donnelly:** Business people from Border regions came to the Oireachtas yesterday to tell us how Brexit is affecting them. One tourism company in Wicklow said it has cut its UK visitor forecasts in half and believes that Brexit has already cost several thousand jobs in the industry. A sheep and beef farmer from Fermanagh told us that by the time the UK leaves the EU, he will have relocated his business to within the EU. A transport operator from Antrim said that if the talks proceed to phase two, which is on the future relationship, without the Border being sorted, he will have to pull his business out of Northern Ireland.

We are all aware that these negotiations are delicate and ongoing and we welcome agreement in principle on areas like the common travel area. However, there has been little progress on the question of Northern Ireland and the Border. It has been agreed by all of us, the Taoiseach, Prime Minister May and Michel Barnier that there cannot under any circumstances be a return to the Border of the past yet the UK Government insists that Northern Ireland will leave the Single Market and the customs union, will not have a unique or special status and will not have equivalence of regulations for all products. As the Minister is aware, a European Commission paper leaked just a few days ago stated that in the opinion of the Commission, what the UK Government is insisting on for Northern Ireland will lead inevitably to border controls and a hard border. Many other experts have reached the same conclusion.

The greatest influence Ireland has in the Brexit talks is on whether sufficient progress has been made on the question of Ireland and the Border to allow the Brexit talks move to phase two, which involves talks about a future trading relationship. At the European Council meeting in October, the Irish Government's position was that insufficient progress had been made on the Irish question to allow the talks to proceed. However, just last week, the Taoiseach stated that he now believes that the talks can move to phase two in December. It is unclear what additional progress has been made on the Border to change the Government's position on this critical issue - so much so that just a few days after the Taoiseach made his statement, Michel Barnier warned that EU member states need to start preparing for a collapse of the Brexit talks.

For many business people preparing for Brexit on both sides of the Border, the Irish Government's position is unclear. Does the Irish Government still believe that the Brexit talks are likely to move to phase two in December? If that is the position of the Irish Government, could the Minister for Education and Skills let us know the progress that has been made since the October summit that has changed the Government's position? If that is no longer the position, could the Minister outline for us even at a high level what sufficient progress on the Border would look like for the Government to accept that sufficient progress has been made?

**Minister for Education and Skills (Deputy Richard Bruton):** I thank the Deputy for raising this question. The Taoiseach is flying to Sweden today for an EU summit. He will be meeting with other European colleagues and will hold a bilateral meeting with Prime Minister May. The position of the Irish Government remains unchanged. We believe that there must be a clear roadmap to achieve what has been announced as the objective of all parties, which is no return to a hard border, before we can proceed to the next stage. This has been an agreed approach by the UK, the EU and ourselves so there is clearly a view of what we need to achieve here. The Irish Government's view is very clear. We need to see a roadmap to deliver that. As the

Deputy rightly said, a number of the pronouncements by politicians in the UK are inconsistent with achieving that so, clearly, the Irish Government's position is that we need a clear roadmap before we move to the next stage.

Of course, we are conscious that the next stage is vitally important to the very businesses described by the Deputy in his initial comments. We need long-term stable trading arrangements with the UK but we are very clear that before we move to the next stage, which would be to enter into the detailed negotiations on what form those trading relations should take, it is important that a satisfactory roadmap is put in place for the Border issue, which is one of the three issues that must be dealt with before progressing to the next stage. That remains the Irish Government's position. Both the Taoiseach and the Minister for Foreign Affairs and Trade have been very clear in articulating that to colleagues.

**Deputy Stephen S. Donnelly:** Part of the concern businesses have is that this statement that we need to see a road map is very vague. While I take the Minister at his word that the Irish Government's position has not changed, to the businesses and to many of us looking on at the negotiations, it appears that the Irish Government's position did change because in October, the position was that insufficient progress had been made but just last week the Taoiseach said he now expected the talks to move on to phase two in December, which suggests that he believes sufficient progress would be made. Does the Minister agree with the European Commission's position that should the UK insist on leaving the customs union and the Single Market, it is inevitable that there would be border controls and as such, on the basis that we are all agreed that there can be no border controls, is it the Irish Government's position that if the UK in December insists that it is still going to leave the Single Market and the customs union, the Irish Government will at that point deem that insufficient progress has been made?

**Deputy Richard Bruton:** The Deputy will be aware that if the Taoiseach, the Minister for Foreign Affairs and Trade or I sought to answer a set of hypothetical questions about what the British might do and what we might do in return, it would not be to our advantage in a very delicate situation like this. It is not for us to play with scenarios and suggest that we would settle for something less than what has been set out from the outset. This is very clear. This is one of the issues that needs to be resolved to the satisfaction of both sides before we move to the next stage. I do not think it would serve those very business interests for which the Deputy rightly expressed concern if Ireland was to outline a set of possible solutions or insist that the UK has this or that piece in its jigsaw. We need to see what the British come forward with. They have pledged very clearly that they want no return to the Border and we clearly want no return to a Border. We must show that the approach that the UK and the EU will be taking before we move to the next stage is consistent with that. While I can understand that people would like to see what would happen if this or that happened, I do not think it is in our interests to articulate alternatives of that nature in public.

**Deputy David Cullinane:** Precarious work and if-and-when contracts are a problem for many workers in this State. They create uncertainty in terms of pay and how many hours a worker will work from week to week. They lead to exploitation in the workplace, a hollowing out of workers' rights and deep anxiety and stress for the workers involved. We know, and the Minister knows from his previous brief, that many of these workers actually work 30 hours per week for years and yet are left on low-hour 15-hour contracts. This has an impact on access to social welfare payments and the ability of these workers to get a mortgage and provide for their families. They are workers who do get up early in the morning but they do so with uncertainty hanging over their heads. On Monday the Mandate trade union launched a "Secure

Hours - Better Future” charter. Is the Minister aware of that charter? Mandate has called on all Deputies to sign it. Will the Minister, Deputy Bruton, and other Ministers sign the charter? Yesterday the Taoiseach accused my party of playing politics with people’s misery and of not being solution-focused. The Minister knows that is absolute nonsense. It is a desperate attempt by the Taoiseach to avoid responsibility for problems created by the Government.

Let us look at the issue. Last July I brought forward a Bill to address the issue of if-and-when contracts and to bring about fairness. The essence of the Bill was to ensure that a worker’s contract reflects the hours he or she actually works. These are workers in the hospitality, retail and other sectors. The Bill was an earnest attempt to provide a solution. What was the response of the Government? It was to oppose the Bill and pretend the problem does not exist. However, the Bill passed and was fully scrutinised by the Joint Committee on Jobs, Enterprise and Innovation. The committee spent 13 hours over six sessions hearing from 44 witnesses. In the end, it produced a report that made 23 amendments and recommendations. What was the Government’s response? It was to produce a Bill of its own. The Bill is woefully inadequate. It will not ban zero-hour contracts; the bands are too broad; and the look-back period is too long.

Does the Minister accept the report from the Joint Committee on Jobs, Enterprise and Innovation and the amendments it suggested? I do and I will support it. Will the Minister ensure once and for all that exploitation in the workplace in terms of if-and-when contracts becomes a thing of the past? Will he support the Sinn Féin Bill? Will the Minister, Deputy Bruton, and his fellow Ministers and Deputies from his party sign the Mandate charter for secure hours and a better future for workers?

**Deputy Richard Bruton:** I roundly reject the suggestion that we are pretending the problem does not exist. It was our Government - the former Minister of State, now Senator Ged Nash, and I - who commissioned the work by the University of Limerick on zero-hour contracts. It was on the back of that work that we held consultations with the trade union movement and employers to ensure we can bring forward legislation. The heads of that Bill have already been announced and we are moving into the proper legislative phase. As a result of the recovery in the economy, we have seen a very considerable reduction in involuntary part-time working, which was a very serious problem but is thankfully reducing. We are seeing progress in this. We are seeing fewer self-employed contracts being put in place. We want to make sure we protect precarious workers and we will bring forward legislation in this area. We also will bring forward protections for people who are in self-employed situations. Many people entered into self-employment in the course of the recession but not out of choice. We will introduce new protections for such people, including protection of an invalidity pension, access to treatment benefit and access to paternity leave. It is clear the Government is keen to extend further protections both to those who are in precarious work under employers and to those who find themselves in self-employed positions. We want to make sure that hard work is rewarded and that people are protected. We want to see improvement in living standards. I recognise, like others, that the gig economy and those changes that are taking place in our economic framework call for better protections both from a social insurance perspective and in respect of employment law. I was part of a Government that brought in significant improvements to protect temporary agency workers, to improve the minimum wage and to protect people in situations where the courts had struck down the registered employment agreements. We have refurbished employment law in order that workers can be protected. I recognise this is an area on which the Government must move. It was our Government - I acknowledge Senator Ged Nash’s role in this - that took the initiative to put us in a position to implement legislation now.

**Deputy David Cullinane:** It is no surprise that the Minister has not answered my questions at all. The Minister mentioned the University of Limerick study. The Bill the Government is proposing is not in line with that report and its recommendations. That report committed to a six-month look-back whereby the hours in a person's contract would reflect the hours they work over a six-month period. The Government is looking at an 18-month period. The bands the Government suggests are also so broad as to make the Bill almost insignificant. The Government is not dealing with the problem at all. To my astonishment, the Minister says that bogus self-employment is not an issue. A report from a reporter in RTÉ says it is even an issue in RTÉ. It is rampant across many sectors. The Minister's head is in the sand. The question I asked the Minister is whether he will sign Mandate's pledge and charter to ensure we have secure hours. I am afraid if the Government's Bill passes, it will not be any comfort to those workers who are being exploited. There is already a Bill. We will debate it tonight in the context of a report that comes from a sectoral committee. Why not do that? Why not support, progress and implement that Bill and ensure workers have full protection and not partial protection, which is what the Minister and his Government want to provide.

**Deputy Richard Bruton:** It is the responsibility of Government to bring in legislation that is practical and which can be applied and is feasible for all concerned. That is what we are doing. Our legislation will ban zero-hour contracts. It will introduce protection for people who are on short-hour contracts and give them recognition for the fact they often work longer periods than are specified in their contracts. This will allow people to get recognition for those longer hours so when they are going to get mortgages, as the Deputy rightly says, they have a contract that reflects the actuality of the hours they work.

**Deputy David Cullinane:** Eighteen months is too long.

**Deputy Richard Bruton:** We are also ensuring there will be a system of banded hours.

**Deputy David Cullinane:** They are too broad.

**Deputy Richard Bruton:** Mandate or any other group can put forward possible amendments to the committee that will be considering that legislation.

**Deputy David Cullinane:** It represents those workers.

**Deputy Richard Bruton:** It is for the House-----

**Deputy David Cullinane:** It represents those workers.

**Deputy Richard Bruton:** -----to consider-----

**An Ceann Comhairle:** The Deputy should allow the Minister to answer.

**Deputy Richard Bruton:** The way in which we legislate is not by signing the requests of various outside bodies. We are elected to represent people. We come here-----

**Deputy David Cullinane:** The Government is representing IBEC.

**Deputy Richard Bruton:** -----and we make the decisions on the merits of the case as put forward. The merits of a case put forward by Mandate will be examined by the House when the Bill is presented to the House for debate and adopted.

**Deputy Catherine Connolly:** This is the third time in three months that I have used my

slot on Leaders' Questions to raise the urgent need for a Sexual Assault and Violence in Ireland, SAVI, report. I raised it in June or July and I raised it again in October. Such is the seriousness and significance of the issue that it has been raised by many Deputies on Leaders' Questions, including Deputies McDonald, Coppinger and Shortall, as well as in a number of parliamentary questions tabled by Deputies, including Deputies Ó Laoghaire and Rabbitte. Almost every political grouping in the Dáil has asked for a second SAVI report.

Deputy Martin launched the original SAVI report when he was Minister for Health and Children in 2002. One of the essential recommendations in that report is that there would be follow-up research. The Tánaiste's positive work on the ground has been recognised by the organisations. In September 2016, which is more than a year ago, she confirmed to Deputy Coppinger that she had an open mind on commissioning a second report. She said, "If the money can be found, I will ensure it is done." It also seems that the Ministers, Deputies Zappone and Regina Doherty - and I am sure all female Fine Gael Deputies - are behind it, yet 15 and a half years later, there has not been a second SAVI report. One has to ask why. It seems the responses from the Taoiseach and the Department of Justice and Equality provide a clue. It was welcome that the Taoiseach confirmed he had an open mind about a second SAVI report. He went on to give other responses. He said the existing statistical evidence was perhaps sufficient while ignoring the limitations of that European research. It is limited to women only, which is a very small group of people. There are many other deficits in that research. The Taoiseach referred to Garda reports which, we all know, cannot be relied on. He referred to existing organisations coming up with information. Rape Crisis Network Ireland announced on 19 October this year that it was not in a position to publish statistics on its clients' experiences of sexual violence, because it no longer has the capacity to do so.

I am asking the Government to listen to the majority of parties in this Dáil, who are asking that another Sexual Abuse and Violence in Ireland report be carried out. The problem here is the failure on the part of the Department of Justice and Equality to understand what is required. Shortly after the Minister indicated that he had an open mind on the matter, his Department, according to reports in the newspapers, said that no new report would be undertaken. There is a fundamental failure to recognise that the SAVI reports amounted to a qualitative job of research that was absolutely necessary to be undertaken and that it is necessary now to follow up that work in order to inform debate on the types of services we provide.

**Deputy Richard Bruton:** I fully acknowledge the sincerity with which the Deputy is putting forward her argument. There is no doubt that legislation and policy in this area must be informed by the best possible research. I understand there is a task force in place that is scoping out this area of research to see whether it would be appropriate and necessary to conduct the sort of review the Deputy is proposing. There are discussions ongoing between Departments in this regard and a review of the information from within Departments and from the Central Statistics Office and other agencies to establish the existing research base. In addition, I understand consultations are taking place with non-governmental organisations to assess the situation.

If, at the end of this process, it is clear that we need to undertake additional research to ensure policy is as well informed as possible, then a decision will be made by Government in the normal way. In such a circumstance, it would be remiss if Government did not make sure to assess all the available evidence to date and ensure that in making a decision on commissioning further work, we have narrowed down exactly where the gaps are and the issues on which we need additional and new information. I understand that is the approach being taken. I confess I am not an expert in this particular field but I will alert my colleagues to the Deputy's concerns

and emphasise the need to ensure the ongoing work is brought to a conclusion as quickly as possible.

**Deputy Catherine Connolly:** I do not expect the Minister to be an expert on these matters but I do expect him to take on board the concerns I have highlighted. That so many Deputies and leaders of the various political groupings have raised this matter consistently shows there is clearly a problem. We are learning about that problem from the experts working in the area. I welcome the indication that the Government is in consultation with those experts but, at this point, there must be a clear admission that a SAVI-type report is absolutely necessary, more than 15 years since the last such report, so that we can develop policy and proper legislation to deal with the problem. The SAVI researchers spoke to both men and women and its findings are absolutely frightening, with 47% of the 3,200 or so persons who participated confirming they had never mentioned the abuse they experienced to anybody in their lives. I do not have time to go into the other statistics. The only obstacle to carrying out new research is money. When we have a Government that puts €4 million or €5 million into a propaganda unit, it is hard to take the Tánaiste seriously when she says another SAVI report is necessary, if she can find the money to do it. I would like to hear a deadline for action today.

**Deputy Richard Bruton:** I am not in a position to offer deadlines but, having worked in the research field, I know the first thing one does is make sure one surveys what is already available before commissioning further work to identify the gaps in provision. It is prudent for any government to take the approach we are taking and it is not holding back important investment of real resources. Organisations dealing with domestic and sexual violence are receiving funding of €22.1 million in 2017, which represents an increase on the provision for last year. In addition, the Minister for Justice and Equality is proceeding with legislation in the field of domestic violence. That work is ongoing while the need for a new study is evaluated.

**Deputy Danny Healy-Rae:** I wish to highlight several infrastructural projects in County Kerry that require attention and funding. The last time I spoke during Leaders' Questions, I referred to the need for a new Killarney outer bypass which would start in Farranfore and finish up in Lissyviggeen. On that occasion I pointed out the various junctions where there is mayhem and slaughter on a regular basis, including the junction on the Lewis Road, which is the road coming up out of the town and which accesses the existing N22 bypass. There are accidents there on a daily basis, including one involving a vehicle of ours some weeks ago. Kerry County Council is progressing plans to do something with that junction, but I am asking the Government to ensure it is done. In particular, I am asking the Minister of State at the Department of Transport, Tourism and Sport, Deputy Brendan Griffin, who is from Kerry, to put his shoulder to the wheel to ensure money is forthcoming to deal with this junction as soon as possible.

I also wish to highlight the problems with Listry Bridge, which was built some 200 years ago and now is reduced to one lane of traffic. It is located on the R563 Road from Killarney to Dingle, a heavily trafficked road with cars, buses and lorries passing through in high volumes. All of that traffic is stalled at the bridge because of the one-way flow. The Minister of State, Deputy Griffin, has to go over that bridge whenever he goes home.

**An Ceann Comhairle:** Leaders' Questions is not the time to put a specific question to a particular Minister or Minister of State.

**Deputy Danny Healy-Rae:** I am asking the Minister, Deputy Bruton, to take the question to the Minister of State. The latter was critical of my father at different times for money he took

down to Kerry and for money he did not take down to Kerry. The ball is now in the Minister of State's court and I am asking him to provide funding for the bridge he travels over himself every day. I ask, too, that he ensures funding is provided to deal with the bends on the N72 at Gortahanboy, with 1.2 km of road there to be realigned. Also on the N72, will the Minister of State ensure funding is provided in the coming months for widening and realignment work on the Ballinadeega Bridge? The Behy Bridge to the west of Glenbeigh on the N71 is another bridge that was built 200 years ago and, like Listry Bridge, can accommodate only one lane of traffic. That is not satisfactory on the Ring of Kerry Road.

**An Ceann Comhairle:** I am not sure whether the Deputy has set out a shopping list or a bucket list.

**Deputy Richard Bruton:** I congratulate Deputy Danny Healy-Rae on his excellent grasp of what someone described as "retail politics". My answers will be more in the wholesale area, telling him what we can do on a national level to ameliorate the types of problems he listed. The Minister for Public Expenditure and Reform, because of the progress we have made in advancing the economic recovery and as we find ourselves in a position to balance the books for 2018, has announced a 73% increase in funding for capital programmes over the next four years. That will allow for a significant increase in capital expenditure in the coming years. We effectively had a lost decade where many badly needed investments could not be made, including in roads, bridges and other infrastructural projects as well as in health, education and housing. We are now in a position to make those investments, but their selection will not be made on the basis of the political hue of a particular Minister or Minister of State. It will be done on the basis of each programme being evaluated in a fair and reasonable way, in comparison with similar cases throughout the country. That is the approach that must be taken in prioritising expenditure which, fortunately, will be much increased in the years ahead. We will have to weigh up all our various obligations in making decisions. Deputy Eamon Ryan alerted us yesterday to the obligations in respect of climate change, which also must inform the selections we make in respect of capital. I believe I can say that we are looking at a period when there will be increased resources for many of the causes that the Deputy put forward. I cannot make commitments to the individual projects, meritorious and all as they may be, and I am sure the Deputy can understand that.

**Deputy Danny Healy-Rae:** The Minister said that the Government will have money to spend but my concern is that it will be spent in Dublin.

**Deputy Mattie McGrath:** Yes.

**Deputy Danny Healy-Rae:** The Minister, Deputy Ross, signalled he was spending €135 million on a footpath in Dublin. I want Ministers to go beyond the Red Cow Roundabout and travel to Kerry to see where slaughter has been occurring at junctions due to them being inadequate. Buses and lorries have been held up and lives are being placed in danger because of inadequate junctions and roads that cannot cope with the serious increase in the volume of traffic. I will make my request again. Money is needed for the junction at the top of the Listry Road and for the junction at the top of the Lewis Road. Money is also needed for works to be carried out on Listry Bridge to make it a bridge as it is not a bridge, as such, at present. I ask for funding for the 1.2 km realignment at Gortahanboy on the N72. I also ask for funding for Ballinakilla Bridge to the west of Glenbeigh on the Ring of Kerry road, and I make no apologies for doing so. I ask the Minister to make sure that the Minister of the State, Deputy Brendan Griffin, is made aware of my request. I am putting pressure on him now because he was putting

pressure on us when the ball was in our court. It is his turn now. Let him prove what he can do in terms of what he can bring down to Kerry. He will be measured on that.

**An Ceann Comhairle:** Thank you, Deputy. I call the Minister to conclude on this matter.

**Deputy Richard Bruton:** We will all be looking to the Minister of State, Deputy Brendan Griffin, in respect of our hopes for sports capital grants.

**Deputy Mattie McGrath:** Never mind sport-----

**Deputy Richard Bruton:** That is an area for which he has responsibility. We will look forward to him showing his prowess there, and I have no doubt that he will. The assurance I can give the Deputy is that, in the context of the national planning framework that has been published, it is the intention of the Government that half of all the population growth that would occur will be outside of the major cities. The major cities outside of Dublin will be growing at twice the rate of Dublin. There is a very clear commitment that the infrastructural spines in which we will invest in the coming ten years will be to support much more rapid growth outside of Dublin than we have seen in the previous years. For the first time ever, we are underpinning a national planning framework with a ten-year capital programme. We are tying our infrastructural investments to the spatial and regional strategies. That is the crucial decision that has been made by this Government. It was never done before and we have seen the consequences of not having a clear connection between a Government's capital decisions and its ambitions for spatial planning. That is fundamentally changing on this occasion.

**Deputy Danny Healy-Rae:** I hope it is but we will have to wait and see if it is.

### **Questions on Promised Legislation**

**An Ceann Comhairle:** Only 15 minutes remain for this business and 19 Deputies have indicated that they want to speak but I very much doubt that I will reach them all. I call Deputy Donnelly.

**Deputy Stephen S. Donnelly:** Page 93 of the programme for Government includes a commitment to improving outcomes for every student. A new report published by the Bertelsmann Foundation reported on today in the Irish media makes very sobering reading. It ranks Ireland 21 out of the 28 countries on educational attainment. A figure I found quite startling is that 80% of the working age population have attained at least upper secondary education. I acknowledge that share has gone up in recent years and I imagine that is something the Minister is examining. However, we are well below the best in the class on this. Will the Minister provide an update on his plans for bringing legislation forward to improve the completion rates for secondary education in Ireland?

**Minister for Education and Skills (Deputy Richard Bruton):** We have brought forward a €1 billion extra investment in education and we have set a target that we will be the best in Europe within a decade. On the issue of early school leaving and drop-out, we are now making huge progress. We have seen our position drop from 14th place to seventh. In respect of people in the age bracket 20 to 24, we are now second best in Europe in terms of those who have completed higher level second level, so we are one of the best in Europe. I admit that if one looks at the older population, we are not as good but it is much harder to influence people who are

long since out of the education system. We are putting huge emphasis on our work on delivering equality of opportunity in schools, DEIS, and on improving literary standards. I would also say that the Bertelsmann Foundation is a very partial view; it does not look at, for example, our investment in special educational needs or our investment in bringing 32% more people from disadvantaged backgrounds into our higher education sector. Therefore, it is a partial measure, but it has lessons for us. Our investment in the preschool sector clearly needs to continue to improve, and the Minister, Deputy Zappone, has put in place a very ambitious programme to do that. Much of this data is quite old.

**Deputy Stephen S. Donnelly:** The programme for Government-----

**An Ceann Comhairle:** No, the Deputy cannot come back in. I call Deputy Cullinane.

**Deputy David Cullinane:** The programme for Government commits to 10% of all bus routes essentially being privatised and put out to tender. The Minister will know that in Waterford city, 100% or all five of the bus routes have been put out to tender and we will know the outcome of that today.

**An Ceann Comhairle:** That is not a question on promised legislation.

**Deputy David Cullinane:** It is a commitment in the programme for Government. The question I am putting to the Minister is why 100% of the bus routes in Waterford city are being privatised. Is Waterford being used as a guinea pig in the Minister's privatisation experiment? Will he agree that if the Government privatises and outsources the profitable routes - these are five profitable routes - that will have an impact on the viability of the company which, in turn, will have an impact on the ability of the company to provide services in rural areas? We know that the Expressway services in many areas are under threat. The Minister might respond to those questions.

**Deputy Richard Bruton:** The decision on which routes ought to be selected for tendering is made independently and not by Government. However, clearly, there is a commitment that we would open up the opportunity for competitive tendering for some elements of our public transport services. That allows other providers to offer alternatives. It is good for the consumer and user to see alternative offerings. There is no guarantee as to who will win in that tender. The best tender offering the best service at the most competitive rates will win and that will be of benefit to consumers who seek to have improvement. We have seen that where there is open competition on the intercity routes - there is a wide variety of services offering - that they meet additional consumer needs. We must recognise that a monopoly delivery is not the sole way to go but, as the Deputy rightly said, certain public services will always have to be supported. The Government has made substantial money available to the public transport companies to ensure that we provide social routes as well as economic ones.

**Deputy Brendan Howlin:** The programme for Government includes a commitment to establish a Public Service Pay Commission to examine pay levels across the public service. Most of us anticipated that the Government would adopt a coherent structured approach to public sector pay. I expressed concern when a much hiked salary was rumoured for the next Garda Commissioner. I am even more concerned at reports that universities are now to be given freedom to pay academics up to €250,000. It appears the Government is willing to make exceptions to pay policy but only at the very top. Does the Government intend to continue to make exceptions to top level public sector pay for the highest earners and where stands the Universities (Amend-

ment) Bill, which would have put a stop to breaches of pay in those particular institutions?

**Deputy Richard Bruton:** The Public Service Pay Commission is examining areas where there is difficulty in recruiting. The Government recognises that while observing public pay policy in a fair and even-handed way and living within the available resources, we have to be conscious of areas where there is genuine difficulty in recruiting people. The Deputy will know that such difficulties apply in many sectors, including the health sector and others. The same policy informs us that where we are seeking to recruit world class researchers who would become magnets to help develop and strengthen our third level sector, we have to be willing to pay the price necessary to get those. I believe the Deputy has always recognised that we need the best leaders in our public services. The Government has to show some flexibility in respect of the posts it is filling and the difficulty in getting the right person for those jobs. That is the approach we are taking.

**Deputy Mattie McGrath:** In respect of the 20 year review of the Jack and Jill Foundation, a wonderful organisation, the issue of the *in loco parentis* rule arose. It is a very hard rule on the sickest children in this country. Jack and Jill nurses, who are inspirational, come in to give some respite and look after a sick child for an hour or whatever. Now the HSE insists that under this new rule, the parent must stay in the house with the child. This is totally against the spirit of what respite is, and respite is much needed for those very sick children. This has to be examined, especially in respect of Jack and Jill which does such wonderful work for children and is extending its services to children up to the age of five. They have increased it by a year not through Government funding, but through money from companies.

**An Ceann Comhairle:** This matter should be submitted as a Topical Issue or a parliamentary question.

**Deputy Mattie McGrath:** It is a very serious issue. It is affecting very sick children.

**Deputy Richard Bruton:** I have to admit that I do not know the background to this issue. I will have to ask the Minister to respond to the Deputy.

**Deputy Róisín Shortall:** The Education (Admission to Schools) Bill 2016 completed Committee Stage on 28 June 2017, when the Minister indicated his intention effectively to remove the baptism barrier. A lot of time has now elapsed and I am wondering if the Minister is ready to bring forward his amendments in that regard. What timescale is he now working to for the completion of that legislation?

**Deputy Richard Bruton:** As I think I indicated to the Deputy before, we are working with the Office of the Attorney General to get robust drafting of amendments to deal with that issue and others raised on Committee Stage, such as the power for the National Council for Special Education to oblige schools in certain circumstances to open special units. Both of those provisions require some careful drafting. No effort is being spared in trying to get to a conclusion but they are tricky enough in the drafting. That work is ongoing. My ambition is to complete it as quickly as possible but I am not in a position to give the Deputy an absolute timeline.

**Deputy Tony McLoughlin:** When can we expect the student and parents charter Bill to be brought before the House? What are the benefits of this legislation?

**Deputy Richard Bruton:** We have received a report from the committee following pre-legislative scrutiny which is broadly positive. We will now proceed to the drafting of the heads.

A lot of work has already been done in my Department. The advantage of a parents and students charter is that it clearly sets out the rights of parents and students as full partners within the school to access information, participate in decision making, and to have smooth ways of resolving difficulties. Having good protocols for resolving those issues locally builds a stronger school.

**Deputy Robert Troy:** The Minister will be aware that a number of years ago, the previous Government suspended the motorised transport grant. There was a promise that it would be introduced again within six months. It is almost six years later and we are still awaiting the reintroduction of the scheme. It is preventing people with restricted mobility from having access to a very worthwhile scheme. Can we have a definitive timeline as to when we and, more importantly, the people relying on this scheme can expect it to be reintroduced?

**An Ceann Comhairle:** I thank the Deputy. This matter is coming up every day.

**Deputy Richard Bruton:** I can only repeat the response that the Taoiseach gave yesterday. I understand that he indicated legislation will be needed to introduce this, and that such legislation is in preparation. I do not know the exact state of play as to where that legislation-----

**Deputy Brendan Howlin:** It has been six years in preparation.

**Deputy Robert Troy:** When will it be complete?

**Deputy Richard Bruton:** I do not have that information to hand.

**Deputy Niamh Smyth:** In the programme for Government, there is a clear commitment to building a visible and familiar policing presence. In Cavan-Monaghan, we have a rural crime crisis with homes being broken into in broad daylight. Business and particularly farmyards and the elderly in our communities are being affected. Community employment schemes, which are doing good in our communities, have had all their equipment stolen. My local district had 12 sergeants in 2007 and 2008. We are down to six. In 2010, our division had 413 gardaí and that number is now down to 330. Ballyconnell Garda station is a case in point, where we are left with reduced services and reduced hours. I ask the Minister to commit to building that visibility and presence in our constituency.

**Deputy Richard Bruton:** I fully recognise that this is an issue of particular concern. Garda recruitment effectively ended in 2010 and after that there was a continuous decline in the Garda's strength. That undoubtedly impacted on local communities, but we are now rebuilding the police force. Templemore was reopened and it is increasing recruitment every year. It is operating to full capacity. If I am not mistaken, the Minister for Justice and Equality has committed to a figure of 21,000 for the overall Garda workforce by 2021, comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians. Those will be the resources that the Garda Commissioner will have to deploy in the most effective way to support the real concerns that the Deputy is highlighting.

**Deputy Anne Rabbitte:** Under the programme for Government, the Department of Rural and Community Development and the Department of Finance are committed to investigating the German Sparkasse model, and also to examine An Post and the League of Credit Unions as well as other interested stakeholders. Both Departments convened this project in early 2017. When will the report come before us?

**Deputy Richard Bruton:** I will have to get the Minister to revert to the Deputy. I do not have that information to hand.

**Deputy Shane Cassells:** In July of this year, legislation went through the House to facilitate the hosting of the Rugby World Cup in 2023 which, at the time, was described by the Minister for Transport, Tourism and Sport, Deputy Shane Ross, as “the most energising piece of legislation” he had ever introduced in the Dáil. Yesterday, however, our bid did not seem to have the required energy, place kicking or indeed the front row power of Mr. Chabal from France. Given that the Government has put over €1.25 million of taxpayers’ money behind this bid, as well as significant political capital, will we have a report examining the ballot process that saw us get only eight votes yesterday as well as the entire process of the failed bid? We need to get to the root of it. Other nations did not believe our commitment on stadiums. They looked at the likes of Casement Park where the meadow is growing 6 ft high. We need to consider the Government’s commitment to stadium funding across the country, and possibly adopt the municipal stadium model they have across Europe. This would ensure our reputation was in such a way that we could make a successful bid in the future.

**Deputy Richard Bruton:** It is disappointing that we did not win. However, every time a ballot goes against us - I am sure the Deputy has seen ballots go against him - we cannot announce that we are going to have an examination as to why we did not win. Sometimes one does not win these ballots.

**Deputy Shane Cassells:** I am asking for a report.

**Deputy Richard Bruton:** The effort of making this bid will certainly help us for the future. Many lessons will have been learned.

**Deputy Barry Cowen:** What are they?

**Deputy Richard Bruton:** In terms of this Government, the maintenance of the sports capital grant right through the very difficult years was a very inspired decision. It has helped communities across the country to build facilities that have kept up the involvement of people in sports on a very practical basis.

**Deputy Mattie McGrath:** It is down in Thurles.

**Deputy Richard Bruton:** This year, we have made enhanced investment in the sports capital grants so that more communities can benefit. The long-term aim for sport is to see more people actively involved. We need to see at least half of our population actively involved in sporting activities.

**Deputy Shane Cassells:** They did not believe us about the stadiums.

### **Prohibition of Fossil Fuels (Keep it in the Ground) Bill 2017: First Stage**

**Deputy Eamon Ryan:** I move:

That leave be granted to introduce a Bill entitled an Act to prohibit the issuing, renewal, reinstatement, or extension of any licence or other exploitation rights for the exploration, extraction, production or prospecting of all forms of petroleum onshore or offshore and to

provide for related matters.

This legislation does what it says in the Title of the Bill and aims to keep fossil fuels in the ground. Anyone with an interest in climate change and any Member who advocates that we live up to what we signed under the Paris climate declaration will know that this is exactly what we have to do. The science is increasingly clear. Climate scientists are making the obvious case that if we are to avoid the world tipping into a dangerous process of runaway climate change, we have to keep global temperature rises below 2o. The Paris Agreement went further and said 1.5o. We have already seen an increase of over 1o in average global temperatures. We can burn no more than 600 gigatonnes of the remaining fossil fuels.

We know that there are more than 2,500 gigatonnes in the known reserves even before we look for anything new. We must keep four fifths of fossil fuels underground. I have just returned from the 23rd annual Conference of the Parties to the UN Framework Convention on Climate Change, which was held in Bonn earlier this week. The most recent analysis states that production at those existing wells and mines will not be capable of being exhausted if we are to meet climate targets.

The House has done a good job in preventing onshore fracking for oil and gas. However, we need to go further with legislation, such as in Deputy Pringle's Fossil Fuel Divestment Bill 2016, to stop investment in other companies across the world that are investing in fossil fuels. We need to go further at home also. We would not be alone in doing so. The French Government has indicated its intention to introduce similar legislation whereby it will not continue with any oil or gas exploration licences in the same Atlantic margin in which we are exploring. Not only would we be following the lead of France and Costa Rica, we would be in the top five or six countries in the world in taking this matter seriously.

We need to send out such a message because this country is in the doghouse regarding the climate change issue. In Bonn yesterday, when I spoke to those involved in dealing with this issue, they referred to Ireland with regret in the context of why we cannot show any leadership. They asked why is it that Ireland, with some of the best renewable resources in the world, is holding back so much and not being part of the transition needed. This change is eminently doable. The Bill is concise and would be easy to implement. It states that no new licences will be issued. It will not affect any corporate interests. I do not believe there should be an expectation that we should hand over to the private sector a sea area ten times the size of our land area for use as a speculative asset. These are our seas to look after and this is our part of the planet. It is not a small chunk for which we have responsibility.

By banning fracking and all offshore oil and gas exploration, not only would we be doing what we need to do to avoid dangerous climate change, we would also be protecting our local marine environment. Protecting biodiversity is connected to addressing climate change. The most recent research and analysis shows that the seismic activity which accompanies exploration and drilling has significant environmental effects. If we want to protect our fisheries and other marine animal life, we need to stop that seismic activity because it interferes with the zooplankton life cycle. We need to protect our environment, not continue to destroy it. The Prohibition of Fossil Fuels (Keep it in the Ground) Bill 2017 would help that happen.

The Bill will introduce the important definition of climate justice. People say that Ireland is small and does not count. However, we do count. Everyone counts. Our country's emissions are equal to those of 400 million of the poorest people on the earth. Our country has a respon-

sibility for the area of the Atlantic in which it is located in the context of protecting marine life and stopping the ecocide that is occurring across our world. We also have a responsibility to protect the poorest people in the world who are the first to suffer from the effects of climate change. At the recent climate change conference in Bonn, Trócaire brought together the environmental NGOs and the poorest people from different countries that are experiencing drought and flooding as a result of climate change. Rather than bending our knee to ExxonMobil, Shell, Statoil and other companies, including Irish ones, we have responsibility to help to stabilise the climate of this planet, to look after the natural world and to support the Prohibition of Fossil Fuels (Keep it in the Ground) Bill 2017.

**An Ceann Comhairle:** Is the Bill opposed?

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

Question put and agreed to.

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

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

Question put and agreed to.

### **Estimates for Public Services 2017**

**Minister for Education and Skills (Deputy Richard Bruton):** I move the following Further Revised Estimate:

#### **Vote 34 - Housing, Planning and Local Government (Further Revised Estimate).**

That a sum not exceeding €1,927,355,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2017 for the salaries and expenses of the Office of the Minister for Housing, Planning and Local Government, including grants to Local Authorities, grants and other expenses in connection with housing, water services, miscellaneous schemes, subsidies and grants.

Vote put and agreed to.

### **Garda Síochána (Amendment) Bill 2017: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** I must now deal with a postponed division relating to Second Stage of the Garda Síochána (Amendment) Bill 2017, which was taken on Thursday, 9 November 2017. On the question, "That the Bill be now read a Second Time," a division was claimed. In accordance with Standing Order 70(2), that division must be taken now.

Question put and declared carried.

16 November 2017

**Garda Síochána (Amendment) Bill 2017: Referral to Select Committee [Private Members]**

**Deputy Jim O’Callaghan:** I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141.

Question put and declared carried.

**Multi-Party Actions Bill 2017: Second Stage (Resumed) [Private Members]**

**An Ceann Comhairle:** I must now deal with a postponed division relating to Second Stage of the Multi-Party Actions Bill 2017, which was taken on Tuesday, 14 November 2017. On the question, “That the Bill be now read a Second Time,” a division was claimed. In accordance with Standing Order 70(2), that division must be taken now.

Question put and declared carried.

**Multi-Party Actions Bill 2017: Referral to Select Committee [Private Members]**

**Deputy Donnchadh Ó Laoghaire:** I move:

That the Bill be referred to the Select Committee on Justice and Equality pursuant to Standing Orders 84A(3)(a) and 141.

Question put and agreed to.

*Sitting suspended at 1.10 p.m. and resumed at 1.40 p.m.*

**Ceisteanna - Questions**

**Priority Questions**

**An Leas-Cheann Comhairle:** Deputies are all familiar with the rules, and I do not want to be interfering all the time. I ask them to keep an eye on the clock.

**Deputy Simon Coveney:** Is it four minutes for a reply?

**An Leas-Cheann Comhairle:** That is what the Minister might like to take. It is two minutes. These are not Topical Issues. I call on the shadow Minister.

**Deputy Darragh O’Brien:** Déanfaidh mé mo dhícheall.

## **Diplomatic Representation**

1. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade his plans to double Ireland's global footprint; the meetings held and preparations made for same; if his Department is undertaking research on the costs involved; if so, the expected publication date of such research; and if he will make a statement on the matter. [48485/17]

**Deputy Darragh O'Brien:** In light of the Taoiseach's repeated announcements and the Minister's follow-up announcements, will the Minister provide an update on the plans to double Ireland's global footprint, including the meetings held and preparations made for same? Is his Department undertaking research on the required costs involved and, if so, will it publish both the plan and a list of priorities as to where and when new embassies and consulates will be opened?

**An Leas-Cheann Comhairle:** Go raibh maith agat. That was a good start.

**Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** The doubling of Ireland's global footprint by 2025 began with the recent Government decision to open new embassies in Santiago, Chile; Bogotá, Colombia; Amman in Jordan, and Wellington in New Zealand, and new consulates in Vancouver in western Canada and Mumbai in India, on a phased basis from 2018.

Our expanding network will enhance Ireland's visibility globally, extend our influence and enhance our position in the context of trade and investment growth in new and existing markets. It will also benefit travelling citizens and engagement with the diaspora. Expanding our presence and influence abroad is also about a broader redoubling of our effort in the fight against global poverty and hunger and for sustainable development via the Irish Aid programme.

It also involves reaching out to our diaspora and exploring creative new platforms that we could use to expand Ireland's influence overseas.

The Department of the Taoiseach is leading a steering group of relevant Departments and agencies that is preparing a plan to be considered by Government by the end of the year. The Team Ireland Conference, an initiative of my Department, is meeting today to explore ways to strengthen co-ordination across Departments and agencies involved in trade and investment to help us realise our ambition.

The question of costs is being considered as part of the annual departmental budgetary process, including with the Department of Public Expenditure and Reform. Any additional expenditure will be consistent with value-for-money principles and provide clear benefits for the State and will depend on a range of factors, including staff and accommodation needs. The €2 million allocation in budget 2018 will cover the initial outlays.

**Deputy Darragh O'Brien:** I thank the Minister for his reply. However, it did not contain the answer I require. I know he was away on Government business at the time, but when I raised this matter with the Minister of State, Deputy McEntee, following the Taoiseach's announcement of Ireland's Global Footprint 2025, she said, "When the Taoiseach speaks about doubling our footprint, that does not necessarily mean doubling the number of offices or doubling the budget." Doubling does not mean doubling according to the Minister of State. I want to know what it does mean. I would really like to know the criteria we are using to decide where new embassies and consulates will be opened. I wish to put on the record that my party very much

welcomes the announcement of the six new offices to open and the additional budget allocation, but we would like to know that it is not just being drawn up or done on the Taoiseach's whim when he decides he wants to make an announcement. I would really like to see a detailed plan as to where we are going next and the rationale we are using for our new markets to capitalise with business on new opportunities that are out there with our diaspora. Furthermore, in a post-Brexit world, diversification is now even more important.

**Deputy Simon Coveney:** The Minister of State, Deputy McEntee, was correct. Doubling our international footprint is not just about doubling the number of embassies or consulates, although there will be many more embassies and consulates; it is also about working with other State agencies, including Enterprise Ireland, IDA Ireland, Bord Bia and Tourism Ireland. It is about doubling the presence of Ireland internationally. That is why we need - and why we have - a steering group with all of these agencies represented on it. That is why it is being managed by the Department of the Taoiseach, although my Department has a big role to play.

Regarding new embassies and consulates, it will be my Department that will come forward with the suggestions as to where they should be opened. The reason we are opening in Chile and Colombia is that both countries have trade agreements with the EU. We have quite a dramatic under-representation in Latin America. The reason we are opening in western Canada is that we have a trade agreement with that country. The reason we will open a new Ireland House in Tokyo is that we have a trade agreement with Japan. The reason we are opening a new Ireland House in Mumbai is that it is the commercial capital of a huge market in India. We have done much of the necessary pre-work before making commitments and we will continue to do that as we go. I think Deputy O'Brien will have a much clearer picture of what this will look like by the end of the year.

**Deputy Darragh O'Brien:** This morning, the Minister referred to the conference that was held about delivering sustainable growth and showing where we are targeting new trade. Very specific figures were given there - 80% growth in indigenous exports and agrifood to increase to €19 billion by 2025. This is all very welcome, but regarding this aspect of it, which is about our physical presence in other countries, there is no plan. What I really want to know is what research has taken place and what our mechanisms are for putting that research together to make those decisions. Is the Minister planning any further announcements in the short term in the context of opening additional embassies, consulates or Enterprise Ireland offices? It is a matter of trying to get under the bonnet on this to see where we are targeting, what is next and what rationale we are using. With all due respect to the Department - and it is a good Department - all other parties and Members will have views as to where we should be increasing our global footprint. It being just announced by Government and us dealing with it *ex post facto* is not ideal.

**Deputy Simon Coveney:** There is fair comment in what the Deputy says. This ambition was only put in place in August. We then set about preparing for an initial budget to really make clear to people that we are serious about delivering on that ambition. We focused on obvious areas from which Ireland is absent, in which we should develop a presence and where there is real trading and commercial opportunity and, in the case of the Middle East, a need for an increased political presence in a country such as Jordan, which is a real stabiliser in the region. We did initial work in the Department of Foreign Affairs and Trade to ensure we had a response in the budget that sent a signal that the State was serious about this. I accept the need for a comprehensive roadmap, and a process is under way within Government agencies and across Departments co-ordinated by the Taoiseach, and meetings have taken place about putting a more comprehensive roadmap in place to 2025. Consultation with other political parties about

that is needed and it would be very useful for me to outline to the Joint Committee on Foreign Affairs and Trade how I envisage it working and to get feedback from other political parties, which we would like to take on board.

**Deputy Darragh O'Brien:** That would be welcome.

## **Brexit Negotiations**

2. **Deputy David Cullinane** asked the Minister for Foreign Affairs and Trade the meaning of the phrase sufficient progress in relation to phase one of the Brexit talks and Ireland; if progress has been met in the current round of talks; if Brexit talks will move to phase two in December 2017; and if he will make a statement on the matter. [48487/17]

**Deputy David Cullinane:** We are still in phase 1 of the talks on Britain leaving the European Union. Three issues are currently being addressed in those negotiations. One is Ireland and what will happen in Ireland in a post-Brexit situation. The European Union says that we cannot move on to phase 1 unless sufficient progress has been made on all three areas and we support that. What does sufficient progress mean for the Government in respect of the Border? What is the bottom line and when will we know that sufficient progress has been made? For us to know that, we must have an understanding of what sufficient progress means from the Government's perspective.

**Deputy Simon Coveney:** I have a written reply to that, which the Deputy will get, but I will answer directly. It is to be hoped we are coming towards the end of the first phase of negotiations but that is not necessarily the case unless the sufficient progress test can be passed. The three issues are citizens' rights, the financial settlement and Irish issues. Within the Irish issues are three core issues. The first is what is called the common travel area and we have made good progress on that, allowing Irish citizens to move, live, study, access social welfare, carry pension entitlements and vote in Britain, and likewise in respect of British citizens here. The second two issues are complicated. The first is a commitment to fully implement the Good Friday Agreement in all of its facets. We have a mapping exercise between the British negotiating team and some Irish negotiators working with the task force to map out the complexity of that. There are 142 different areas of North-South co-operation that we are trying to figure out how to deal with in full in the context of Brexit. It is not easy. The third issue is the Border. The papers that were leaked last week are negotiating and working papers for the task force and they sum up where we are.

**Deputy David Cullinane:** What is sufficient progress?

**Deputy Simon Coveney:** We want to ensure there is no regulatory divergence in Northern Ireland from the rest of Ireland. We would prefer for that to apply to all of Britain in order that we can continue to function on the island of Ireland, consistent with the Good Friday Agreement, ensuring that North-South co-operation can happen. If the rulebook changes between the two jurisdictions, that becomes much more difficult and more complicated, and we need assurances about that issue before the task force can give a signal that we can move on to phase 2 issues.

**Deputy David Cullinane:** There are a number of problems with that. The Taoiseach has already said that we will not exercise any veto. That is manna from heaven for those on the

British side. Second, there are mixed messages from the Government about the matter. The Minister has several times told the House and me - I have been at many meetings where he has discussed this issue - that it is vital that the North of Ireland stays in the customs union and Single Market.

**Deputy Simon Coveney:** Yes.

**Deputy David Cullinane:** The Minister's view is that the best option is for Britain to stay in the Single Market but that the North should. The Taoiseach said last week that that is not necessarily what should happen. He also talked about divergence and said that it is possible, once Britain accepts the rules. How does that square with the European Union needing to protect the integrity of the customs union? Divergence of regulations is only part of the issue. If that is the case and we are to get divergence in standards, rules and so on, that is essentially a case of the North staying in the customs union anyway. We are confused about how matters stand in this regard and what the Government's position is. The only way we can avoid any hardening of the Border and the disruption of the movement of goods and services is for the North to remain in the customs union and Single Market. That should be the absolute position of the Government. It might be the Minister's position but a different position and wording is coming from the Taoiseach, which raises concerns for us.

**Deputy Simon Coveney:** I hope that is Deputy Cullinane's position now too. If it is, his position has changed somewhat into a more realistic position. The Government's position is that we would like to see Britain as a whole not only stay in the customs union but to stay as an extended part of the Single Market. That would solve many problems for many people and livelihoods. This is a negotiation, however, and there are two sides to it. We have to find agreement. I have said that Ireland will be firm and stubborn but fair when looking at proposals that can allow the island of Ireland to function with a consistent position on the Good Friday Agreement. A customs union arrangement for the island of Ireland does not solve everything by itself. It needs to go beyond that with regard to the regulatory environment but it would certainly help. We are saying that if Britain cannot operate under the same rules as Ireland and the rest of the European Union, there will need to be a facilitation that is unique and flexible that applies to the challenges on the island of Ireland. We have made that clear. It is also the task force's position. Unfortunately, this is now one reason we may not move on to phase 2 in December but I hope we will be able to find a way forwards between now and then.

**Deputy David Cullinane:** No divergence does not make a customs union. Our position is realistic. Is it unrealistic to ask for the entire island of Ireland to stay in the European Union? Perhaps the Minister now supports one part of the island coming out of the European Union. Is it unrealistic to say that the vote in the North, where people voted to remain in Europe, should be respected? Is Deputy Coveney genuinely telling me as a Minister that he believes it is unrealistic for a party in the North to want the entire island of Ireland to stay in the European Union? We have always said that we want the North to stay in the customs union and Single Market. We want the Good Friday Agreement to stay in the legal architecture and framework of the European Union. It is complex but that has to be worked out. The people of Ireland did not ask for Brexit and we can all accept that. We are trying to come up with solutions. The Minister has been in the North for a long time, meeting Sinn Féin representatives, and he can see the work we are doing in the European Parliament to negotiate with the British Government, European negotiators and with the Minister. We are earnest and honest about what we want to achieve, which is the best possible deal for the people who live on the island of Ireland. For us, that means the entire island staying in the European Union. If that means the North staying

in the customs union, then that is what should happen because, in my view, that is in the best interests of people who live on the island of Ireland.

**Deputy Simon Coveney:** I do not want Britain to leave the European Union. I want the island of Ireland to remain in the European Union but we are in a negotiation following Britain deciding through a referendum to leave. We need to ensure that we protect Ireland's vulnerabilities, both North and South, in that context. We are negotiating through a European task force led by Michel Barnier, who understands the Irish issues very well. We are at one with the EU task force's approach here, which is to take a tough position to protect the concerns on the island of Ireland, ensure that there is no hard border in the future and that the Good Friday Agreement in all of its facets, particularly with regard to North-South co-operation, can function in the future. It is recognised in the task force that, to do that, the same rule book needs to apply to both jurisdictions. It would make it much easier to do that if we could stay in the same customs union. I do not think we disagree on most things. We need to be consistent to ensure that the British Government understands that Ireland will stubbornly stick to this position because we must and will protect the interests of our own citizens.

2 o'clock

### **Brexit Negotiations**

3. **Deputy Stephen S. Donnelly** asked the Minister for Foreign Affairs and Trade the position regarding the situation in which no solution is found to avoid border controls with Northern Ireland; the status of talks to be held in December to discuss the future relationship in respect of same in view of comments made by the Taoiseach on 8 November 2017; and if he will make a statement on the matter. [48486/17]

**Deputy Stephen S. Donnelly:** On Wednesday of last week, the Taoiseach stated, "I am now of the view that it is likely we will be able to say that sufficient progress has been made at the December meeting, allowing us to move on to discussions on transition and the future arrangements." On Sunday, Michel Barnier said that EU member states need to start preparing for the collapse of the talks. At the October meeting, the Government's position was that insufficient progress had been made.

I have two questions on this matter. What changed and what progress was made between the October meeting and the Taoiseach's statement last Wednesday that seemed to shift Ireland's position to us being able to move on? Does the Government agree with the leaked paper from the European Commission which says if the UK leaves the customs union and the Single Market, it would be impossible to see how border controls with the North could be avoided?

**Deputy Simon Coveney:** The Taoiseach said he was more optimistic that we could move on to phase 2 in December than he was before the October meeting, when, clearly, there was no chance of that happening. Since the Taoiseach's statements, the leaked paper from the task force points to a number of things that Britain does not seem to be accommodating, so we have a problem. The Taoiseach recognises this also and that is why he has been asked about whether Ireland would use its veto and so on. This misses the point to some degree. The European Union is at one in respect of this matter. We have fantastic solidarity across the European Union on Irish issues. The head of the task force understands those issues in real detail and in my view there will be no need for a veto. I am of the opinion that the European Union will act as one and that member states will take their signal from the task force as to what is and is not acceptable in the context of sufficient progress.

There are two serious issues that are currently outstanding, namely, those relating to the financial settlement and the Irish Border. The British Government knows this and there is a big onus on it to come forward with some new thinking regarding the Border in the next few weeks. Any government must plan for a worst-case scenario and we will do that. I am aware that Deputy Donnelly has raised this issue a number of times. We are negotiating for a best-case scenario because that is what we need to do.

To be clear, the Government's position is consistent with that of the task force. Specifically, in order for North-South co-operation to function in the future, consistent with the Good Friday Agreement, we need to ensure there is no regulatory divergence on one part of the island versus the other. That is a real danger in the context of Brexit. This is why our position of Britain being part of the same customs union, whether that is a redesigned customs union or an extended Single Market, would solve a lot of these problems. In the absence of Britain, as a whole, doing this, we need some assurance on the island of Ireland that Northern Ireland will be the subject of unique and flexible solutions.

**Deputy Stephen S. Donnelly:** I thank the Minister for his reply. We are all lined up in the context of what we want to see happen. Obviously, we would like to see the UK stay in the Single Market and the customs union. There is cross-party support for no controls or borders of any kind being put in place around the Six Counties. The Taoiseach said, "I am now of the view that it is likely we will be able to say that sufficient progress has been made at the December meeting". These communications are causing real concern. We met with business people from both sides of the Border yesterday. A transport business man from Antrim told us that if phase 2 happens without the Border being conclusively sorted - not as in "good faith" but still with reasonably high-level statements around regulatory equivalences and so on - he is going to move his business out of Northern Ireland. I appreciate that the Minister is doing everything he can but there is a gap in communications. I am of the view that the Taoiseach misspoke. I do not believe that sufficient progress has been made. I do not imagine that a lot more was done. The Minister has not laid out what progress has been made since the October statement and the statement last week. The Taoiseach probably misspoke. We need to be very careful. The Government needs to be very careful about the messages it is sending out in respect of the Border because business people are watching. The Taoiseach's comments were carried internationally across several news outlets. We need to be very careful about the messages we send out to people on both sides of the Border who are having to make decisions about what is likely to happen to their businesses and their communities in the coming months and years.

**Deputy Simon Coveney:** I agree that we need consistency because businesses cannot plan on the basis of weeks or months; they need to plan years ahead. This is why we need a long transition period, in my view. We have been giving very clear messages for the last week, through our party conference and since then. I gave very consistent messages to the Chancellor of the Exchequer and to the Secretary of State for Exiting the European Union, David Davis, when I was in London last week. Anybody who sees the positioning of the EU task force will see in that the Irish Government position, which is very clear and firm on the Border issues. It remains to be seen whether we can bring the British Government to accept the wording in that position. If we cannot we face a challenge and we face choices in December that will be difficult choices. It is important to say very clearly that the solidarity Ireland enjoys at prime ministerial and foreign ministerial level right across the European Union in the context of Northern Ireland issues and the Border is very strong. Nobody should make the assumption that because everyone wants to move on to talk about trade and future relationships - which, of course, we

also do - that the Border issue is going to be brushed aside or fudged. I do not believe that it will be. This puts Ireland right in the middle of the issues that need to be resolved between now and December. That is where we are but we need to be firm on it.

**Deputy Stephen S. Donnelly:** I thank the Minister for his reply. What he said is good to hear. He has outlined a clearer position than that outlined by the Taoiseach. I thank the Minister for that.

On contingency planning, the Secretary of State for Northern Ireland, Mr. James Brokenshire, went to Brussels last week and said that the British Government does not support and will not seek any form of special or unique status for Northern Ireland. Mr. Brokenshire said that the UK wants convergence in animal health regulations but, at their core, his comments were, as I am sure the Minister will agree, quite negative and fell well short of addressing the issues as laid out by the Minister in respect of full regulatory equivalence and the concerns of businesses on both sides of the Border.

Fianna Fáil supports the Minister's call for a multi-year transition period but there are 498 days left and we have Monsieur Barnier and the BBC warning of collapse in the talks. All year the Government has promised to publish detailed sector by sector plans, including contingency for a hard Brexit. Now we will have to include contingency for a no-deal scenario and a disorderly Brexit. I cannot get any answer from the Taoiseach as to where these plans are or when they will be published. Plans such as these would bring comfort to, or at least engagement on the part of, various businesses regarding what sort of contingency planning and Government supports are in place. Will the Minister indicate when we and, more importantly, the agrifood sector, farmers and the tourism and transport industries will see these detailed sector-by-sector plans, including the contingency plans?

**Deputy Simon Coveney:** It is important to quote the Secretary of State, Mr. Brokenshire, fully. While he did say what the Deputy has outlined, he also said “[W]e have made equally clear we are determined to find bespoke solutions to Northern Ireland's unique circumstances, not least as the only part of the UK to share a land border with an EU member state.” There is a recognition from James Brokenshire that these are complex issues that need bespoke, unique and flexible solutions. We can all agree that we are not where we need to be in the context of those solutions.

The Deputy referred to contingency planning. Work in this regard is ongoing. The Deputy is asking for published, specific plans for certain outcomes. There are so many outcomes that are possible from Brexit right now that we could put all our resources into trying to develop responses to each of them. A great deal of detailed contingency planning needs to happen but our main focus has to be on getting the right outcome in the negotiations. This is where our focus lies. As the Deputy rightly stated, we must see to it that if the worst-case scenario were to happen, Ireland needs to ensure that it is not fundamentally caught out and that we have a plan which will kick in. We will have this, but it is not something we want to see happen. As I have said many times, we will contingency plan for the worst-case scenario but we will continue to negotiate to try to get the best possible outcome.

## **Brexit Negotiations**

4. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs and Trade his views on the likelihood of a no-deal Brexit situation; the contingency planning that is under way to minimise the adverse effects of this outcome on Ireland; and if he will make a statement on the matter. [48584/17]

**Deputy Róisín Shortall:** In light of growing concern in the House, among the public and in the business community, including the agribusiness community, about the worsening state of affairs in relation to Brexit, it is important for the Minister to set out the Government's assessment of the likelihood of a no-deal Brexit and explain to the House what contingency planning is under way in his Department.

**Deputy Simon Coveney:** As Minister for Foreign Affairs and Trade with special responsibility for Brexit, I am working closely with colleagues across Government to address the many challenges resulting from Brexit. This co-operation also involves the relevant State agencies. Work at Cabinet level is being prepared through cross-departmental co-ordination structures. All relevant Departments are providing research, analysis and overall policy input to the Government's wider response to Brexit, including its priorities for the ongoing Article 50 negotiations between the EU and the UK, as I outlined to Deputy Donnelly. An important focus of planning and preparation is deepening the Government's analysis and understanding of the exact consequences of a range of different possible scenarios, including one in which no withdrawal agreement is concluded. This represents an intensification of the Government's previous contingency planning. All Departments are assessing in a very concrete way the immediate legal or practical consequences of a no-deal Brexit in their areas and what mitigating measures might be possible. It will then be necessary for the Government to consider the situation in the round and discuss whether specific actions are required at that stage.

Aside from its wider co-ordination responsibilities, the Department of Foreign Affairs and Trade has lead responsibility for planning for, preparing positions on and following the EU-UK negotiations. This requires research on and analysis of very many legal, institutional and political issues. The eventual outcome of negotiations will, of course, be decisive in determining the shape and effects of Brexit. Our permanent representation in Brussels and our embassies in all member states send us a constant stream of reports describing and analysing the concerns and priorities of EU institutions and our partners. I will come back with supplementary answers.

**Deputy Róisín Shortall:** The Minister has not actually provided his assessment of the likelihood of a no-deal Brexit. That is what we are all keen to hear. Recently, the European Commission called on the UK to commit to avoiding a hard border on the island of Ireland, including by ensuring no emergence of regulatory divergence from the rules of the internal market and the customs union which are or may be necessary in future for meaningful North-South co-operation, the all-island economy and the protection of the Good Friday Agreement. We all agree with that. However, Mr. David Davis took a very different position earlier this week. We all heard his assertion that Northern Ireland cannot remain within the customs union. These are two absolutely divergent positions and the fundamental question is how they can be reconciled. No one can see how it can be done.

**Deputy Simon Coveney:** While David Davis said that, he also published a paper during the summer which explored the concept of a customs union partnership to allow Britain, Ireland and the rest of the European Union to remain within the one customs union. While he is saying,

consistent with the British Government position, that they are leaving the customs union, the Single Market and the European Union, it does not mean they will not commit, having left, to a redesigned customs union and new trade partnership arrangements which, I hope, allow for barrier-free trade between Britain and the European Union. Let us see how that develops. We are not at that stage yet.

As to the chances of a no-deal Brexit, personally, I think that it is unlikely. It would be very, very bad for Britain and for Ireland should that happen. I do not believe the British Government will allow it to happen. The EU task force will negotiate in a way that is consistent but fair and which shows some understanding of British difficulties around some of the issues they face. I do not believe the negotiating teams will allow a situation to arise wherein we have no deal and Britain crashes out of the European Union with no contingency planning in place. That would be madness and I do not believe it will happen.

**Deputy Róisín Shortall:** We all agree that it would be madness from our point of view and from that of the EU. While we all hope for the best, however, we must clearly prepare for the worst. The worst is becoming more and more likely as time goes on, unfortunately. It is important to recall the comments of Mr. Michel Barnier in the House earlier in the year. He was confident about free movement of people and services but not of goods. He is not becoming any more optimistic as time goes on.

I listened to Mr. Danny McCoy of IBEC during the week after he and other business interests had a meeting in Downing Street. He said that while “the” customs union might not survive, we could be talking about “a” customs union. Can the Minister provide the House with more detail on the possibility of a customs union? Is there a model we might follow?

**Deputy Simon Coveney:** On the general issue of a breakdown, there will come points in any negotiation cycle with which very significant stakes are associated where things are really difficult. This is a really difficult negotiation and we are coming to one of those points in December. Britain wants desperately to move on to phase 2, as do many other countries, including Ireland, and as do businesses. We have an annual east-west trade relationship with Britain of €65 billion and 38,000 Irish businesses trade with Britain every week. They all need certainty, which they cannot get until we move on to phase 2. However, these negotiations are structured in such a way that we must deal with some issues before we can move on, one of which is a really important issue for Ireland. That is creating tension because some people are not ready to move on some of those issues. We need to hold firm, trust in the process and the experienced negotiators on both sides and ensure we uphold the Irish interest through December.

The British paper was not a bad starting point. This concept of a customs union partnership is one we could further explore, but that has to happen between the task force and the British negotiating team. It will not happen in earnest, however, until we move on to phase 2.

## Other Questions

### Brexit Issues

5. **Deputy Darragh O'Brien** asked the Minister for Foreign Affairs and Trade his views on the recent comments made by the Secretary of State for Northern Ireland that he would find it impossible for Northern Ireland to remain in the Single Market and the customs union if the rest of the UK is outside of these mechanisms; and if he will make a statement on the matter. [48311/17]

**Deputy Darragh O'Brien:** The last three questions with which the Minister has dealt are obviously similar. Mine refers to the comments of the British Secretary of State for Northern Ireland that it will be impossible for the North to remain within the customs union if the rest of the UK is outside it. As with Deputy Shortall and others, I am trying to get a sense of whether there is a plan if the worst happens. Can the Minister set out the Government's view of the comments of the Secretary of State, Mr. James Brokenshire, and state how significant they are?

**Deputy Simon Coveney:** The European Commission task force paper on guiding principles for the dialogue on Irish issues reflects our priorities, including the complex issue of the Border. The paper makes it clear that it is the UK's responsibility to propose workable solutions and to take the policy decisions needed to deliver on the shared objective of avoiding a hard border. It is welcome, therefore, that the UK has made a commitment to protect the Good Friday Agreement, maintain the common travel area and avoid any physical infrastructure at the Border. While the EU understands that this commitment is sincere, it must be backed up with workable solutions which take account of the complexities presented by the UK's decision to leave the European Union.

It is essential for the UK to commit to concrete ways that ensure a hard border is avoided. These must include addressing the risks presented by any regulatory divergence from the rules of the EU Internal Market and customs union. Detailed work is ongoing to map out the co-operation on a North-South basis on the island of Ireland on which we rely and which relies on EU laws and policies. This work has underlined the need to avoid the risks presented by any regulatory divergence from the rules of the EU Single Market and customs union in order that North-South co-operation can continue in a meaningful way.

In Brussels, the Secretary of State for Northern Ireland recognised the fact that Northern Ireland needed bespoke solutions and that it had unique circumstances which needed answers. He also confirmed that Britain would be leaving the customs union and that Northern Ireland would not be separated from the rest of Britain in that context. That is all the more reason we need to explore some of the ideas that have come from the British side around customs union partnerships. It would be a lot easier if Britain and Northern Ireland applied the same solution to solve our Border issue but in the absence of that, we have a problem and this will require bespoke and unique solutions for Northern Ireland.

**Deputy Darragh O'Brien:** It does require bespoke solutions for Northern Ireland and for Britain's future relationship in general with Europe. The problem is that we are no clearer on what a bespoke solution will look like. The British talk about not wanting a Border, maintaining relations and so on but, as I told Michael Barnier and Guy Verhofstadt, I am not sure we can

leave it solely to the UK to come up with proposed solutions. The UK has decided to leave and it is its responsibility but we can also have a role and need to be inventive.

The Border is crucially important in terms of the Good Friday Agreement, the common travel area and the rights of our citizens, North and South. However, the Minister gave a very stark figure. The trade worth between €60 billion and €65 billion and the east-west and west-east relationships are not as well understood as the Border issues and I am concerned that Europe will feel that if we can resolve the Border issues, the Irish issue will be solved. It will not be. The Minister knows that tens of thousands of jobs are at stake. We are getting to the crucial part of the negotiations and I wonder if we are prepared as well as we can be for all eventualities.

**Deputy Simon Coveney:** As the Deputy would expect, we are looking at our own ideas, as well as asking the British to come forward with theirs. The onus is on the UK as it decided to leave, which has caused all these issues. Whether we like it or not, however, we are all in this together and we need to contribute to finding solutions, which we will do. It is also important that we are clear on the parameters within which those solutions are to be found. Those parameters are clearly outlined in a working paper from the task force, which is very consistent with our position that the solutions have to ensure there will not be regulatory divergence as between Northern Ireland and the Republic of Ireland. For example if EU state aid rules, which apply in Ireland, do not apply in Northern Ireland and were the British Government to decide to help business in Northern Ireland by grant-aiding a fish processing plant - while we cannot do the same south of the Border - there would be an unfair playing field on the island of Ireland. That would create the need for checks and will lead to border issues etc. Regulatory divergence is a very serious thing for business.

**Deputy Darragh O'Brien:** Absolutely.

**Deputy Simon Coveney:** Within the parameters of no regulatory divergence, we will have an open mind in respect of solutions.

**Deputy Darragh O'Brien:** I agree with the Minister and we do not believe the Irish position should be diluted in any way. It heartens me that we are looking at our own ideas. The responsibility is within Britain but there are some within the British Cabinet whom I would not trust to look after my local football team, let alone to find a solution for the North of Ireland and the future relations of Britain, the European Union and Ireland, North and South. It is also our responsibility to be constructive and find solutions because east-west and west-east trade is, as the Minister said, crucially important. I and my party hope that common sense will prevail but there should be no dilution of the Irish position. We should stand firmly with the EU 27. There are some who believe this process can go on forever but it cannot. It is starting to have an effect and Brexit is biting already.

**Deputy Simon Coveney:** This is a time-limited negotiation and, at the end of March 2019, Britain leaves so we need to move on to phase 2. Even if we move onto phase 2 in December and start serious negotiations in January, we still only have about nine months to put a new template or framework agreement in place, which is a very short space of time in the context of a negotiation as complex as this one. We have no guarantees that we will move onto phase 2 in December unless we can make progress on the Irish Border and other issues.

We speak to the EU negotiating team every single day through our ambassador, who has done a brilliant job in Brussels. He is deeply involved in the negotiations and understands all

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the issues. We are putting ideas into the system all the time. We want to be tough but fair with our friends in the UK but we have absolute solidarity in our thinking so far. We will continue to work that way but we have a job to do and if we are not getting anything back from the British side in terms of solving these problems, then we have to start contributing ourselves and we are doing that.

### **Topical Issue Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 29A and the name of the Member in each case: (1) Deputy John Brady - funding of Purple House Cancer Support in Bray, County Wicklow; (2) Deputies Sean Fleming and Fiona O'Loughlin - the future of the Midland Regional Hospital, Portlaoise; (3) Deputy John Lahart - to discuss access to services for homeless people in Dublin; (4) Deputy Bobby Aylward - the need to address overnight ambulance resources in County Kilkenny; (5) Deputy Bríd Smith - the status of MABS services in Dublin 10; (6) Deputy Darragh O'Brien - to discuss the measles outbreak in north Dublin; (7) Deputy Mick Barry - the recent evictions from apartments in Cork city; (8) Deputy Clare Daly - the need for legislative reform in regard to pension benefits; (9) Deputy John Brassil - to review traffic safety at the Lewis Road and bypass road junction in Killarney; (10) Deputy Dessie Ellis - to discuss loading of car insurance policies for the elderly; (11) Deputy Mick Wallace - the need to increase the social housing stock in County Wexford; and (12) Deputy Pat Buckley - the need to connect the R630 to the N25 Cork road at Lakeview roundabout.

The matters raised by Deputies John Brady, Bobby Aylward, Dessie Ellis and John Lahart have been selected for discussion.

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

#### **Other Questions (Resumed)**

#### **Undocumented Irish in the USA**

6. **Deputy Charlie McConalogue** asked the Minister for Foreign Affairs and Trade if he will report on his discussions with American officials in respect of immigration reform and, in particular, the plight of undocumented Irish citizens in the United States of America; his plans to meet with American officials in the near future to discuss this further; and if he will make a statement on the matter. [48306/17]

**Deputy Charlie McConalogue:** I am sure the Minister is aware of the importance of this issue to many families across the country, and in particular to their loved ones in America. We need to keep the pressure on, particularly in light of increased difficulties arising from the stance President Trump has taken on the issue recently.

**Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I know there are

many people from the Deputy's county who are in a very vulnerable position as a result of this, as there are in mine.

The Government remains committed to achieving relief for the undocumented and to facilitating greater pathways for legal migration to the United States. Ireland's diplomatic representatives in the US are availing of all opportunities to raise the immigration issue in their contacts with the US authorities, including the prospects for immigration reform and the situation of the undocumented, as is the Government's special envoy to Congress on the undocumented, Deputy John Deasy.

We do not, however, underestimate the size of the challenge. This policy area has been a deeply divisive issue within the US political system for decades with pronounced disagreement, even within the same political parties, on the best way to deal with an issue which directly affects over 11 million people. The Government has consistently engaged with both parties in a bipartisan way to address our longstanding concerns and this continues to be our approach.

During my visit to New York for the UN General Assembly in September, I met representatives of the four Irish immigration centres in the region and a representative of the US-wide coalition of Irish immigration centres. My colleague, Deputy Cannon, was also at a number of those meetings and also had a series of meetings without me.

In addition, I met with a senior State Department official, and I was able to further emphasise the Government's commitment to this issue when I travelled to Washington DC from 3 to 5 October and met, along with Deputy Deasy, senior members of the US Administration and members of Congress, including the Congressional Friends of Ireland Group. In addition, our ambassador in Washington DC, Dan Mulhall, hosted a roundtable discussion on 25 October on the issue with Irish community key stakeholders, including the Coalition of Irish Immigration Centres.

The Government remains wholly committed to working with the US authorities to resolve the plight of the undocumented Irish, while respecting the right of the United States to set its own immigration policies.

**Deputy Charlie McConalogue:** I thank the Minister for his response. The political landscape for making progress on immigration reform and achieving some improvement for the undocumented Irish and progress towards legalising their situation has become more difficult since President Trump took office. Certainly he appears to be a very difficult man to talk to and make progress with. It does emphasise, and makes all the more important, the necessity of widening our net and ensuring we continue to engage with both Houses of Congress and parliamentarians who have a genuine interest in achieving progress for the undocumented Irish and other undocumented nationalities.

We have 115,000 Irish nationals living in the United States legally. It is harder to get a quantification of the exact number of undocumented Irish but it has been estimated to be anything up to 50,000. We have all been at funerals where sons or daughters have not been there to bury their mothers and fathers because they are in the United States without the ability to come home and they have not been able to do so for many years. This is crucial for all parties. I know the Minister knows the importance of it. It is important that we re-emphasise and redouble our efforts with the Houses of Congress, the House of Representatives and the Senate to try to build a coalition and deal with the threats that are there at present to making progress in this regard.

**Deputy Simon Coveney:** We got a very warm reception on Capitol Hill on this issue. We met Paul Ryan, Nancy Pelosi, a series of Congressmen and a number of Senators who have been great friends of Ireland for many years. We have been working with Senator Billy Lawless, who is deeply involved in this issue. We are all looking to try to find ways in which we can progress this issue given the political landscape that exists at present in terms of legislative opportunities that may be coming. It is not straightforward, as the Deputy has outlined. Politics in Washington are deeply divided now and it is difficult to get bipartisan agreement on anything, never mind immigration reform. We will continue to look at this issue. Deputy John Deasy is specifically looking at it and nothing else in the context of his work in the US, and he is building contacts and friendships with people who want to help. The question is how to get it across the line in the context of the broader debates on immigration and some of the issues being dealt with on Capitol Hill at present. We will continue to prioritise it, and I am sure I will be back in Washington again in the coming months.

**Deputy Charlie McConalogue:** I thank the Minister for his response. It is important that the Minister, the Minister of State, Deputy Cannon, and Deputy Deasy, who has a useful role, look at other options, and work with the committee on foreign affairs in the Oireachtas to try to ensure there is parliamentarian to parliamentarian engagement with politicians in the US and see whether there are other ways this can be done. It would be a very useful way to ensure it is kept on the political agenda and that a wider coalition is built to try to get progress on this back on track. It obviously will not happen with President Trump, but he may not always hold the level of sway he does at present. It is important that we engage and try to ensure there is a broad coalition. I know work is going on and it is important that it is broadened.

President Trump has made recent statements on halving a number of green cards issued every year. There has been talk of him punishing sanctuary cities, which have a very good relationship with undocumented Irish and other undocumented people, by withholding public grants. These are very concerning. We do not have power over it, but all we can do is work on a united front, which I know will be the Minister's approach. I encourage him to look at other options to try to redouble and continue the efforts which I know have been made. It is difficult, but we owe it to the undocumented Irish and their families in our country to do everything we can to try to regularise their situation.

**Deputy Simon Coveney:** We are probably all on the same page. There are Irish people living in the US who are literally living in the shadows. They are much more concerned and feel a lot more vulnerable and exposed than they have in the past. This is a big issue. We are trying to think imaginatively as to how we can progress it with the current Administration but that is not straightforward. We would not have asked Deputy John Deasy to do the job he is doing at present if we did not think he could make some progress. I am happy to talk to people about how we are doing and what we are doing, but I would not like to raise expectations. This is not straightforward and it is not easy given the current political environment in Washington, but it is something that is at the top of the priority list for us in the context of the Ireland-US relationship and we will continue to try to progress it.

*Question No. 8 replied to with Written Answers.*

*Dáil Éireann*  
**Northern Ireland**

9. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that the Armed Forces (Statute of Limitations) Bill had its first reading in the House of Commons on 1 November 2017 (details supplied); and if he will make a statement on the matter. [48397/17]

**Deputy Seán Crowe:** I tabled this question after First Stage of the Armed Forces (Statute of Limitations) Bill was taken in the House of Commons. The Bill aims to prevent the prosecution of British soldiers for crimes committed during the conflict in Ireland. It is in direct contravention of the Stormont House Agreement. It is sponsored by two DUP MPs. I understand the British Government has made a statement declaring it will not support the Bill. Has the Minister raised this matter directly with the British Government and will he make a statement on this issue?

**Deputy Simon Coveney:** We have skipped a few questions. Is this because the Members are not here?

**An Leas-Cheann Comhairle:** The questions were in the names of Deputies Boyd Barrett and Burton.

**Deputy Simon Coveney:** That is a shame, particularly the question on Yemen.

**An Leas-Cheann Comhairle:** Perhaps we might get the permission of the House to take it. We will work on this question first.

**Deputy Simon Coveney:** I will work with the House. I apologise to Deputy Crowe and I will answer his question now.

The Government has consistently emphasised the urgent need to move ahead with the establishment of the legacy framework provided for under the Stormont House Agreement. Victims and survivors of the Troubles continue to wait for delivery of this, having had to wait for far too long already for a suitable and effective system in Northern Ireland to deal with legacy issues from the Troubles.

There are no amnesties from prosecution provided for in the Good Friday Agreement or any subsequent agreements, including the Stormont House Agreement. The Government has been clear that it would not look favourably on any proposal to introduce such a measure, for state or non-state actors. The Government's position is that the rule of law, including the requirement under Article 2 of the European Convention on Human Rights, for effective investigations of unlawful killings, must be upheld by all responsible authorities.

I am aware of the Private Members' Bill recently introduced in the House of Commons to which the Deputy refers. I note the British Government's response on 13 November to the House of Commons Defence Committee report on investigations into fatalities in Northern Ireland involving British military personnel. In this response, the British Government confirms that it is "necessary and appropriate that allegations against the UK's Armed Forces are properly investigated". I welcome the reaffirmed commitment of the British Government in this response to the full implementation of the Stormont House Agreement.

The legacy process is not about seeking to find an artificial balance or equivalence in inves-

tigations but about ensuring that we have a comprehensive approach. That means effectively investigating all Troubles-related deaths, regardless of the circumstances. That is the approach provided for in the Stormont House Agreement. The Government will continue to engage with the British Government and the political parties to seek an urgent move forward on legacy issues by establishing a Stormont House framework in a manner which will meet the legitimate needs and expectations of all victims and survivors and contribute to broader societal reconciliation as an integral part of the peace process. I met the Commissioner for Victims and Survivors for Northern Ireland earlier this week. She is a hugely impressive individual and both Governments need to help her to do her job.

**Deputy Seán Crowe:** I welcome the Minister's declaration. I think the Bill is unwelcome and a clear contravention of the Stormont House Agreement. It is extremely worrying that Tory and DUP MPs, and even some Labour Party MPs, want to apply a statute of limitations to crimes committed by the British military during the conflict in Ireland, including collusion with unionist death squads, the killing of non-combatants in incidents like the Ballymurphy massacre and the Miami Showband murders and involvement in the Dublin and Monaghan bombings. These are just some of the many actions masterminded or aided by British intelligence. During the Stormont House talks, the DUP was adamant that there would be no amnesties. The final agreement clearly ruled out any amnesties and instead provided for a range of mechanisms to deal with the past. I do not know whether the tabling of this Bill was a solo run but it reinforces the idea that there is a hierarchy of victims. I do not know what the Minister's views are on the wider implications of this type of Bill, including its impact on victims and on society. Is the Minister concerned about the direction in which this type of legislation would bring us?

**Deputy Simon Coveney:** I have discussed legacy issues at length with the Secretary of State for Northern Ireland, James Brokenshire. I believe the British Government is deeply committed to moving ahead with the legacy framework that was outlined in the Stormont House Agreement. Both Governments will take a unified approach to try to ensure that framework works. I hope the consultation process that must take place initially will take place in the context of the re-establishment of the Northern Ireland Executive, which is something that everybody wants to happen. That would allow us to try to deal with some of the legacy issues that are still deeply divisive in Northern Ireland. I want the Irish Government to play a constructive role in that regard. I expect that legislation will be introduced to ensure the Irish Government can assist with legacy inquests, thereby helping to answer some of the questions that people want to see answered. We will do everything we can to try to be constructive and positive in this regard. In the context of Deputy Crowe's question, I do not think it is helpful for people to be promoting the concept of amnesties at this stage because that creates unnecessary division.

**Deputy Seán Crowe:** As I have said, agreement on the way to move this on was reached at Stormont House. It is clear that legacy issues are still outstanding. I welcome the Minister's statement that "a unified approach" will be taken in this respect. I ask him to expand on the approach that is being taken to legacy issues. The British Government will have the huge responsibility of funding legacy cases and dealing with the difficulties faced by many families. Some families have been waiting for 41 or 42 years for inquests into the deaths of their loved ones to take place. I ask the Minister to expand on his suggestion that legislation will need to be introduced in this jurisdiction. How does he feel that will complement this process?

**Deputy Simon Coveney:** One thing we can do as a Government to assist in legacy inquests is to allow for evidence that is relevant to inquests in Northern Ireland to be heard in Dublin. The Minister for Justice and Equality, Deputy Flanagan, understands these issues really well,

having previously served as Minister for Foreign Affairs and Trade. He is committed to the introduction of the legislation in question, on which we have been working for a while. We are committed to the establishment of a unique structure to facilitate the hearing of evidence in a jurisdiction that is outside the jurisdiction where the inquest is taking place. I hope that gives a signal to all of the communities which are going to find the legacy issues difficult that the Irish Government wants to support fully all efforts to establish the truth in these inquests. I do not think money will be a barrier but that is a matter for the British Government in conversation with the political parties in Northern Ireland. I know that conversation has already taken place.

**An Leas-Cheann Comhairle:** We will revert to Question No. 7. It is in the name of Deputy Boyd Barrett, but permission has been given to Deputy Gino Kenny to introduce it.

**Deputy Gino Kenny:** I apologise for the earlier confusion.

### **Foreign Conflicts**

7. **Deputy Richard Boyd Barrett** asked the Minister for Foreign Affairs and Trade if he has raised the issue of the famine in Yemen with his counterparts across Europe; and if he will make a statement on the matter. [48400/17]

**Deputy Gino Kenny:** Has the Minister raised the ongoing famine in Yemen with his counterparts in Europe?

**Deputy Simon Coveney:** I am extremely concerned about the current situation in Yemen, particularly as the humanitarian crisis continues to deteriorate. The war has entered into its third year, the political process has stalled and the fighting is having devastating consequences for civilians. Yemen is also facing the world's fastest-growing cholera epidemic. EU Foreign Ministers last discussed the situation in Yemen at the Foreign Affairs Council in April. The Council called on all parties to start negotiating a peace agreement and committed to increasing its engagement with Yemen when a political solution to the conflict has been agreed.

The EU is the largest humanitarian donor to Yemen and has provided over €170 million in aid since the conflict began. Ireland contributes to this via the EU development budget. We have also contributed over €10 million in humanitarian assistance from our aid programme since 2015. Ireland takes the issue of humanitarian access extremely seriously. The closure of land, air and sea ports earlier this month following a missile attack on Riyadh was an alarming development, especially given the impact on humanitarian aid. When my officials met officials from the Saudi Embassy in Dublin last week, they relayed my request that all parties to the conflict should do everything possible to facilitate the delivery of aid. There have also been EU contacts with Saudi Arabia on this issue.

I note the announcement by Saudi Arabia that it intends to allow the reopening of some ports and border crossings. This must proceed urgently. Yemen has no resilience to the suspension of humanitarian assistance, as locally held supplies are extremely limited. I will continue to monitor the situation closely. I repeat my call on all parties to the conflict to allow unrestricted humanitarian access to those who need it. The conflict in Yemen has led to grave concerns about human rights. Ireland has worked in the UN system to try to address this. At the UN Human Rights Council in September, I decided that Ireland should join a small core group of countries that were driving forward the adoption of a resolution on Yemen. This resolution establishes a

group of international experts who will establish the facts about violations of human rights and humanitarian law on the ground. This group will report back to the UN Human Rights Council as an important step towards accountability in Yemen.

**Deputy Gino Kenny:** I do not know whether the Minister saw last night's "BBC News at Ten" broadcast, which covered the ongoing crisis in Yemen. One can get desensitised to conflict and humanitarian crises across the world. The pictures coming out of Yemen are basically undescrivable. Famine and disease are at epidemic levels. Almost 2,500 people have died of cholera since April. Over 12,000 people have died since the start of the conflict in 2015. The famine in Yemen is ongoing. The pictures coming from Yemen are reminiscent of those that came from Africa in the 1980s. It is a serious situation. According to one agency, it could culminate in a nightmare scenario being inflicted on the world. The Minister said he has discussed this matter with his EU counterparts. Can the Minister forward this to his EU counterparts so they can broker some sort of peace agreement and in particular, deal with the blockade, which is having a devastating effect on the Yemeni people?

**Deputy Simon Coveney:** I hope I am not someone who is prone to exaggeration but Yemen is the world's worst humanitarian crisis right now. It is a catastrophic situation in terms of the inability of essential humanitarian aid supplies to reach people who desperately need them. I have seen the images coming out of Yemen and believe me, I suspect we are not seeing the half of it. We have a political responsibility to try to find solutions and a responsibility to make financial contributions towards aid, which we are doing. To put this into context, in September, the World Food Programme, which is probably the largest aid organisation in the world under UN structures, reached 6.5 million people with food assistance. That is 2 million more than the population of this country. As a result of a brutal civil war that involves a number of countries outside Yemen and poses huge political challenges, the population is facing the devastating consequences of that conflict. We need to do what we can as a small country to ensure that we say-----

**An Leas-Cheann Comhairle:** We might get a few more questions.

**Deputy Gino Kenny:** Perhaps the EU can use its influence on the UN Security Council. A total of 12,000 people have been killed since 2015. The belligerent country of Saudi Arabia is doing most of the killing. It is being armed by the US and the UK. These countries arm Saudi Arabia to the tune of billions of dollars every year. Could the Minister ask his UK counterpart why the UK is arming a country like Saudi Arabia when it is involved in widespread wholesale murder? These people are part of the problem. It is a humanitarian crisis where the ordinary Yemeni people are dying on the streets and dying of malnutrition. The EU should step up and tell the UK that it is arming these people and this country and this is exacerbating the problem.

**Deputy Simon Coveney:** First, the EU is vocal on this issue. It has also rules around the arms trade in terms of what those arms are used for. It is important to say that this is effectively a civil war and no one country is responsible for the misery there. There are two sides to this conflict and depending on who one talks to, blame can be attributed to a number of parties so this will not be solved simply by taking a hard-line position with one side or the other. I am afraid it is far more complex than that. Having said that, this is now a war that is into its third year and, unfortunately, has not received the international focus that some other international conflicts such as those in Syria and South Sudan have received. There is a need for more political focus on Yemen because the extent of the misery there is very significant.

*Dáil Éireann*  
**Middle East Issues**

10. **Deputy Seán Crowe** asked the Minister for Foreign Affairs and Trade his views on the continued expansion of illegal Israeli colonial settlements in Palestine (details supplied); and the measures being taken at a bilateral and international level to tackle Israel's continued violations of international law and the impunity it currently has to expand illegal colonial settlements. [48395/17]

41. **Deputy Maureen O'Sullivan** asked the Minister for Foreign Affairs and Trade if there has been dialogue at an EU level regarding the wider issues of Israeli settlements on Palestinian Authority controlled lands with particular reference to the declaration of a Jewish municipality in Hebron which according to the Palestinian Authority nullifies the Hebron agreement; and if he will make a statement on the matter. [48418/17]

**Deputy Seán Crowe:** I am deeply concerned that the Israeli Government is advancing plans to increase the amount of illegal colonial settlements on occupied Palestinian lands, particularly in East Jerusalem and the Jordan valley. It is allowed to carry out these continued violations of international law with impunity. I welcome the Minister's statement on 20 October condemning the latest illegal colonial settlement expansion plans of the Israeli Government but when will the Irish Government and others move beyond the simple rhetoric and actually sanction or put a brake on the Israeli Government for its continued international law and human rights violations?

**Deputy Simon Coveney:** I propose to take Questions Nos. 10 and 41 together.

We are doing a lot on the Israeli-Palestinian question but simplistic approaches do not necessarily work. Ireland and our EU partners have consistently condemned the relentless expansion of Israeli settlements on Palestinian territory, which is unjust and provocative and undermines the credibility of Israel's commitment to a peaceful solution to the conflict. The introduction and settlement of communities of an occupying power to alter the demography of the area is unambiguously illegal under international law. The process of establishing settlements also inevitably involves violations of the rights of the occupied population through seizure of their land, discriminatory treatment and other restrictions. Tactics including differentiated application of planning laws, zoning, military use, creating national parks etc. are used by the Israeli authorities to advance this process under a cloak of legality. None of these measures can alter the fact that the whole process is illegal.

It is not possible to comment on every reported settlement plan, many of which are speculative and go no further. However, I was disturbed when plans were announced last month for the construction of several thousand housing units in illegal Israeli settlements in the Palestinian territory in the West Bank, including in sensitive areas like East Jerusalem and the city of Hebron, and I publicly stated my concern and condemnation at the time. The intrusive actions of settlers in the city of Hebron have long been a focus of concern and the recent further actions by the Israeli authorities in favour of settlement expansion can only further increase tensions and make genuine and lasting peace and security more difficult to achieve.

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

In addition, Ireland has consistently argued in favour of a clear differentiation by the EU and the international community between the state of Israel on the one hand and the illegal settle-

ments on Palestinian land on the other. This policy was explicitly supported by the UN Security Council in Resolution 2334 in December 2016. The EU has already taken a number of actions in this regard.

**Deputy Seán Crowe:** The Minister is saying that it will not involve simplistic solutions. The Minister accepts that the settlements are illegal, as does the UN. I think most people around the world accept they are illegal. What I am really asking the Minister is what we can do and what we are doing to do. What actions are we going to take? I am asking for us to move beyond the rhetoric because according to data released last month by the Israeli Peace Now movement, plans to build 6,500 settlement units in the West Bank have been approved since the beginning of 2017 compared to 2,629 settlement units in 2016 and 1,982 settlement units in 2015. This is ongoing. We know the Israeli Government's attitude to it. The Israeli Minister for Foreign Affairs has said that Israel must start planning 1 million illegal settlements in Area C. What are we going to do about it?

**Deputy Simon Coveney:** That is a fair question. The Government has consistently and repeatedly conveyed these concerns to the Israeli authorities and highlighted them in our interventions at EU, UN and international level. In addition, I raised these concerns directly with Israeli leaders during my visit to Israel and Palestine in July.

Ireland supports efforts to reach a comprehensive peace agreement to the Middle East conflict and this is a priority for me personally. I have met with the US Middle East team to encourage its work and to underline what the EU sees as the key parameters for any future agreement. There is an expectation that the US may come forward with a new initiative regarding a peace agreement early in the new year. I have also taken an active role on this issue in the Foreign Affairs Council, urging my colleagues to continue our work to help preserve and create the political and physical space in which the two-state solution can be achieved.

I visited the region earlier this year and met representatives of both parties. I hope to do so again early next year to try to build on the work we are already doing.

**Deputy Maureen O'Sullivan:** I heard what the Minister said, yet concerns are being raised. In the meantime, as we debate the issue, the settlements are continuing. Palestinian people are being put out of their houses to make way for these settlements. The Minister was there recently and so was I. It is only when one is there that one understands the real impact of what is happening. In Hebron, it is particularly oppressive. We are talking about Brexit and borders in Ireland but if one is Palestinian and one is walking down a street in Hebron, one cannot go a certain way. If one is Israeli, one cannot go another way. We either agree with the two-state solution or we give up on the issue. I agree with the Minister about raising concerns but it is not having an impact on the Israeli authorities because the settlements continue. If one looks at the settlements and the infrastructure and the contrast between life in those settlements and the lives of ordinary Palestinian people, there is no resemblance.

**Deputy Simon Coveney:** I do not disagree with any of what the Deputy has said. I hope we are talking about how to change it and the approach that will achieve that. My view is that there is a hope and expectation at present. I have met senior Palestinian leaders in Ramallah on this issue, as well as many Israeli politicians. I have met the Israeli ambassador on multiple occasions to discuss this issue. There is a hope and expectation that, as a result of the relationship between Israel and the current US Administration, there may be a new initiative in the next few months. Our focus, as politicians and as a Government, needs to be to try to influence that

initiative to ensure that it is one the European Union and Ireland can support in terms of what it asks of both sides. That is what I have been trying to do. I have met the senior US negotiator, Jason Greenblatt, in Jerusalem and New York. It is an important issue for me personally. It is something into which I want to put a lot of time. It is not a coincidence that I will be back in Ramallah and Jerusalem, and probably the Gaza Strip, in January or February. If people have suggestions or want to talk to me in detail in advance of that visit, I will be happy to accommodate them.

**Deputy Maureen O’Sullivan:** I acknowledge the Israeli people I have met who are opposed to the Israeli Government’s policy on settlements. I acknowledge the ongoing work of the Geneva initiative. I will mention the Bedouin and the issues for them and their lives and the way they are being treated. I will also mention the Golan Heights. A group appeared before the Joint Committee on Foreign Affairs and Trade recently to discuss the situation in villages in the Golan Heights. They are mainly of Syrian origin and are also under threat as a result of the policy on settlements. This is an issue the Minister could investigate if he is visiting the area.

**Deputy Simon Coveney:** We have been very consistent on the issue of settlements. They make a lasting peace agreement more and more difficult to achieve. The geography and politics of Jerusalem are incredibly complicated. It takes a lot to get one’s head around the issue but it is helpful when one is there and sees the places that the politics and divisions are centred around. The continuing expansion of settlements in areas that we hope will be part of a Palestinian state in the future makes the agreement regarding such a state much more difficult and complicated. That is why the European Union has been so firm and consistent in criticising settlement activity and why it will continue to do so.

## **United Nations**

11. **Deputy Maureen O’Sullivan** asked the Minister for Foreign Affairs and Trade the Irish agenda for its potential presence on the UN Security Council. [48420/17]

**Deputy Maureen O’Sullivan:** What is Ireland’s agenda for its potential presence on the UN Security Council?

**Deputy Simon Coveney:** The UN provides the foundation for an orderly, rules-based international system. Such a system is important for a small and globally-trading country such as Ireland. Small states depend on this system, which helps to regulate interactions between nations. In an increasingly interconnected world, it is in our national interest to support the UN and to strengthen its role. Ireland is, therefore, seeking election to a non-permanent seat on the UN Security Council in June 2020 for the 2021-2022 term. We have a responsibility to participate to the fullest extent possible in the work of the UN.

The Security Council is the UN body with primary responsibility for the maintenance of international peace and security. It is difficult to predict what matters may be on the agenda of the Security Council in 2021 should Ireland’s candidature be successful. What is beyond doubt is that the Council’s agenda has grown in volume and complexity as the issues fuelling conflict have become more diverse and numerous.

Periodic membership of the Security Council is an important part of Ireland’s foreign policy. It provides us with the opportunity to positively influence Security Council decisions in areas of

international and national importance, giving firm practical expression to our principles.

No state by itself can resolve the many international peace and security challenges the world faces. Security Council membership will allow Ireland to make a contribution to the global efforts to tackle these challenges, fulfilling our shared responsibility and ensuring that we have an opportunity to advocate for the core values of our foreign policy at the Council, which are peace and security, justice, equality and sustainability.

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

The Security Council is the body which mandates peacekeeping missions and sets the policies that UN troops must follow in the field. Over 1,000 Irishmen and Irishwomen serve each year under UN-mandated peace support operations, representing our people and our values. Membership of the Security Council would be a valuable opportunity for Ireland to influence decisions that will affect the conditions and circumstances under which our troops are deployed.

Security Council membership would also give us an avenue to influence initiatives on conflict prevention, a priority area for Ireland, where we have called for increased investment and a stronger role for women in the maintenance of international peace and security. Other policy areas that are having an increased impact on international peace and security include migration, climate change, sustainable development and food security. In addition, the link between youth, peace and security is increasingly recognised as an area of importance and one that the Security Council will need to address in a comprehensive way.

Ireland's previous terms on the Security Council have provided an opportunity to give firm practical expression to the principles underlying Irish foreign policy, which are widely held across the Oireachtas. A strong and vigorous campaign will be needed to secure election in 2020. Should we succeed, our election will allow us to again play our part, to bring our values of peace, justice and human rights to bear in directing the work of the UN.

**Deputy Maureen O'Sullivan:** When the Minister's predecessor, Deputy Flanagan, was discussing this, he made the point that small states can make an impact. There is no doubt that our small state has been making an impact and that we have a reputation in the area of development and humanitarian aid. Being associated with the Security Council could undermine the very good and respected reputation we have for our development and humanitarian aid work. When we look at the Security Council and the big five and consider the situation in Syria and Yemen, which the Minister has just discussed, those permanent members are not preventing conflict or its escalation but adding to it by their decisions. A recent presentation to the foreign affairs committee outlined how France was trying to bring about a situation on the Security Council where the right to exercise the veto would not be permitted in severe humanitarian crises. The general population of the UN agreed with that but not the people with the veto. Can Ireland really change that situation or have an effect on it?

**Deputy Simon Coveney:** It can try. The one thing we should not be doing is giving up on it because it is the only show in town when it comes to international intervention in serious conflict situations. Ireland will continue to advocate for UN reform and Security Council reform. We believe the use of the veto is abused. We also believe the make-up of the Security Council is not reflective of the world today. It is a post-Second World War structure in many ways. The idea that there is no African permanent representation on the UN Security Council is extraordinary when one thinks about the current population and also the population trends which predict

that we will see an extra 1 billion people on the Continent of Africa in the next 25 to 30 years. Ireland wants to be a brave and consistent voice on issues that are important to its people in the areas of humanitarian assistance, peacekeeping and conflict prevention. We have a Secretary General of the UN now who is a big believer in reform. Secretary General Guterres needs the support of countries like Ireland and many others. If we are on the Security Council, we can push that reform agenda hard in a much more effective way than if we are not on it.

**Deputy Maureen O’Sullivan:** We have a certain niche we should protect, namely, our voice as it relates to development and humanitarian issues. I fear this could be undermined. The extent of the work and lobbying that will have to be done between now and 2021 will take up the time of our diplomatic services. We know the great work they are doing already and we understand the demands on their time. In my view, this will divert them somewhat from the essential work relating to development and humanitarian aid. I read a report which states that when Canada was looking to be a non-permanent member, in the region of \$10 million was spent in order to achieve this. The question must arise as to what our application might cost us both in terms of the work our diplomatic services will have to put into it and the cost of securing the necessary votes.

**Deputy Simon Coveney:** If one is trying to influence the debate that is going on inside the tent, deliberately deciding to stay outside it does not allow one to progress the agenda. We want to be inside the tent persuading and arguing with people and getting the Irish perspective across. We have done that very successfully in the past. In the aftermath of 11 September 2001, for example, and the subsequent so-called war on terror, Ireland, as a non-permanent member of the Security Council, was a consistent voice emphasising the need to account for and prioritise the humanitarian fallout from the associated military activity, particularly in Afghanistan. This country has a reputation for being consistent and vocal on humanitarian issues and a strong record of peacekeeping, where we have more experience than virtually any other country in the world. In fact, we have 60 years of unbroken peacekeeping service, which no other country can claim. The UN Security Council will increasingly be involved in designing and signing off on mandates for peacekeeping operations. There is a great deal of work to which Ireland can make an important contribution, and we should compete for membership in that context. It will cost money to secure success, although I do not have an exact figure. However, the opportunity to participate in the work of a body that makes huge decisions impacting on populations throughout the world means we should aspire to be at the table. We hope to be there in 2021.

## **Northern Ireland**

**An Leas-Cheann Comhairle:** We have enough time to take Question No. 12 provided Deputy Éamon Ó Cuív forfeits the 30 seconds usually given for an introductory question, the Minister restricts his response to two minutes and the Deputy confines himself to one supplementary question. Is that agreed? Agreed.

12. **Deputy Éamon Ó Cuív** asked the Minister for Foreign Affairs and Trade the position of the Government in the talks to set up a new Executive in Northern Ireland in regard to the Irish language; and if he will make a statement on the matter. [48384/17]

31. **Deputy Darragh O’Brien** asked the Minister for Foreign Affairs and Trade if he will provide an update on the situation in Northern Ireland and the outstanding issues that remain to be resolved; and if he will make a statement on the matter. [48314/17]

38. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs and Trade the extent to which opportunities still exist to reform the power-sharing Government in Northern Ireland; if efforts in this regard are likely to continue; and if he will make a statement on the matter. [48438/17]

40. **Deputy Brendan Howlin** asked the Minister for Foreign Affairs and Trade if he will report on his engagement with the parties in Northern Ireland on re-establishing the Executive. [44550/17]

**(Deputy Simon Coveney):** I propose to take Questions Nos. 12, 31, 38 and 40 together.

As a co-guarantor of the Good Friday Agreement, the Government, working with the British Government, has spared no effort over many months in supporting and facilitating talks on the formation of a new Executive. However, a devolved power-sharing Executive can only operate on the basis of an agreement reached between the two largest parties. The other parties represented in the Assembly, which have shown considerable patience, also have a critical role to play. I am disappointed that, after several phases of negotiations in different formats, we still do not have an agreement to form an Executive.

The issues under discussion, particularly those on language and culture, go to the heart of the divisions in society in Northern Ireland and agreement on them was always going to be challenging. I have always been strongly of the view that it is possible to reach an honourable compromise which ensures implementation of previous agreements and reflects the core principles of the Good Friday Agreement and power-sharing itself, namely, partnership, equality, and mutual respect. It remains my conviction that this is achievable.

Specifically regarding the Irish language, successive Irish Governments have advocated in favour of an Irish Language Act, as provided for in the St. Andrews Agreement, and we continue to do so. Respect for linguistic diversity and the Irish language are central to the Good Friday Agreement. The Government's firm position is that this agreement and subsequent agreements must be implemented in full.

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

The introduction of a budget Bill for Northern Ireland at Westminster this week is a significant development for the political process in Northern Ireland, founded on the Good Friday Agreement. A budget for Northern Ireland is a matter that should be considered and decided on by the power-sharing Executive and Assembly. As there is no Executive in place at present, the necessary budgetary decisions cannot be made by the devolved institutions. In the meantime, a statutory basis for the continued funding of public services in Northern Ireland is required. The Secretary of State for Northern Ireland has confirmed that the budget Bill reflects the advice of the Northern Ireland Civil Service and has not been subject to political decision-making outside of Northern Ireland. I acknowledge that this step has been taken by the British Government with reluctance and at the latest possible stage in order to seek to preserve the role of the devolved institutions to decide on budgetary and other matters within their responsibility when they are operating again.

It is important to affirm clearly that the Good Friday Agreement remains the indispensable framework for relationships within Northern Ireland, on the island of Ireland and between the UK and Ireland. The Government has confirmed that this week, as has the British Government. In the event that the devolved institutions cannot function, it is the responsibility of the British

and Irish Governments to ensure the North-South and east-west institutions of the Agreement can continue to operate effectively and in accordance with the letter and the spirit of the Good Friday Agreement and subsequent agreements. The Government has consistently affirmed its unwavering commitment to the Good Friday Agreement and its determination, as co-guarantor of the Agreement, to secure the effective operation of all of its institutions. The Taoiseach and I continue to engage with the British Government and the parties in Northern Ireland to give full effect to that commitment.

**Deputy Éamon Ó Cuív:** I thank the Leas-Cheann Comhairle for facilitating this question. I am very reassured by the Minister's response. It is vital that we explain to people who probably do not understand, particularly members of the British Government, the importance of the Irish language to many people on this island, North and South. The language threatens nobody, nor would anybody advocating for it wish to threaten anybody. We must ensure Irish language speakers can exercise normal rights within society, both in this State and in the North.

Has the Minister engaged with the parties and the British Government on the issue of the Ulster Scots language? In a previous role I had, I was always of the view that it was equally important to show respect for the culture of the community which sees its heritage as essentially an Ulster Scots one. Engaging on that part of the equation is the key to the door. By showing no fear in respect of any other culture, we can then ask the people on the other side of the table to respond in a similar manner.

**Deputy Simon Coveney:** This essentially boils down to a question of respect for diversity in Northern Ireland, and both the Irish language and Ulster Scots are part of that. Both parties are trying to find accommodation for the other on this matter. It is a sensitive political issue, the history of which Deputy Ó Cuív does not need me to relate. Much of the effort in the past ten weeks has been about, first, understanding each other's positions and, following on from that, seeking to create an environment where the Irish language is not seen as a threat or a political statement. It is about supporting the people in Northern Ireland who see the language as part of who they are.

There is a recognition in this regard within the DUP and we have had a lot of discussion on how to accommodate a process of legislating for the Irish language. There is an understanding that the right vehicle must be found to ensure it is done in the right context. The need to legislate for and recognise Ulster Scots as part of Northern Ireland's diversity, likewise, has been part of the discussion, including the question of how to incorporate that into a legislative framework.

I hope we will be back around in the table in the coming weeks working to find a way forward on this issue that will facilitate the Executive in moving ahead. It is not the only issue under discussion, of course, but it has been one of the more difficult ones. Both parties are trying to make progress on it, in a context where everybody must recognise the commitments that were made, in the Stormont House Agreement in particular, in respect of the introduction of Irish language legislation. That is the context in which we are having this discussion and I hope the two Governments will be able to help to facilitate an agreement.

*Written Answers are published on the Oireachtas website.*

## Topical Issue Debate

### Motor Insurance Costs

**Deputy Dessie Ellis:** It has become apparent that insurance companies are applying an unfair loading to motor insurance policies for elderly people. Premium costs have been rising rapidly for several years, with motorists having loadings imposed on their policies for different reasons. The most annoying reason of all is where insurers have applied substantial increases because of drivers' ages. Pensioners, who have limited incomes, are bearing the brunt of unreasonable motor insurance increases. I recently dealt with an elderly constituent whose insurance had increased by almost 50%, which amounted to a rise of €400, for no other reason than his age. Clearly, it does not pay to be elderly. These exorbitant insurance increases will have a devastating effect on elderly people living in rural areas who are dependent on their car to go shopping, attend the doctor and visit family, thereby increasing the likelihood of their being isolated from the local community. It will also impede their ability to do the most basic of tasks. This will have a serious effect on their mental well-being and quality of life. The problem in this context is not the elderly. They have proved to be safer drivers and less likely to drink and drive, take illegal drugs or speed. Statistics have shown that licence holders over the age of 60 represent a tiny percentage of those who have received penalty points.

Will the Minister ensure that the needs of elderly people with regard to car insurance are taken into account by the cost of insurance working group? What steps will the working group take to end the discrimination against the elderly? Will the working group also give consideration to the recommendation in the report of the Joint Committee on Finance, Public Expenditure and Reform and the Taoiseach on the rising cost of motor insurance that insurance companies be compelled to inform the consumer whether they have taken into account the mandatory medical assessments of drivers over the age of 70 when calculating insurance premiums and where insurance companies have disregarded medical assessments, they should clearly state the reason for doing so.

Other research in Europe has shown that children involved in crashes where their grandparents are driving are at half the risk of injury compared to when their parents are driving. It is also evident that if an older person is driving a car that is ten years old or older, they will be hit with a double whammy in that they will incur a loading on their premium. This is a serious issue. It affects, in particular, people living in rural areas. Age Action Ireland has recognised this problem and it has quoted a number of cases where this practice has taken place and it has named those cases.

I ask the Minister of State to consider this issue and to come back to me with some solutions or to let me know how these insurance companies can be dealt with. It is a scandal that older people, who have given so much service to this country, are ending up being penalised when they reach a certain age.

**Minister of State at the Department of Health(Deputy Catherine Byrne):** I thank the Deputy for raising this issue. Debating topics such as this is important, but it is also essential to be clear on the matter of responsibilities. The Minister for Finance is responsible for the development of the legal framework governing financial regulation. Neither he nor the Central Bank of Ireland can interfere in the provision or pricing of insurance products, as these matters

are of a commercial nature, and are determined by insurance companies based on an assessment of the risks they are willing to accept. This position is reinforced by the EU framework for insurance which expressly prohibits member states from adopting rules which require insurance companies to obtain prior approval of the pricing or terms and conditions of insurance products. Consequently, the Minister is not in a position to direct insurance companies as to the pricing level or terms and conditions that they should apply to particular categories of individuals.

That is not to say that the Minister, or his Department, is not concerned about issues such as that raised by the Deputy. Therefore, Department of Finance officials contacted Insurance Ireland regarding the specific issue which the Deputy has outlined, given the context of the latest consumer price index data indicating that overall average motor insurance costs have decreased by 15.2% since peaking in July 2016. Insurance Ireland responded to the Department's query as follows:

The premium charged by an insurer is due to a large number of underwriting criteria which determine the nature of the risk and the resultant premium. One of these rating factors would be the age of the person; however, this is only one factor. It would be recommended that the consumer should request a breakdown of the premium for clarification in the calculation of the premium.

Some of the other rating factors used by insurers include the type and age of the vehicle, driving experience, claims record and penalty points of the driver, the number of drivers, how the vehicle is used, and the location where it is normally stored. My understanding is that insurers do not all use the same combination of rating factors - in addition to which, they also price in accordance with their own past claims experience - and as a result prices and availability of cover vary across the market.

In this regard, the Deputy should note that the Competition and Consumer Protection Commission website has an informative section regarding the purchase of car insurance. This can be found on the consumer section of the CCPC's website. One of the tips listed on the website to help cut costs is to "shop around" and to "always get quotes from several insurance providers when you need to get or renew insurance". A checklist for "motor insurance shopping around" is also provided.

As the Government is concerned about the matter raised, and sees the importance of keeping the cost of insurance at sustainable but not exorbitant levels, departmental officials will continue to monitor this matter and to discuss same with Insurance Ireland as part as the Department's ongoing work in regard to the cost of motor insurance generally. The co-ordinating of the implementation of the 33 recommendations from the report on the cost of motor insurance is obviously a key component of this work. It is envisaged that the cumulative effect of the completion of the report's action plan will be that the current trend towards greater stability in the pricing of motor insurance generally is maintained and that the objective of delivering fairer premiums for all consumers, including older drivers, can be achieved.

**Deputy Dessie Ellis:** It is disappointing to hear that we have to rely on the market and the insurance companies. Motor insurance premiums vary considerably from company to company. We all have had experience of that. It is scandalous to see elderly people coming into my clinic and breaking down because of the pressure they have been put under in terms of them being concerned about being able to continue to drive and having heard that their insurance premium will double in price. I do not accept that we do not have a role in this because we do not

interfere in these matters and that the Minister for Finance or the Central Bank does not have a role in dealing with this issue. They should be raising this issue with the insurance companies. There is no reason Ministers could not make representations pointing out that this practice is unacceptable. It is too serious an issue for many people for us not to act.

The Minister of State drew attention to the competition website where guidelines can be found. We have all had experience of searching for guidelines and having to go from one Department to another, but at some stage somebody in authority has to say to the insurance companies that they cannot do what they are doing. People get a breakdown of their insurance premium and companies have various reasons for adding a loading in different areas. It is obvious in a number of cases that elderly people are being loaded disproportionately compared to other motorists. That is unacceptable. Those who need their cars most are the elderly as they may be living in the middle of rural Ireland and have no public transport available and no other means of getting from A to B. They have to visit their families, which is important for their mental wellbeing. This is a major issue. It is disappointing that we do not have mechanism for dealing with this issue and that it is being kicked to touch and from Department to Department. That is very disappointing.

**Deputy Catherine Byrne:** The Minister for Finance is concerned that there are suggestions of unfair loading elderly people's premiums, in particular, and he will continue to seek further information to see if this is a widespread issue. In the context of the general fall in the price of insurance premiums, it would be, in the Minister's view, unacceptable if this is the case. Accordingly, departmental officials who have already engaged with Insurance Ireland on this topic will maintain the contact over the coming weeks.

I have been contacted by a number of older people also who have found that their premiums have been loaded and they have been given different quotes from different companies. I always suggest to them that they should seek quotations from different companies. Some of those people have come back and told me that they have managed to get a lower premium. I will convey the Deputy's concerns to the Minister.

### **Cancer Services Funding**

**Deputy John Brady:** I am bitterly disappointed that the Minister for Health is not in the Chamber to take this matter as the issue I am raising concerning Purple House Cancer Support group in Bray is in his constituency. It is an issue of which he is well aware.

In Ireland, one person is diagnosed with cancer every three minutes. Some 30,000 people are diagnosed every year, and this is due to increase to 40,000 by 2020. Thankfully, there are over 150,000 cancer survivors in Ireland and by 2020, one in 20 people will be a cancer survivor.

Cancer support groups across the State provide a critical service. In County Wicklow, we have a number of cancer support groups, including in Arklow, Greystones, Rathdrum, west Wicklow and indeed Purple House in Bray. The people of Wicklow are fantastic for putting their hands in their pockets to help fund these organisations. Unfortunately, that cannot be said of the Government. The number of people seeking and getting support from these groups continues to grow on a daily basis. In 2016, Purple House had more than 1,200 people visit its cancer support centre in Bray and the outreach support service in Dún Laoghaire. It provided

1,729 cancer support sessions and its team of counsellors delivered 212 professional counselling sessions, while 2,590 calls were made to and from their telephone support line and 42 children attended camps and workshops for children directly affected by cancer. Its volunteer hospital transport service provided 320 trips for chemotherapy and radiotherapy treatment.

Purple House Cancer Support works in partnership with the HSE and all existing medical agencies. It receives the majority of its referrals from the psycho-oncologists, social workers and cancer nurses in various hospitals as well as from general practitioners. Purple House not only serves the needs of those living with cancer in the community, but it also complements the implementation of wider Government policy on social inclusion, health promotion and strategic cancer support. It is an integrated part of the primary care system and regularly receives referrals from the primary care teams in the community.

Since 2011, unfortunately, HSE funding has decreased and stagnated for Purple House Cancer Support. In 2016, the costs of Purple House providing the excellent services and supports was €311,036. Over 77% of that was raised directly through fundraising. It is neither sustainable nor secure that only 23% of funding to Purple House comes from Government via the HSE. In July 2016, negotiations began between Purple House and the HSE with a view to securing sustainable funding for the survival of Purple House community cancer support services. Extensive work was carried out by Purple House in preparing a business case. Many meetings were held with senior HSE personnel and the business case was submitted to the Minister, Deputy Simon Harris. An application for funding has been made. Unfortunately, it appears to have hit a brick wall. Will support be given to the application by Purple House to put it on a sustainable funding level?

**Deputy Catherine Byrne:** I am grateful for the opportunity to read into the record the reply of the Minister, Deputy Harris, who unfortunately cannot be here today. I welcome the opportunity to speak about funding in respect of Purple House Cancer Support in Bray.

Purple House Cancer Support is a registered charity which provides support to those living with and beyond cancer. Groups such as Purple House emphasise quality of life after cancer treatment. I am aware that Purple House plays an important role in supporting patients who have received a cancer diagnosis, particularly in regard to the provision of information, assistance and psychosocial supports. The HSE provides grants to health agencies and other organisations, including through national lottery funds. I understand that Purple House receives ongoing financial support from the HSE. However, it raises the majority of its money through fundraising.

In recent years, great strides have been made in regard to treatment outcomes of cancer patients. My Department is very focused on improving the quality of cancer care through the reorganisation and expansion of services. We have moved from a fragmented system of care to one that consolidates cancer treatment in larger centres, with multidisciplinary care and decision making. We recently launched the national cancer strategy 2017-26. The overall vision of the strategy is that together we will strive to prevent cancer and work to improve the treatment, health and well-being, experiences and outcomes of those living with and beyond cancer. There will be particular emphasis on reducing the cancer burden, providing optimal care, maximising patient involvement and quality of life and enabling and assuring change.

Purple House Cancer Support contributed to the cancer patient forum which was established to provide a patient input to the development of the strategy. It is expected that survival

rates will continue to increase due to a combined approach of screening, early detection and improved treatment. Indeed, the recently published annual report of the National Cancer Registry records a further increase in cancer survival rates with overall five-year cancer survival now standing at 61.1% for all tumour types. There are now over 160,000 cancer survivors in Ireland and it is our aim to maximise the quality of life of these people so that they can return to a normal life as soon as possible.

The Minister for Health has made it clear that he wants to see the roll-out of services to support people living with and beyond cancer as part of the cancer strategy. I understand Purple House has made a submission in respect of this which is currently being considered. The Minister is in contact with Purple House and recognises the valuable role of voluntary organisations like it in supporting patients throughout their cancer journeys.

**Deputy John Brady:** It is deeply disappointing that the Minister is not here himself. What we do not need is backslapping and congratulating of Purple House for the fantastic work it does. The community in Bray and the greater area knows exactly the fantastic work it does. What it needs is actual financial support from the Government. The HSE hospitals are referring cancer patients back to Purple House. It is bursting at the seams. It wants to be able to focus on the excellent work it does providing care, guidance and counselling services, rather than struggling to keep its doors open with people out shaking buckets on the street.

Unfortunately, we have a non-response from the Minister. I have been in consultation with the HSE and it is now saying that it is waiting on the national cancer control programme, NCCP, to come back with recommendations as to what will be rolled out in terms of funding for cancer support groups. Only at that stage will funding for Purple House be considered. It is going to be at least 12 months and more likely two to three years before there is any recommendation because they are waiting on the appointment of a clinical lead. That appointment has to be made before any recommendations, deliberations or discussions can even take place.

In the Minister's absence, perhaps the Minister of State can relay to him that what we need in the HSE service plan for 2018 is specific funding for Purple House. Can I get that commitment? Short of that, can we at least get interim funding to sustain Purple House over the next 12 to 24 months or however long it takes for the recommendations to come from the NCCP? It is not fair that organisations such as Purple House have to rely on voluntary contributions or bucket shaking. Can I have a more detailed, comprehensive response and more clarity from the Minister?

**Deputy Catherine Byrne:** I reiterate to the Deputy that unfortunately the Minister cannot be here and that he would like to be here. I have been asked to take the Topical Issue on his behalf and I have noted many of the Deputy's concerns. Organisations, such as Purple House in Wicklow and in my area, do wonderful work. Those who work in them are filled with compassion when dealing with adults and children recovering from cancer. Funding is one of the main issues that all of these organisations face. The services these organisations provide could not be sustained if it were not for the support on the ground, contributions and voluntary fundraising. I would like all such organisations to be funded directly through the HSE and the Department. Unfortunately, that is not the case. However, I will relay the Deputy's concerns to the Minister. I agree with some of them and he made his point about Purple House clearly. I will ask the Minister to reply directly to the Deputy.

## **Ambulance Service Provision**

**Deputy Bobby Aylward:** I thank the Ceann Comhairle for selecting this important matter for discussion during Topical Issue time.

Last week the *Kilkenny People* revealed that Kilkenny has just two emergency ambulances on duty each night for its population of 100,000 people, or one ambulance to every 50,000 people. The figures, obtained through a freedom of information request, also revealed the total number of emergency ambulances available to Kilkenny on day-shift duty from Monday to Friday is four for each day. However, this falls to just two on Saturdays and Sundays, a time when there would be more demands on the service.

This particular point of the strategy needs to be urgently re-examined as we have a vibrant nightlife in Kilkenny city at weekends. The bars, clubs, hotels and restaurants are always busy with visitors from outside the county who come for a weekend city break or otherwise. The streets of the city are a busy place at night. There is always an increased risk of incident or injury occurring which, in turn, will increase the demand for ambulances. The majority of people are out to enjoy themselves and will be well behaved. There is always a risk of incident, however, when people are out late and perhaps drink is taken. The same can be said for any city.

If there is a valid reason as to why the National Ambulance Service deems it appropriate to reduce ambulance availability at the weekend when demand for a service could increase dramatically in a short space of time, I would be glad to hear it. However, if it is down to an oversight in strategy or planning, then it requires urgent re-examination. Will the Minister of State take a close look at this?

One ambulance cannot cater for 50,000 people on a nightly basis over a long-term period and a daily basis on weekends. It is simply not sustainable. We could potentially be sleepwalking into a scenario where on a bad night someone in an emergency situation in south Kilkenny cannot be reached in a reasonable timeframe because the other two ambulances are otherwise engaged in the north of the county. That person must then rely on what the HSE likes to call “dynamic deployment” from Carlow, Waterford, New Ross and Clonmel, provided the ambulances in those areas are not otherwise engaged or under pressure.

Kilkenny is a focal point of Ireland’s Ancient East and has large numbers of tourists flocking to the county for day trips, particularly at weekends. We are lucky to have several stunning attractions around the county as a result of our rich medieval heritage. The tourism industry is important in sustaining our bars, traditional pubs, restaurants and other small and medium-sized enterprises. It is a high-risk strategy, to say the least, that only two ambulances are available in Kilkenny during busy weekends. There is a glaring risk of serious damage to our good reputation if a regrettable incident or incidents were to occur.

In respect of the day shift on weekdays, we have four ambulances available on Monday to Friday. How does this figure compare to the national average for ambulances deployed *per capita* in the various regions? If the Minister of State has any figures in this respect, I would be glad to hear them.

We have four ambulances on a weekday but only two at the weekend. That is not good enough for a population of 100,000 people. We need more ambulances. Relying on ambulances in other areas is not positive as they may not be available. I know of one incident where an

ambulance available in Kilkenny was called to Wexford to bring a patient to Wexford General Hospital. It turned out the patient was 500 m from the hospital but no ambulance was available there. That was not viable or practical. The Department should re-examine the whole area of ambulance service provision in the area again.

**Deputy Catherine Byrne:** I am taking this matter on behalf of the Minister, Deputy Harris, who regrets he cannot be here this afternoon.

The National Ambulance Service is committed to providing a quality ambulance service in Kilkenny, and across the country, both during daytime and night-time hours. The National Ambulance Service has advised the Minister for Health that the allocation of night-time ambulance resources is based on activity and demand. It is important to note the National Ambulance Service operates on a national and area basis as opposed to a local basis. While resources are dispatched to calls in the Kilkenny area from the ambulance station in Kilkenny in the first instance, resources are also deployed from stations in surrounding areas. In this regard, ambulance resources from Carlow, Waterford, New Ross and Clonmel can provide cover in Kilkenny as required and respond to incidents as they arise on a nearest to the incident basis.

In recent years, the National Ambulance Service has embarked on a strategic reform programme to reconfigure the management and delivery of pre-hospital emergency care services. The programme aims to deliver a service that is safe, responsive and fit for purpose through the development of a modern, clinically driven, nationally co-ordinated system, supported by technology and data. The reform programme mirrors many of the strategic changes under way in ambulance services internationally as they strive for high performance and efficiency while coping with increasing demands for services.

The national emergency operations centre has been established where emergency calls are received and emergency resources are dispatched. The National Ambulance Service utilises an advanced medical priority dispatch system which uses international standards in triaging and prioritising emergency calls. This system ensures life-threatening calls receive an immediate and appropriate response, while lower acuity calls may have to wait until an emergency resource becomes available. In addition, the National Ambulance Service has developed the intermediate care service to provide lower acuity hospital transfers, which frees up emergency ambulances for more urgent calls. A permanent emergency aeromedical support service has also been established to provide a more timely response to persons in rural areas.

The ambulance reform programme is taking place against the backdrop of the HIQA review of ambulance services, published in late 2014, and the National Ambulance Service capacity review, published last year. The capacity review examined overall ambulance resource levels and distribution against demand and activity. Implementation of the recommendations of the capacity review will require a multi-annual programme of phased investment in ambulance manpower, vehicles and technology. Additional funding of €7.2 million was provided in 2016 for the National Ambulance Service, including €2 million in development funding. In 2017, an additional sum of €3.6 million was made available which included €1 million to fund new developments. Additional funding will be made available for the continued development of the National Ambulance Service in 2018. This will be set out in the national service plan 2018. The allocation of the additional funding by the HSE to specific service developments around the country must await the finalisation of the national service plan, a process which is under way.

**Deputy Bobby Aylward:** We can use all the HSE buzzwords we like. We can say that

resources are dynamically deployed or that ambulances are dispatched on a nearest available to incident basis and not a county boundary basis. When one peels back the spin, however, the ratio of ambulances to population size is concerning. The idea of roaming ambulances and resources can only work if there is a sufficient complement of ambulances to begin with. We cannot subject people to a lottery of roaming resources as if the ambulances are constantly static and can be at the scene of an incident anywhere in the county at a moment's notice. That is what the HSE's dynamic language suggests but the reality is the current strategy is simply not sustainable.

If we were unfortunate enough to have a high number of emergency situations occurring, either simultaneously or in a close timeframe to one another, this strategy would unravel faster than one could dial 911. I raise this public safety issue against the backdrop of our continuous fight for 24-7 cardiac care for a population in excess of 500,000 people across the south east. The idea that we expect critically ill patients who present to University Hospital Waterford outside of Monday to Friday, 9 a.m. to 5 p.m., to travel to Cork University Hospital is not workable. It is not possible to do that fast enough to maintain patient safety. It can take close to two hours to travel from south Kilkenny to Cork University Hospital. The journey takes far too long and puts the lives of patients at risk.

There is a mobile cath lab, which is a welcome assistance, but I am concerned it could increase pressure on existing cardiac services for people in the south east. More people will be diagnosed more quickly but the existing laboratory will have limited extra capacity to carry out follow-up procedures that result from the additional angiograms. It is projected that 30% of patients would require additional procedures and 1,500 diagnostic procedures could be carried out annually in the mobile lab. That indicates 450 people would be added to waiting lists for cardiac procedures at the existing cath lab at Waterford Hospital each year. However, only €500,000 additional funding has been allocated. Will the Minister increase that funding allocation?

There is currently no emergency cardiac care service at the weekend in Kilkenny. One ambulance cannot care for 50,000 people. It is an emergency waiting to happen. There should be a reconsideration of more ambulances being made available on a county basis.

**Deputy Catherine Byrne:** I assure the Deputy that I have noted his concerns regarding the ambulance service for the 100,000 people living in Kilkenny. Nobody can predict how many emergencies will occur in an area at a particular time. The emergency services must do the best they can in the time permitted and with the number of ambulances provided in Kilkenny. I do not know who decided on the number of ambulances allocated to Kilkenny but I assume it was the National Ambulance Service. I will bring the concerns of the Deputy to the Minister's attention.

More than 90% of non-emergency patients are seen to by intermediate care services during daytime and night time, which frees up ambulances for real emergencies. However, I will bring the Deputy's concerns to the Minister and I will outline, as I have done in the House, the number of ambulances available Monday to Friday and on Saturdays and Sundays. I do not know why there are fewer ambulances available at night time. I will ask the Minister to revert to the Deputy.

## Homeless Persons Supports

**Deputy John Lahart:** The Minister for Housing, Planning and Local Government, Deputy Murphy, contacted me earlier to say he was unable to take this Topical Issue and I am grateful to the Minister of State at the Department of Agriculture, Food and the Marine, Deputy Doyle, for standing in for him. I ask the Minister of State to bring the points I make to the attention of the Minister. I appreciate that Ministers often find it difficult to appear in the House on Thursdays.

There has been much discussion of the topic this week. I am anxious to raise it because there is still a stigma and stereotype around homelessness and a belief that it only happens to marginalised people. That was evidenced by some views expressed this week. The first time I became aware of a homelessness issue involving a family in my constituency was three years ago when a school principal contacted me to say a family who had lived in a middle class area of my local electoral ward of Rathfarnham had been given notice to quit. That was long before the introduction of the new rules and regulations governing notices to quit. The family had spent the previous night sleeping in a car. All Members have heard of such experiences. That was my first time to encounter it. It was an ordinary working family who had been given notice to quit by their landlord, who wished to sell. They tried to rent a home in close proximity to where they were living and where their children were going to school. They were not marginalised people. Another constituent of mine, who I previously assisted to find a home, has been given notice that he will have to leave his apartment by 11 February. Although support services are available, those examples show how a person, if he or she does not get accommodation, can become homeless overnight. These are not people who were traditionally on the street and they do not have any mental or behavioural issues. It can happen to anybody.

Schools are often the first point of contact for families who face homelessness. I had an hour-long conversation about the issue with a constituent of mine who is the principal of a school in the constituency of my colleague, Deputy Curran. She pointed out the difficulty in accessing services experienced by people who have never had to interact with services, their complete ignorance of the system and unawareness of where to go or who the first point of contact ought to be. She said that advocates are needed to assist people. She discovered that through trial and error. She missed a cumulative almost two weeks of school through trying to find safe spaces for some families to stay. She used an interesting phrase: when a family does not know what to do, what do they do? She discussed the need for the system to help mentor people. She had to find such help for families who came to her for assistance. In one instance, she rang 55 hotels in one day, seeking accommodation for a Dublin-based family. She finally got a place for them in a hotel in Mullingar. Dublin City Council was not willing to accept that as accommodation for the family because it was not in Dublin but she finally persuaded them to do so. At one stage, she was thirty-fifth on a list of callers holding with Dublin City Council. She was advocating for a family.

I ask the Minister of State, Deputy Doyle, to ask the Minister, Deputy Murphy, and the Minister of State, Deputy English, what a family should do when they become homeless and do not know what to do. Public representatives know that the local council should be contacted, such as South Dublin County Council for those in my constituency, and that people should go to the council's housing desk. However, although Members know that, many people threatened by homelessness may not be computer literate. How do such people access a hotel room or find out what hotels are available? We make many assumptions that need to be challenged. An information campaign is needed at a minimum. I wish to highlight the need for advocacy for

those who do not have a voice.

**Minister of State at the Department of Agriculture, Food and the Marine (Deputy Andrew Doyle):** I thank Deputy Lahart for raising this topical matter. I assure him that I will convey his message to the Minister and Minister of State. Although I have a prepared script that will be read into the record, we can deal with some of the issues raised in the time available for supplementary questions. It is very important that the Deputy raised the issue of advocacy.

We are facing a crisis in homelessness in this country. The Minister, Deputy Murphy, acknowledged that earlier this year and that is why resolving the crisis and helping every individual and family with compassion and care remains a priority for the Government.

Local authorities provide a wide range of services to those experiencing homelessness and have wide and flexible statutory powers to assist or make arrangements for the accommodation of homeless persons. To support that, homeless funding is provided by the Department of Housing, Planning and Local Government under section 10 of the Housing Act 1988. In addition, housing authorities provide funding from within their own resources.

As regards homeless services in Dublin, the Dublin Region Homeless Executive's central placement service at Parkgate Street provides a range of such services to homeless people. Homeless individuals or families can meet with a staff member at the placement service who will consider their needs, assist them to access accommodation as required and advise them in regard to accessing other support services.

Families or individuals at risk of homelessness usually begin to engage with homeless services before their existing accommodation becomes unavailable, whether that be days, weeks or months before they become homeless. That allows the Dublin Region Homeless Executive time to consider the various requirements of the household concerned and to tailor supports and consider accommodation options. In many instances, the homeless executive has successfully assisted those who engage at an early stage. So far this year in the Dublin region, almost 600 households who engaged with the homeless executive at an early stage have been prevented from entering emergency accommodation by securing a new private rented tenancy under the housing assistance payment.

The Dublin Region Homeless Executive will also work with those presenting to consider if they are eligible for social housing and assist in the submission of an application if appropriate.

It will also engage with the landlord on the family's behalf if there are issues that advocacy can assist. A State-funded prevention service is also available through  
*4 o'clock* Threshold which can provide support and advice to those at risk of homelessness and examine any notices to quit they might have received for validity. However, often prevention is not possible and temporary accommodation will be required. The Dublin Region Homeless Executive's freefone helpline operates nightly until after 1 a.m., and anyone seeking emergency assistance out-of-hours can be accommodated through this service.

The Minister, Deputy Murphy, spoke to each of these issues yesterday in the Dáil. Where a family seeks homelessness services for the first time out-of-hours, they will be referred to the Focus Ireland family homeless action team, which provides the contact point under a funded service level agreement with the Dublin Region Homeless Executive. The action team will consider the presenting family's immediate needs and work with them to secure hotel accommodation for that night. The next day a more thorough assessment of the individual family's

requirements will be conducted. Following this assessment and information session, the family will be allocated a case worker who will work with the family throughout their homelessness episode, with a view to ensuring they benefit from the available supports.

State-funded services are also available on a nightly basis to individuals who are sleeping rough. A Focus Ireland-McVerry Trust consortium is fully funded to provide a nightly Housing First service which engages rough sleepers on a proactive basis in an attempt to get individuals to access accommodation or consider entering a Housing First tenancy. Once an individual or family engages with homelessness services, the homeless executive will work tirelessly to seek solutions, and it is achieving significant success in this regard. In the first six months of this year, the Dublin housing authorities assisted 1,400 adults to exit homelessness services into independent tenancies. The Deputy can be assured that the Minister, Deputy Murphy's Department and the homeless inter-agency group, established in September of this year following the housing summit, will continue to work with all local authorities and stakeholders to address the very serious homelessness issues that this country faces.

**Deputy John Lahart:** I thank the Minister of State for his response. Things have changed and moved on. It is not so long ago that someone threatened with homelessness could not act until they were actually homeless, so there has been a big step forward, which I acknowledge. One of the key phrases in the Minister's response is "once an individual or family engages with the homelessness services". What I am asking him is what happens to these individuals and families if they do not know who can advocate for them. In the case of the school principal advocating for families, it was a voyage of discovery for her. One of her first ports of call was the Citizens Information bureau, which any citizen in the country would think is a useful place to go, but it does not advocate for people who are homeless. She found Focus Ireland absolutely fantastic. However, she was put in the position of making, as I said, 55 calls a day and waiting thirty-fifth in a telephone queue with Dublin City Council, eventually securing a hotel in Mullingar, having tried every hotel in Dublin. The city council would not accept it. The council finally accepted it because she pushed the matter. She then drove the family to Mullingar. This is on top of all her additional responsibilities as a school principal.

It is that gap in the process to which I refer. Some people are aware of the services available. The second constituent of mine I mentioned, the young man, knew to whom to reach out, but what if one does not know to whom to reach out? We are essentially talking about providing information campaigns, even on billboards, telling people that if they find themselves threatened with homelessness, these are the steps they can take.

Our clinics are full of people who are terrified. They are now beginning to say there is a chance that in six months' time their landlord may decide to sell or refurbish the house or whatever and they are asking what they should do then. They did not ask this six months ago. People out there are anxious. They need to know the first steps they must take. I hope the Minister and the Department take this on board.

**Deputy Andrew Doyle:** I accept the Deputy's comments. There is a network of routes through public representatives, councillors, Deputies and Senators, apart from schoolteachers and other people who have front-line engagement with families all the time. There should be awareness of all the initiatives. There are ambitious targets and an increased budget for 2018. However, it is like anything else: if there is an airlock in the system that stops the information flowing and people do not access the most efficient route to get their support, through the likes of Parkgate Street in Dublin's case, people encounter undue distress, delay and frustration.

The Deputy's example of the schoolteacher is a case in point. That school principal has much work to do and, in fairness, it seems unreasonable to expect that to be part of her role. In any case, had she been tooled with the knowledge of where to go to, she probably could have short-circuited much of the family's and her frustration and anxiety.

We should state on the record that we all have housing and homelessness and dealing with it on the top of our agenda. No one has a monopoly over compassion or care; I think we all care. The best way we as public representatives can show our care is to work together. If there are problems with advocacy, navigation and awareness such as the Deputy has identified, we should take that on board. I will ensure that the Minister takes it on board and seeks to address it. In theory, it should be simple - to let people know where the services are available and how they work. There is a freefone number until 1 a.m., etc. Let us work on this, and if there are other blips in the system, let us iron them out and fix them in order that we can streamline this. We have much work to do. There are many resources being pumped into this but they need to be effective.

### **Banded Hours Contract Bill 2016 Report: Motion**

**Deputy Mary Butler:** I move:

That Dáil Éireann shall consider the Report of the Joint Committee on Jobs, Enterprise and Innovation entitled 'Scrutiny of Banded Hours Contract Bill 2016', copies of which were laid before Dáil Éireann on 30 June 2017.

As Chairman of the Joint Committee on Business, Enterprise and Innovation, I am delighted to have the opportunity to speak on what I believe is a very comprehensive report on the Banded Hours Contract Bill 2016 produced by the then Joint Committee on Jobs, Enterprise and Innovation. I will speak to the Bill as an impartial Chairman, speaking about exactly what we heard and what we decided on as a committee.

A Second Stage deferral motion in respect of the Banded Hours Contract Bill 2016, introduced by Deputy David Cullinane, was agreed by the Dáil on 7 July 2016. This was to allow the then Joint Committee on Jobs, Enterprise and Innovation to carry out detailed scrutiny of the Bill and a range of additional issues raised in the reasoned amendment to the second reading motion tabled by Fianna Fáil. At a subsequent meeting of the joint committee, it was agreed that scrutiny of the Bill would be a priority for the committee. From the outset there was unanimous agreement in the committee that the issues of low pay and variable hours and the increased casualisation of work needed to be addressed. Members were totally supportive of the right of employees to have the hours they habitually work over a defined reference period reflected in their contracts of employment.

The joint committee commenced hearings on the Bill on 31 January 2017. Six meetings were held, concluding on 23 May. This extensive engagement allowed the committee to hear the views of a broad range of stakeholders, including employer organisations, trade unions and employment law experts. The sponsor of the Bill, Deputy David Cullinane, also came before the committee twice, at the outset to discuss the principles of the Bill and, subsequently, to respond to what the committee had heard over the course of its meetings. Over the course of its engagement with stakeholders, the committee developed a deep understanding of the very important issues faced by workers on insecure contracts in a number of sectors. I will now refer

to some of the recommendations of the committee.

First, the committee recommended that the Central Statistics Office, CSO, engage with the Department of Jobs, Enterprise and Innovation, the Low Pay Commission, employer groups, such as IBEC, and employee groups, such as ICTU, to develop statistical measures that will better inform the debate on low pay and low or variable hour work. The committee heard from a variety of witnesses that there is a lack of relevant statistics in this area. The CSO statistics, while useful, do not provide a detailed breakdown of the number of people working zero-hour, if-and-when or hybrid contracts. The University of Limerick study states that 2.6% of employees are on variable hour, part-time contracts. With approximately 2 million people at work, this equates to approximately 50,000 employees. It is important to note that this does not give an indication if the employees concerned are on low pay or if the hours are at their request. Various witnesses have provided data. However, it seems that many surveys carried out are more qualitative in nature. The committee believes that there needs to be an increase in the collection and publication of data in this area by both State bodies and other organisations such as trade unions and employer groups.

The committee's second recommendation is that the Bill requires further amendment to ensure that it is constitutionally sound. A number of legal experts who appeared before the committee expressed concerns about the constitutionality of this test, considering it to be onerous for the employer. The requirement to prove that the business is in severe financial difficulties was highlighted as being particularly onerous. In particular, Ms Marguerite Bolger, SC, and Dr. Des Ryan, BL, refer to the Employment Equality Bill 1996, which was found to be unconstitutional because it required employers to disclose the financial status of their businesses to third parties. The employer groups before the committee also contested this test, stating that businesses would not want to publicly advertise their financial difficulties to their customers and competitors. The committee also heard that an objective justification test, which is referred to in the Long Title of the Bill but not in the subsequent sections, would provide a more robust test for employers to refuse a move in bands.

The committee's third recommendation is that the severe financial difficulties test in the Bill be replaced with a test of objective justification as already exists in employment legislation. We decided on this because concerns were raised with the committee that the Bill placed a disproportionate burden on employers. Employers will be obliged to offer increased hours but there appears to be a lack of mutuality of obligation because employees are not obliged to accept the hours offered. Mutuality of obligation is a cornerstone of the contract of employment. It is not clear if the intention is to create a contractual obligation on the employee to fulfil the hours in the band. If not, there is a concern that an employee's refusal to take up the hours could lead to another employee acquiring the right to move to an increased band, resulting in the employer having two people on increased bands despite the hours not having been available previously. It would therefore appear necessary for an employee to be obliged to accept work offered at his or her current band or to allow the employer to move the employee to a lower band if the employee refuses hours offered in the current band.

The committee's fourth recommendation is that an obligation on the employee to work the minimum hours of the band be inserted in the Bill. This will create the mutuality of obligation necessary for the contract of employment.

The committee recommends that the definitions being used be imported from the same Act or that new definitions be inserted into the Bill. The committee was advised that it may be pref-

erable to seek to convert the Bill from stand-alone legislation into an amendment to existing legislation, notably the Organisation of Working Time Act 1997. This would allow the Bill to fit into existing legislation, thus not creating an additional Act covering employment. It would also guard against there being inconsistencies between the Bill and the existing body of legislation.

The committee recommends that provisions to protect employees from penalisation be included in the Bill. The committee felt that the Bill did not contain any provisions to protect employees from experiencing punishment or even dismissal for seeking to assert their rights. This is an important protection for employees, since it guarantees that their working conditions cannot change dramatically if they attempt to get their employer to comply with the legislation.

The committee recommends that provisions for additional remedy be included in the Bill, beyond the simple conferring of hours. Ms Bolger stated that for a right to be real and effective, it must have real and effective remedy. However, the Bill does not provide for any remedy for the employee other than being moved on to the new band. Ms Bolger and Ms Cathy Maguire highlighted that this would not be of use to an employee who left his or her employment due to unreasonable refusal to move him or her to a higher band. Ms Bolger therefore recommended that the committee consider expanding the remedies beyond simply conferring the hours by addressing issues such as compensation and unfair dismissal.

The committee recommends that avenues be explored to reduce the recourse to casual work practices.

The committee also recommends that consideration be given to using new, specific definitions in the Bill, where the term worker refers to employees who do not have fixed or regular hours of work outlined in their contracts. The committee notes that these definitions will require very precise drafting in consultation with a range of experts including the Office of the Parliamentary Legal Advisor. The witnesses from the University of Limerick were of the opinion that the Bill needs to set out clearly who it protects. They highlighted that the UK attempted to create an intermediate category of worker. However, it has complicated matters and there have been a number of cases to determine who was covered by the definition. As a result, it is imperative that the Bill be clear and precise in this regard.

The committee's tenth recommendation is that the period be extended to 12 months. This will take into account the seasonal nature of the business. It is also in line with the timeframe for unfair dismissals. The committee spent a long time discussing what the correct amount of time would be. The Bill provides for the employee to request a move to a band of hours. However, the committee has some concerns about the drafting of this section. The Bill initially set this at six months. The committee has heard from many witnesses that this is too short. The employer group was particularly strong in highlighting that it was not a sufficient period to cover the seasonal nature of such employment. As it is up to employees to make the request, the timing of the request could lead to a significant difference in the hours worked. For the Christmas period, employees' hours are likely to be considerably higher than if the request had been made three months previously. The committee also heard from a number of witnesses that the 12 month period for unfair dismissals causes some concern. Other witnesses including Ms Patricia King of ICTU and the Minister of State, Deputy Pat Breen, indicated their preference for an 18-month period. The committee also notes that Deputy Cullinane, on his second visit to the committee, accepted that there was room to compromise on the period, suggesting nine months. In the end, the committee settled on 12 months, stating that it should be the maximum

period considered.

The committee's 11th recommendation is that the word "exceeds" in section 3(1) be replaced with "reflects" or another form of wording to that effect. The committee notes that the Bill's sponsor, Deputy Cullinane, agreed with this.

The committee recommends that section 3(4) be deleted and replaced with a test of objective justification. The committee notes that the Bill's sponsor, Deputy Cullinane, was supportive of this change.

The committee further recommends that section 4(2) of the Bill be amended by replacing "the next band" with "the relevant band".

The committee's 14th recommendation is that the possibility of mediation at the Workplace Relations Commission, as per the Workplace Relations Act 2015, be considered for inclusion in the Bill. The representatives from the University of Limerick stated that the Bill does not seem to provide for the option of mediation in the Workplace Relations Commission following a complaint as per the Workplace Relations Act 2015. They were concerned about that. The committee has not heard sufficient information on this point and believes that it merits further consideration.

The committee's 15th recommendation is that section 4(2) be amended to delete "section 2" and replace with "section 3(2)", which is only a technicality.

The committee's 16th recommendation is that section 5 of the Bill be deleted and replaced with a provision that requires employers to provide employees with regular updates on the average hours worked and the bands in which they fall. In recommendation No. 17 the committee suggests that further consideration be given to the merit of specifying the language of the notice.

Recommendation No. 18 proposes that consideration be given to amending section 17 of the Organisation of Working Time Act 1997 to address issues such as the location of the notice and that it be easily understandable for employees, as opposed to introducing new provisions legislation which may be contradictory to existing legislation.

The last three recommendations, Nos. 19, 20 and 21, relate to the bands. The committee recommends that the starting point at which the bands commence should be reduced through the inclusion of an additional band or bands to cover hours below 11.5 hours. The committee also recommends that the bands provided for be amended to remove the overlap between bands. The committee recommends that band F be amended due to the short timeframe in the band. The committee believes that 36 hours or more should be considered as the final band, not 41 hours.

On behalf of the Joint Oireachtas Committee on Business, Enterprise and Innovation I express my gratitude to the committee members for their input. We work very well together as a committee. We have always managed to put forward a document on which we got total agreement. We did not have to push to any votes and were able to reach agreement. I reiterate what I said at the start, there was unanimous agreement in the committee that the issue of low pay and variable hours, and the increased casualisation of work, needs to be addressed. Members of the committee were totally supportive of the right of employees to have the hours they work over a defined reference period reflected in their contracts of employment.

I also thank the committee secretariat and the staff of the Library and Research Service for their work in producing this report. I especially thank the organisations and individuals who appeared before and made submissions to the joint committee. The committee gained valuable insights from all those who had an input into the preparation of this report.

I speak with regard to the Bill today as an impartial chairman, and I hope that I have reflected exactly what was put before the committee and what the committee reflected in its document.

**An Ceann Comhairle:** I thank Deputy Butler. I am sure Deputy Butler has done that, and has done so comprehensively. I draw Members' attention to the fact that more Deputies have offered to contribute than we have time available. Perhaps the Members who entered the Chamber somewhat later might talk to each other with a view to sharing time.

**Minister of State at the Department of Business, Enterprise and Innovation (Deputy Pat Breen):** I thank the Ceann Comhairle. I welcome the opportunity to be here this evening for the scrutiny of this report. I acknowledge the good work done by the chairman, Deputy Mary Butler, and the Joint Oireachtas Committee on their detailed scrutiny of Sinn Féin's Band-ed Hours Contract Bill 2016. I believe they have produced a balanced and very fair report. I am pleased to see that the committee took account of some of the flaws in this Bill, which I pointed out when I spoke here during the Second Stage debate on this Bill in 2016 and as part of the scrutiny process on 23 May 2017.

I propose to comment briefly on recommendations by the committee. They are well-made. Recommendation No. 1 states that the Central Statistics Office should engage with what is now the Department of Business, Enterprise and Innovation, the Low Pay Commission, IBEC and the Irish Congress of Trade Unions to develop statistical measures that will better inform the debate on low pay and low or variable hours work. The committee may be aware that in 2016 the CSO accepted a request from the Low Pay Commission to include a pilot question on the national minimum wage in the Quarterly National Household Survey, QNHS, beginning in the second quarter of 2016. This was a major initiative on the part of the commission and the CSO. The first data from the initiative became available in April 2017 and it followed up-to-date information on the numbers of people who are affected by the minimum wage rates, information that can be used by the commission in its 2017 report. The QNHS also allows for up-to-date profiling of minimum wage workers based on characteristics such as age, gender, education and region of residence.

Recommendation No. 2 proposes that the Sinn Féin Bill requires further amendments to ensure that it is constitutionally sound. I reiterate my views from earlier this year that the Bill that we are discussing today is flawed. Significant amendments would have to be made to address concerns about its constitutionality.

Recommendations Nos. 3 and 12 propose that the severe financial difficulties test be replaced with the objective justification test. This is a very sensible proposal by the committee. The test included in the Government's legislative proposals includes a test very similar to the objective justification defence.

Recommendation No. 4 of the committee says that an obligation to work the minimum hours of the band should be inserted into this Bill. We welcome this. The Government has already made provision for this in our legislative proposals.

The Government is in full agreement with the committees' fifth recommendation that the

definitions being used should be imported from the same Act. That is why the Government intends using the existing definitions from the Terms of Employment (Information) Act 1994 and the Organisation of Working Time Act 1997 in our legislative proposals.

Recommendation No. 6 of the committee proposes that the Sinn Féin Banded Hours Bill includes a penalisation provision. One of the key planks of the Government's proposals is a strong anti-victimisation provision for employees who seek to invoke their rights. It is very important that employees are not afraid of repercussions as a result of requesting to be placed on a band of hours. Under the Government proposals, if an employee is treated adversely as a result of invoking any right under the proposed legislation, he or she will be able to pursue a penalisation claim to the Workplace Relations Commission. Either the employer or the employee can appeal the WRC decision to the Labour Court.

Recommendation No. 7 says that provisions should be made for an additional remedy to be included beyond being placed on a band of hours. In the Government's proposals it is not intended to include such a provision as it could lead to frivolous and vexatious complaints. The banded hours provision will be a new statutory right for employees. The whole purpose of the provision is to ensure the employee's contract properly reflects the hours that he or she works on a consistent basis. This is what we want to achieve and the appropriate remedy is to have the employee placed on a band of hours that reflects the reality of the hours that he or she works.

Recommendation No. 8 is that avenues be explored to reduce the recourse to casual work practices. We believe that our proposed legislation is a major step in the right direction towards tackling the problems caused by precarious employment. The Government intends to prohibit zero-hours practices in most circumstances. There will, however, always be circumstances where people need to be employed on an if-and-when basis to provide emergency or short-term relief cover for the employer; panels of substitute teachers or care workers for example.

There has been much commentary that unscrupulous employers will try to circumvent the Government's proposed legislation by categorising almost all employees as casual. The Organisation of Working Time Act was enacted in 1997. Section 18 of that Act refers to work of a casual nature but does not define it. In the 20 years since enactment this has not led to a regulatory problem of employers incorrectly categorising employees as casual. It is not good practice to put definitions in legislation when the plain, ordinary meaning of a word is capable of being understood by the bodies adjudicating on it. The WRC and the Labour Court are capable of examining all of the circumstances of a particular case and then making the appropriate judgment as to whether or not a particular arrangement is genuinely casual.

The Government is in agreement with the recommendation No. 9 that the definition of a worker in the Sinn Féin Bill requires more precise drafting. In the Government's draft employment (miscellaneous provisions) Bill careful consideration has been given to the definition of employee and employer to avoid this problem.

Recommendation No. 10 is that the reference period should be 12 months. The Government proposes an 18-month reference period in its draft employment (miscellaneous provisions) Bill to take account of peaks and troughs in business. This reference period was arrived at following discussion with the Irish Congress of Trade Unions and IBEC. Consideration also needs to be given to the fact in the education sector the academic year does not match the calendar year.

Recommendations Nos. 11, 13 and 15 are drafting issues. Recommendation No. 14 is very

important and deals with the issue of mediation. It is Government policy that mediation be used to solve workplace disputes wherever possible. That is why mediation is provided for in the Government's legislative proposals. Currently, cases taken to the WRC can proceed by way of mediation, if both parties are agreeable, or adjudication. If parties can come to a mutually agreeable resolution during mediation, this is committed to writing by the mediator and the agreement is legally enforceable. We want this constructive process to continue as part of our proposals.

Section 5 of the Sinn Féin Bill introduces an obligation on every employer to display on a weekly or monthly basis in a prominent position in the workplace the number of working hours being allocated to workers, in Irish, English and other languages, as required. The committee recommends that this be amended to provide employees with regular updates on the average hours worked and the bands into which they fall. Employees are already entitled to significant information about rosters, working time and payment under existing legislation, namely the Organisation of Work Time Act 1997 and the Payment of Wages Act 1991. The Government agrees with recommendation No. 17 of the committee that further consideration should be given to the merit of specifying the language of the notice as included in the Sinn Féin Bill. If enacted, this would impose a very significant administrative burden on employers and might leave them wide open to claims of discrimination if the notice was not in all languages of all employees. The Sinn Féin proposal also incorrectly assumes that every employee has a fixed workplace.

The committee's 18th recommendation that, where possible, existing legislation should be amended rather than increasing the regulatory burden is an important one and the Government wholeheartedly agrees with it. I am pleased that the Government has taken account of the committee's 19th recommendation regarding a band below 11.5 hours. The committee's 20th and 21st recommendations are also welcome. However, there are flaws that do not occur in the Government's legislative proposals. As I stated earlier this year, the Bill sponsored by Deputy Cullinane has a laudable aim. All Members have empathy with employees who cannot access a mortgage or even a loan from a credit union because their contracts of employment do not reflect the reality of the hours they work. That is why the Government is bringing forward legislative proposals in this important area of employment rights. Our proposals are balanced and practical. I am pleased to be able to say it is intended that the employment miscellaneous provisions Bill will be published before the end of the year. Tackling the problems caused by the increasing casualisation of work and regulating for precarious work are commitments in the programme for Government. The Government is delivering on its commitments. Our proposals are the result of extensive consultations, including a public consultation on foot of the University of Limerick study on the prevalence of zero-hour contracts in the Irish economy and a detailed dialogue process with ICTU and IBEC over a period of many months.

I thank the joint committee for the significant work it has done on the scrutiny of this Bill. It is really good parliamentary practice. Even if all of the committee's recommendations were taken on board, however, Sinn Féin's Banded Hours Contracts Bill remains a limited response to regulating precarious work. The Government's Bill, on the other hand, will be a comprehensive and balanced response to strengthening employment rights in this area. Indeed, all of the committee's recommendations in relation the Sinn Féin Bill are addressed in, or do not arise in relation to, the draft Government Bill. I thank the Ceann Comhairle for the time and the opportunity to discuss the scrutiny report and I look forward to what other speakers have to say.

**Deputy David Cullinane:** I thank the Chair of the Joint Committee on Jobs, Enterprise

and Innovation for her work and acknowledge the diligence of the members of the committee in their examination of the Bill over the course of a number of months. Deputy Mary Butler mentioned my name more times in the last half hour than she has in all the time since she was elected to the Dáil.

**An Ceann Comhairle:** We will not hold that against her.

**Deputy David Cullinane:** When I moved the Bill, I noted that I was not perfect. It might be a surprise to the Ceann Comhairle that I have imperfections. I also acknowledged that the Bill was not perfect. Any Bill sponsored by an Opposition party, which does not have the team of civil servants Ministers enjoy, will have flaws. Not only did Fine Gael disagree with the Bill, however, it lambasted it and my party for bringing it forward. Others supported it, however, and it went to the joint committee for scrutiny. The Minister of State is whistling a different tune today, but at the time it was first moved, he and some of his ministerial colleagues were strident in their criticisms of me personally and my party for bringing forward a Bill which attempted to address a real problem. That is why I thank the committee members for their work. Over six sessions, they spent 13 hours hearing from 45 witnesses and preparing 23 recommendations. I support every single recommendation because they strengthen the Bill. There are some recommendations with which I do not necessarily agree, however. Deputy Mary Butler referred to the look-back period which the joint committee recommends should be 12 months. The Minister of State says it should be 18 months and I say it should be nine. We consulted with the trade unions representing low-paid workers who are on if-and-when contracts and they have told us that 18 months is far too long. They believe 12 months is too long also, but they can live with it. I could live with it too if it meant progressing the legislation.

What the Minister of State has done, of course, having lambasted Sinn Féin for bringing forward a Bill to deal with a real issue, is to play catch up and bring forward a Bill of his own. Far from his Bill being more practical and balanced, as he puts it, it is in fact much more limited in scope and intent than the Sinn Féin Bill and the recommendations of the committee. His Bill is balanced not in favour of workers but in favour of employers. In fact, IBEC could have written the Minister of State's entire speech today given how many of the criticisms in it were similar to those I heard at the joint committee when IBEC was before it. The Minister of State said the Sinn Féin Bill would remain limited in its response to regulating precarious work even if all of the proposed recommendations were incorporated. That is an issue where we agree. Of course, it is limited in regulating precarious work because there is a great deal more that we need to do in this area. The Bill was intended to deal with a single specific problem. We have never pretended it was a panacea for all of the problems relating to precarious work. The Bill is intended to ensure that employees have contracts which reflect the hours they work. That is its simple and core purpose. I am pleased the Government now agrees, at least in principle, that this needs to be done.

The Minister of State said his Bill was more comprehensive and balanced. Can he spell out to me how it is more comprehensive? What additional provisions does it bring to the table? What does it do that the Sinn Féin Bill and the recommendations proposed by the joint committee do not? All it does is broaden the look-back period and provide for bigger bands rather than the tighter ones we sought. In fact, it does not solve the problem at all. In launching all of this with great fanfare, the Minister of State said the Government's Bill would ban zero-hour contracts. This is part of the pretence we get from this Government. It is a bit like what is happening in housing currently where it pretends it is doing something it is not. First, its Bill does not ban zero-hour contracts and the Minister has already acknowledged that there are certain

exemptions. Second, the University of Limerick study acknowledged that the issue was not zero-hour contracts and it did not look to ban them. In fact, it is if-and-when and low-hour contracts which need to be regulated.

The Minister lauded the University of Limerick report on a number of occasions but he does not seem to know that the Sinn Féin Bill took many of the recommendations from that report. He cannot, on the one hand, attack Sinn Féin for a fatally flawed Bill and, on the other, commend the authors of a report that made the same recommendations. It was the report that recommended the six-month look-back period, not Sinn Féin. We accepted what was in the report, which the Government actually commissioned.

The Government Bill does not solve the problem at all. It is going to pretend that it bans zero-hour contracts but it does not. The bands are going to be too broad, which means it will not have any significant impact on those who are victims of this. The Minister rightly identified the problem and he and the Government are very good at this. They will tell us what the problem is and then what the solution is but it is not a solution at all. One problem was the low hours which workers were on and many have worked for 30 or 40 hours per week for up to 20 years but they remain on 15-hour contracts, which means when they go for a mortgage or a credit union loan and are asked for evidence of their contract, they cannot get the loan or mortgage. The Government identified that problem but the bands in its Bill are too broad and will not solve the problem. I met with representatives of the Mandate trade union, which represents the vast majority of these workers, and they do not believe the Government Bill will do the job. John Douglas from Mandate said on “Morning Ireland” that the Government Bill does not do what it says on the tin. He could not have put it any better. It is obvious the Government is not really interested in addressing this problem.

I acknowledge that the Government has come some way from being viciously opposed to the concept of the Bill when I and my party first moved it last year, to acknowledging that something has to be done. The Minister gave my Bill an “F” at the time but the Government’s Bill would not even register an “NG” as it will not solve the problem at all.

I commend Teachta Clare Daly for her support and she pushed the Business Committee to allow the report to be debated. I commend Teachta Niall Collins for the support he has given in the committee, Teachta Quinlivan, and Teachta Joan Collins for her support, as well as my Sinn Féin colleagues. There are people in this House who want this issue resolved and they put a lot of work into this. Notwithstanding Fine Gael’s view or that of the Government, we will have a Bill and an opportunity to amend it. We will put forward amendments and will take many of the recommendations in the Oireachtas Joint Committee report to try to make the Government Bill somewhat presentable, somewhat logical and somewhat practical so that it can go some way to deal with the problems. However, we have to wait until there is a Sinn Féin Government and a Sinn Féin Minister sitting where the Minister is sitting before there will be any justice for workers on low and if-and-when contracts. They most certainly will not get it from a Fine Gael Minister.

**Deputy Niall Collins:** I am sharing time with Deputy John Curran. I am glad to be able to discuss the next stage in the process of drafting workable legislation that will impact many vulnerable workers. I reiterate my party’s absolute commitment to our tradition of protecting workers and their rights. It has always been at the forefront of our policy, whether in Government or in Opposition, and our track record will stand up to any scrutiny of that. We had precarious employment, banded hour contracts, if-and-when and zero-hour contracts in our

election manifesto because we meet people every day who are negatively impacted by these things. In the confidence and supply agreement which this party has with the Minister's party for a minority Government, this is one of the key priorities.

Over the past 16 months there has been progressive and fruitful work in the Oireachtas. This Dáil often gets criticised for being a do-nothing Dáil but with the legislation offered by Deputy Cullinane and the parallel legislation from the Government, as well as the work done by our committee, chaired by Deputy Mary Butler, we have arrived at a situation where it is time to deliver. We do not mind whether we process the Sinn Féin Bill or amend the Government Bill in order to reach the aims we all have but it is time to bring it forward. The Minister did not say when he would bring the Government Bill forward but it is needed because too many people are being negatively impacted by this situation. It does not just affect the private sector, those in hospitality and retail; it also affects many in the public sector and the Government, for example across the HSE and the education sectors. It is not good enough for people to be coming to me every week, at my office or in the satellite clinics around my constituency, to tell me of the issues they have with regard to the uncertainty of their employment, all because we have not dealt with it.

There are some major differences between us. First is banding and we need to amend the Government Bill in respect of bands. There have to be more so that we capture a greater number of people. The proposed 18-month reference period does not make sense. The normal business cycle, whether for private employers or the State, is 12 months and accounts and budgets are normally for 12 months. I do not know how the Government came up with an 18-month period, which will simply not be workable.

We have done our job and the Minister needs to take that message away. I thank all the people who presented at the Oireachtas Joint Committee to give of their time, knowledge and experience in order to inform us. We will take Deputy Cullinane's Bill, with our set of proposals to improve it, or we will take the Government Bill to improve it to meet the same aims. It is high time to deliver on this. I thank the academics in the University of Limerick who, with their study, triggered this debate and helped to inform it. I also acknowledge the input of the Irish Congress of Trade Unions on behalf of the many vulnerable and exploited workers who have felt the effects of the situation as it stands. It is high time that we dealt with it and we need to move on it as soon as possible.

**Deputy John Curran:** I welcome the opportunity to contribute to this debate. Our party has been concerned about zero-hour and low-hour contracts and banded hours for a long time. The issue appeared in our manifesto and it was part of our negotiation for the support of a minority Government. I acknowledge the work of the committee in the preparation of this report, which is very specific, detailed and well researched, the work having been carried out over six meetings and with the participation of over 40 witnesses. The committee has captured the essence of some of the flaws in the Bill. Deputy Cullinane quite rightly said, as he presented the Bill initially, that he knew there would be flaws in it and that he was open to recommendations and suggestions. In the Dáil this morning and now, he reiterated his comments that he was open to making the amendments as proposed by the committee. The committee's recommendations have a very solid basis and it would be very hard not to accept them. They are well-founded in this regard.

Since the Bill was initiated things have moved on. We have a new Taoiseach and new Department of Employment Affairs and Social Protection. In that regard, on 3 October the Bill

was referred from Deputy Butler's committee to my committee. When the committee received the report we looked at it in full. In Deputy Butler's opening remarks in the foreword to the report, she states:

In the course of the engagement with stakeholders, some issues with the drafting of the Bill were identified. This report proposes changes to the Bill which the Committee believes would address many of those issues. A major concern regarding the constitutionality of the Bill was raised by lawyers who addressed the Committee. Recognising this, the Committee has recommended that the Bill be examined to ensure that it is constitutionally sound.

Our committee, on receipt of the report, not wanting in any way to frustrate the development or passage of the Bill as it may go as that is for others to determine, immediately referred the report to the Office of the Parliamentary Legal Adviser to address the constitutionality issue. Deputy Cullinane has clearly said he is prepared to make the recommended changes, and the committee is of the view that if the Bill is presented and there are amendments we will in no way frustrate it and we will do our work. Whether it is a Government Bill or a Sinn Féin Bill we will do the work of the committee in an effective, fair and efficient manner. The Bill as presented to the committee has already gone for legal advice.

Deputy Cullinane was absolutely right when he said that resources of a Department are far superior to any available to us on this side of the House, and the drafting of a Government Bill should be far better. It has the advice of the Attorney General, and issues such as those we are grappling with in terms of this Bill would have far greater scrutiny coming from a Department. That being said, there is always a concern about the time issue.

Second Stage of the Social Welfare, Pensions and Civil Registration Bill was taken in a dramatic hurry before the summer recess. The section on defined benefits was missing and we were told it would be reintroduced when we came back. Committee Stage, notice for Committee Stage or amendments have not been presented. I am concerned the issue will not be dealt with as quickly as it should be. The longer we sit around, the cohort of people who would benefit from the legislation can still be exploited. People identify with these people. It is not just the wage they earn or the lack of money. It is the lack of opportunity for things we all take for granted. They cannot get a loan, they cannot sign on and they cannot get family income supplement because their figures change from week to week. They do not have the basic criteria required by the schemes.

There needs to be some urgency. The Minister of State has said the Bill will be published before the end of the year but it was the same with the Social Welfare, Pensions and Civil Registration Bill. It was published and we had Second Stage on the dying day before the summer recess, but no progress has been made since. We cannot introduce a Government Bill with the potential to do something really positive and let it sit around month after month. Deputy Cullinane quite rightly said, and I welcome his comments, that he was prepared to accept amendments and redraft the Bill. The ball is in the court of the Minister of State. If he has a superior Bill and he is first out of the blocks with it then fair play to him, but I do not believe people who could benefit from Deputy Cullinane's Bill should be disadvantaged if the Government cannot meet the timeline as set out.

**An Ceann Comhairle:** I call Deputy Joan Collins, who will share time with Deputy Clare Daly.

**Deputy Joan Collins:** This morning I listened to an interview on the radio with Arne Kalberg, Professor of Sociology at the University of North Carolina. Recently he produced a book, *Precarious Lives: Job Insecurity and Well-Being in Rich Democracies*. He reported on precarious work and if-and-when contracts in five countries, namely, the UK, the US, Denmark, Spain and Japan. He made the very important point that this is all part of the neoliberal agenda and the neoliberal diktat that has gone across the world in the past 20 years. When our unions and previous Governments were in social partnership these contracts slipped in and were allowed to happen. The ones who stood up were the workers themselves, and the 6,000 Dunnes Stores workers who went out on strike in April 2015 demanding decent pay and decent working hours. Yesterday, Mandate launched its secure hours better future campaign. Researchers at the University of Limerick made it quite clear the 18 month look back is not sufficient. The question was raised at the launch of Mandate's campaign as to whether we would have to wait until 18 months after the Bill was enacted to look back on the hours worked.

We have Deputy Cullinane's Bill and it can be amended. Everyone has said it can be amended and we are waiting for the money issue to come down from the Government. We could amend it quite effectively over the next month or so if the Government was willing to do this. I agree with Deputy Curran. The Government is trying to draw this out and push it down the line. Dunnes Stores worker Muireann Dalton was at the launch on Tuesday of the secure hours better future campaign. She is putting her neck on the line with regard to Dunnes Stores management watching very closely what she is saying. It could reduce her hours over the next period of time. She is well aware of this, but she is willing to come out and state she needs security of hours.

Workers need tighter banded hours. They do not need broad banded hours. A worker who generally has 25 hours work a week and whose hours are cut by ten hours to 15 hours could lose €100 a week. This completely messes up their lives. Would the Minister of State accept this? Would he accept that happening? Those bands must be much tighter and the look back period much shorter. The unions are willing to concede at least 12 months when the Bill is brought in and not 12 months after that again so it is a 24 month look back.

I urge the Minister of State to listen to what has been said on this side of the House. Fianna Fáil has said it supports tighter bands and a shorter look back. The Opposition will make these points even if the Government comes in with a Bill. I urge the Minister of State to look at these workers and what they are going through, the lives they have to lead and the work environment they have to work in, and get on with the job of introducing legislation that is robust and will protect these workers.

On Tuesday morning, a representative from IBEC on the radio stated it would take a lot of time, energy and management to look at hours worked. Employers are already legally required to keep working time records, so there is nothing in the proposal that would result in any new or additional administrative or regulatory burden for employers. No employer has anything to worry about because it is cost neutral. Extra hours are not being made. Workers would be given the hours they have worked regularly, which means if a new worker comes in he or she would be on fewer hours on whatever band was set for them. It would not put any extra burden on employers. This is about employers wanting to control workers and this has to stop. As a legislative body, we must ensure workers are protected, have their rights, have tighter bands and a shorter look back, and that they are protected in their workplace.

**Deputy Clare Daly:** I thank Deputy Collins for allowing me to share her time. It is indica-

tive of the seriousness of this issue that we have had to fight for the space to speak today. It is absolutely critical and I support the launch this week of Mandate Trade Union's campaign on the secure hours better future charter. This campaign stresses the need for us as legislators to act now on the issue of banded hours contracts and not in a couple of months.

This issue came to the fore as a result of the heroic struggle of Dunnes Stores workers, in particular, in 2015. Other Deputies have alluded to the rise of insecure, temporary and low-paid work in this State. It has absolutely skyrocketed over the past decade. The share of work that is part-time work has increased from 17% to approximately 22%. The share of part-time work that is involuntary part-time work is 51%, compared to 24% before the crisis. In other words, people want more hours but they cannot get them. As a result, Ireland has the second-highest rate of under-employment in the EU, which is an absolutely damning statistic.

There is a direct correlation between the increase in casual employment and the rate of State subsidy to those in employment. We have the despicable spectacle of profitable companies like Dunnes Stores and Tesco seeing their share of wealth massively increase while taxpayers subsidise their wage bills. Some 21,800 families were in receipt of family income support in 2001, but this figure had increased to 50,000 by 2014. Similarly, the number of payments of jobseekers benefit to casual workers increased from 16,400 in 2001 to 65,600 in 2014. Public money which could be used to improve the social wage or the health, education and child care systems is being used to subsidise profitable companies at the expense of the taxpayer and, as other Deputies have said, at the expense of workers whose lives have been destroyed by precarious employment. It is incredibly stressful for such people because they cannot save, get credit or plan for the long or short term. They cannot even get a night's sleep because they do not know what roster they will be on next week or how many hours' work they will get. They are having to contend with the stress of wondering whether they can pay the rent or the food bill or meet the cost of their children's school needs.

We have heard the stories from Dunnes Stores workers and others. It is fair to say that women workers, in particular, bear the brunt of this type of precarious employment. The main point we have to stress is that the committee has done the work and Deputy Cullinane has brought forward a very good baseline from which we can work. As an Opposition Deputy, he has to be mindful of issues like money messages. His Bill is a good piece of work. The committee has spent many hours working to improve that legislation. I emphasise that halting the progress of Deputy Cullinane's Bill would be an enormous setback for workers who need certainty in their contracts. It would be a particular blow for workers in Dunnes Stores, who will return to the Labour Court in February 2018 after a six-month suspension of their case. It would be incredibly cynical if we were to allow that to happen with no legislation in place to defend their position. The only way we can ensure they can get justice in the Labour Court is by proceeding with the committee's work and Deputy Cullinane's Bill. There is no other way.

A couple of weeks ago, media headlines suggested that the Taoiseach was about to tackle zero-hour and low-wage contracts by introducing a new Government Bill. It is a real indictment of the lack of a critical media in this State that there was no mention of the fact that this House, through Deputy Cullinane's Bill and the work of the all parties on the committee, including Government parties, had already made progress with a separate Bill to do precisely what the Government Bill supposedly intends to do. In fact, the Government's proposal will block the situation rather than helping it. We need to call it what it is. That is what the Government is trying to do here. I plead with the Government to support the work of the committee and to get behind the Bill that has already been introduced. Deputy Cullinane and the commit-

tee have said they are prepared to work to improve the Bill in question. That is the only way in which we can tackle the situation for workers now. It is imperative that we do so on behalf of the workers who are before the Labour Court. Even at this stage, I implore the Government to take Deputy Cullinane's Bill on board.

**Deputy John Brady:** I would like to share time with my colleague, Deputy Quinlivan.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy John Brady:** I attended the launch of Mandate's Secure Hours - Better Future campaign earlier this week. One of the workers who spoke at that event, Muireann Dalton, happens to be a constituent of mine in Wicklow. She detailed her experiences as an employee of Dunnes Stores. She explained that she works 35 hours in some weeks but just 15 hours in other weeks. Her contract is for 15 hours. She has no idea from week to week if she will be able to afford to pay her mortgage. Some weeks, she has to decide whether to pay her mortgage or put food on the table for her family. She is one of many workers across the State who get up very early every day to go to work to provide for their families. The Government talks about supporting such people. They are supposed to be benefitting from this Government.

At the Mandate briefing, I signed the Secure Hours - Better Future charter, which commits me to work to legislate for secure hours, to give workers security of hours and of income, to support decency for workers and to reject entirely exploitation and abuse of power. The Bill proposed by Deputy Cullinane on behalf of Sinn Féin does exactly that. The Banded Hours Contract Bill 2016 aims to enshrine the actual hours worked by employees in their contracts of employment. It is as simple as that. We cannot overstate the importance of this legislation and the meaning it bears for so many people across the State. We are talking about the difference between qualifying for a mortgage and not qualifying for a mortgage. We are talking about the difference between being able to plan for the future and not being able to plan from one end of the week to the next because of the lack of security of hours or income. We are talking about the difference between parents being able to provide for their children and not being able to meet their basic needs.

Providing for security of hours will lead to no additional costs for employers like Dunnes Stores and will have no financial impact on them. As the workers are working these hours already, this proposal is completely cost-neutral. It is simply a question of reflecting in employee contracts the actual hours they work, and nothing more. The Banded Hours Contract Bill 2016 was passed by the Dáil on Second Stage and proceeded to the committee. That is why we are here. There was a lengthy discussion at the Business Committee about arranging today's debate in the Dáil Chamber. I am glad the debate is taking place. I commend the Deputies who pushed for it. I applaud the members of the Joint Committee on Business, Enterprise and Innovation who took part in the discussions at that forum. My colleague, Deputy Cullinane, is big enough to acknowledge that his Bill might not be perfect for all the reasons that have been outlined. The committee examined it extensively. It brought in a vast range of witnesses and made 21 recommendations on foot of its work.

Unfortunately, the tactic being used by the Government in respect of this Bill and many other Opposition Bills is to park or shelve it while we wait on a money message. In this case, its strategy also involves the introduction of a Bill of its own. As Mandate has described, the Government Bill will certainly not do anything near what it says on the can. It will not abolish zero-hour contracts. It will actually cause more difficulties. Many people who have

examined the heads of the Government Bill share my view that elements of it may well be unconstitutional. One of the heads of the Bill purports to ban zero-hour contracts except where the employment is of a casual nature, which is absolutely farcical because zero-hour contracts are casual by their very nature. The Government's proposal would create more problems. The legislation introduced by Deputy Cullinane provides for a nine-month look-back period. The committee has recommended that there should be a 12-month look-back period. The heads of the Government Bill, which are all we have to go on because we have not seen the Bill itself, talk about an 18-month look-back period, which would cause serious problems for workers. It would immediately lead to employers messing around with employment.

I ask the Government to stop playing around with this issue. It should stop playing politics. If it is serious about addressing the concerns of workers across the State, it should grant a money message and allow Deputy Cullinane's Bill to move forward. Workers cannot afford to wait for what will be flawed legislation from the Government. That legislation will certainly not address the issues and it will not do what it says on the tin.

**Deputy Maurice Quinlivan:** I acknowledge the vast amount of work Deputy Cullinane has put into this Bill. There is a very simple agenda behind this legislation, which is to give workers more security regarding the number of hours they work and the amount they are paid as a result. To give workers this small level of assurance and security is not a big ask. In fact, it begs the question as to why the current situation has been allowed to obtain for so long. This Bill does not seek to give workers additional hours or more pay. It just aims to give them an entitlement to know the hours they will be required to work based on their usual work patterns. How unfair is it that some workers do not know how many hours they will receive the following week and so cannot budget for simple everyday expenses, plan how many hours of child care they will need or apply for loans because they do not know what their income will be? That is not right and it needs to be changed. This is why it is important that the Bill be progressed.

I am a member of the Joint Committee on Business, Enterprise and Innovation, which subjected the Bill to a great deal of scrutiny and debate over a number of months. In fact, I think it was the item that received the most attention from the committee this year and rightly so because this is a real problem that requires a strong solution. I thank the Chairman, Deputy Butler, for her co-operation, the committee secretariat for all its work, Deputies and Senators for engaging in scrutiny of the Bill and, of course, all the representatives on both sides of the argument who helped the committee come to its conclusions. This analysis and examination of the Bill had the positive effect of highlighting how many people are affected by this problem and putting it back on to the political agenda. Our committee heard from a broad range of representatives on both sides. We heard from 44 different individuals from over 20 separate organisations over a five-month period.

After hearing all the arguments, I am in no doubt that the benefits this Bill would bring to workers will far outweigh the small inconvenience employers might face in giving workers hours that reflect the hours they work in any event. The committee made a number of recommendations regarding changes to the Bill that Deputy Cullinane has indicated he is willing to accept. Deputy Cullinane has always stated that he welcomes amendments that will improve the Bill and this report on the scrutiny of the Banded Hours Contract Bill achieved the objective of Committee Stage of our legislative process in identifying issues and proposing changes to make our proposed laws stronger and better.

The Government now intends to bring forward its own legislation on this topic. I honestly

believe it is only bringing that forward because a Sinn Féin Bill was going through the Oireachtas. God forbid that a Sinn Féin Bill would be allowed pass through this House because it might highlight how much of a do-nothing, ineffective Government this Administration has been, particularly in respect of this issue. Bringing forward brand new and much weaker legislation is a waste of time because the Bill introduced by Deputy Cullinane has already proceeded through a number of the legislative Stages. The Minister for Employment Affairs and Social Protection's Bill will be extremely weak in comparison to that brought forward by Deputy Cullinane because the Government intends to exclude casual workers from accessing its provisions. This would affect a massive cohort of people and make the provisions of the Bill practically useless to most. Perhaps that is the Government's intention. Student workers or those one would describe as casual workers are still workers at the end of the day and should not be entitled to fewer rights or be treated worse than their counterparts. Last year, the Minister of State, Deputy Breen, said that this type of legislation would not be required because it is only an issue in a number of sectors. However, due to the attention this Bill has received, the Government is now conceding that it is a real problem. Instead of addressing the problem, the Government now intends to introduce a weak Bill that will exclude most and be nothing more than a hollow legislative provision with no substance.

The Minister needs to accept that the Oireachtas legislative process has worked in this instance. I would say it has worked quite well thus far. This Bill was introduced and was referred to the committee for scrutiny. The committee examined it intensely over a number of months, heard from witnesses on both sides of the argument, including Government Deputies, and recommended that the Bill proceed with some amendments. The Government's action in dismissing this extensive work, which included input from Deputies from Fine Gael, throws this effort back in our faces and belittles our legislative process.

As much as the Government does not want to hear it, Sinn Féin does bring forward good Bills and is open to working with all other Deputies to make laws that will make a real difference in people's lives. Of course, this does not sit well with Fine Gael's agenda of Sinn Féin-bashing, which is the only reason it wants to throw this Bill out. What the Minister is trying to do here is really pathetic. I urge her to reconsider her course of action, let this Bill proceed, give workers greater security of income and allow them to better plan their lives and futures. That is not too much to ask for.

**Deputy Brian Stanley:** I welcome the opportunity to contribute to the debate and I thank Deputy Cullinane for bringing forward the Bill that is the subject of this report. I also thank the committee for the work it did in putting forward suggested amendments and improvements.

Over the past seven years, I have seen many items of legislation go through this House but few have been as necessary as this one, which would have a direct impact on people's quality of life. The Sinn Féin Bill that is the subject of the committee's report is one of the items of legislation that would have a direct impact on people who are very vulnerable. This Bill is about ending the if-and-when scenario in which many workers are trapped by powerful employers. The scenario whereby workers do not know from one end of the month to the next the number of hours of work they will have or the amount of wages they will be paid must end now. It is exploitation. To be left in limbo and at the whim of an employer is a horrific scenario for anyone to face. We are not in this scenario and neither are civil servants because our wages are guaranteed. We receive a set salary every month, as do civil servants and most other people. However, the workers to which the Bill relates do not have that. Many workers who regularly work 30 to 40 hours per week only have a contract for 15 hours or even zero hours. It would

seem basic that workers would receive a contract to reflect the hours they work. What is radical about that? It is not radical but it would bring about a significant improvement in people's lives if the Bill was passed.

Workers with uncertain hours face stress. I know some of these workers with uncertain hours. They cannot get mortgages or even work other part-time jobs or access social welfare payments because they work two or three hours every day. I know people in this appalling situation. This stress and hardship must be ended and the legislation brought forward by Deputy Cullinane sets about doing that. The workers to whom I refer are also denied proper holiday pay as a result of this situation. However, there is Government resistance and political reluctance to end the exploitation of workers, but it must go. I feel the Government's arm is being twisted by IBEC and other powerful forces. I see these if-and-when contracts across County Laois and in other parts of the midlands. They reflect common practice in the so-called hospitality sector and in the child care and, in particular, retail sectors. These contracts are used by big companies such as Tesco and Dunnes Stores. The workers in question have to be protected now.

There is a level of cross-party support for the Bill introduced by Deputy Cullinane and not the type of legislation the Minister of State is talking about, which is watery in nature. What is required is legislation that will bring about changes.

I acknowledge the problem regarding other contracts of employment in the State. This includes bogus self-employment, which, again, is used, particularly in construction, as a way of exploiting workers who are really employees of a company but have self-employed status. The flip side of that is that it can be used for high flyers as well, for example, people in RTÉ who answer a phone for five hours a week and earn €300,000 per year because of bogus self-employment. We need to stamp this out as well.

The problem with zero-hour contracts and no banded hours is that it is a lose-lose scenario for the worker and a win-win scenario for the wealthy. The Government knows there is a problem with uncertain hours for workers. We all know workers caught in this situation need basic protection. The Government knows this. However, instead of Fine Gael supporting Deputy Cullinane's Bill, it has put forward its own Bill, which is as weak as dishwater. The Government is playing politics and dancing to the tune of IBEC and powerful employers that do not want to protect workers. The latter is the last thing they want to do. What the Government should do is represent them and put what is a basic requirement in place but people will see this for what it is. It is Fine Gael's decision as to whether it wants to be the party that represents the person who gets out of bed in the morning to clean and make up hotel rooms, stack shelves in supermarkets and do other work for very low rates of pay or whether it wants to continue representing the exploitation of those workers. The Government brought in the 9% VAT rate in the hospitality sector and Sinn Féin supported it at the time as a temporary measure during the recession. We recognised it was a measure that needed to be taken at that time. We also recognise that particularly in the hospitality sector and in respect of hotel beds, the rate now needs to be removed. What did the hotel sector get in the budget? It got to retain the 9% VAT rate despite the fact its profits which, as the Minister of State is aware, are skyrocketing. Their profits are skyrocketing but some of them refuse to pay the basic minimum wage and get out of so doing with all sorts of tricks such as citing workers' training and so on. A little bit of honesty is needed. We are going backwards because 100 years of work and struggle for workers' rights is being wiped away by powerful employers and their agents. We need to send out a clear signal and the Government is not doing that. The only people to whom the Government is sending a signal are IBEC and those employers who do not care. Our proposal is not a radical idea from a

far-left party and is sensible. We are a party of the left; we make no bones about that. What we are proposing is practical and reasonable and is widely accepted in other countries. It is not an attempt to drag anyone down or have a go at anybody. It is a basic right of workers. One can imagine what it is like on minimum wage when working 39 hours a week but Members should imagine being on minimum wage and not knowing how many hours one will get. Imagine trying to plan for kids going back to school in such circumstances or trying to buy clothes for children. I can guarantee there would be no mention of a holiday as one would not get a day to the zoo out of it. It is a difficult and stressful situation for people in these precarious types of employment. When we meet them and talk to them, we understand that clearly. We are talking about basic entitlements and basic honesty. Surely the Minister of State does not disagree with basic honesty. I am asking the Minister of State to face this head on and for workers to get contracts that reflect the hours they work.

I compliment Mandate, particularly John Douglas, the people who head up Mandate and its shop stewards throughout the country. They operate in a hostile environment. While being a trade union official and a shop steward on the shop floor can be a difficult task in any employment, it is particularly difficult in the hospitality, child care and retail sectors, as well as other areas in which there are low-paid workers on zero-hour contracts. It is very difficult for them. I want to recognise that. We should support them.

The Taoiseach, Deputy Varadkar, has talked about a republic of opportunities. Workers want the opportunity to have a decent living. Is it too much to ask for? It is the most reasonable thing people can ask for. What sort of opportunities are we talking about? Is it the opportunity to work as slave labour or to lie awake at night worrying about where one will get the money to pay gas or electricity bills, to send children back to school, for fuel and the basics or for rent or mortgages? What kind of opportunity are we talking about? I want people to have opportunities. Sinn Féin and I want people, particularly these people who get up very early in the morning, to have the opportunity to have a decent life. As a left republican party, we make no bones about putting that forward, North and South. We want that clearly. I encourage workers to join trade unions. The only protection they have is to be a member of a trade union. On a one-by-one basis, they will be picked off.

We need to get back to basics in this country. We have a duty in the House, where the laws of the State are made, to support those trade unions that are doing a difficult job. What they are looking for here is most basic and reasonable. The Government's Bill is simply a blocking exercise. Deputy Cullinane's Bill is not perfect. I have never seen the Government bring forward a perfect Bill. Any Bill it has brought forward in my time in the House has been amended. That is a fact of life. We are open to amendments. Deputy Cullinane will speak better than me about that. I ask the Minister of State to put the heads of the Government's Bill into the shredder and let us protect these workers.

**Deputy Mick Barry:** I have ten minutes.

There are some good singers in Cork. One of them is John Spillane.

**An Ceann Comhairle:** I thought the Deputy was going to burst into song.

**Deputy Bríd Smith:** I did too. I was going to say, "It's not you Mick."

**Deputy Mick Barry:** We would clear the House very quickly if that were to happen so I will spare the House that scenario. One of John's songs, which is played on the radio, is "The

Dunnes Stores Girl”. I do not know if it is possible to have a punch line in a song, but he says of the Dunnes Stores girl, on whom he has had his eye for a while, that “She rules my world”. The point of the matter here is that the Dunnes Stores girl does not even get to rule her own world because she works in a system based on very uncertain hours. Of the Dunnes Stores workers polled, 85% said they believe the uncertain-hours regime that exists in Dunnes Stores is used as a weapon to control the work force. One could work 30 hours one week and 20 hours the next week, or 30 hours one week and 12 or 15 hours the next week. One could take home €400 one week and €160 the next week. How are people supposed to organise their lives when they are subjected to those conditions? They do not know what they will be paid for their holidays because holiday pay is calculated on the basis of the average number of hours and the average wage for the 12 weeks previous to the holiday. Dunnes Stores cuts the hours for the 12 weeks before workers go on holidays so they get less holiday pay. It is a way of controlling people but how does it operate? Imagine a person arrives in the job and is a little bit bolshie - one of those Solidarity types perhaps - and does not allow him or herself to be walked on. If people raise their voices, their cards are marked. Such people better be quiet or their hours might be cut. Being active in a union is another matter. How can it be used against union activists? It is the reason Dunnes Stores workers went on strike against two and a half years ago. Yet, two and a half years on, despite promises that were made to them by political parties, including the Taoiseach, the issues have not been resolved. The Bill is an honest attempt to address the issues. These issues do not just affect Dunnes Stores workers. In America there is the expression “blue collar worker”. These issues do not just affect blue collar workers. One also sees uncertain-hour contracts and zero-hour contracts in journalism and third level education.

There has been a certain amount of debate about whether big numbers of people are affected by these contracts in Ireland compared with the UK, for example. That debate misses the point a little. The issue is more about whether the number of workers on these contracts is on the way up or down. The anecdotal evidence I have and the evidence of my own eyes is they are on the way up. It is a matter of great importance that the issues be addressed. Workers are affected in many different ways when these types of contracts are in operation. When people phone their bank or sit across the table from their bank manager because they want to get a mortgage, they are asked “What is the story with your hours at work?” and “What is the story with your contract at work?” If a person is on one of these contracts, he or she will not get a mortgage. We can be pretty sure of that. If a person wants to make child care arrangements but says to the child care provider he or she does not know how many hours the person will be needed next week, how is that person supposed to operate?

I remember a film from some years ago, “The Fisher King”, in which a character remarks that every worker is only one pay cheque away from being homeless. That film was set in the United States but the same applies now in this country. I was reminded of that line when I read an interview recently with a worker on one of these contracts who remarked that being able to secure a greater number of hours is the difference between being able to pay one’s rent in any given week or month and not being able to do so. That this type of exploitation is taking place in this country in 2017 is absolutely disgraceful, and it must be tackled. Solidarity-People Before Profit’s view is that the Government’s position on this issue is cynical. What we are seeing, in fact, is a strong attempt to block the Bill introduced by Deputy Cullinane. I understand a money objection was raised to it, which can be nothing other than a blocking mechanism. It is bizarre given that the Bill’s introduction, rather than costing the State money, would actually facilitate savings for the Exchequer as it would lead to more workers earning better wages and fewer people having to apply for family income supplement. To block the legislation on a false

premise seems very cynical.

Of course, the Government, while blocking these proposals, is also trying to pose as a friend to workers by bringing forward its own Bill. However, that Bill is so flawed and has so many loopholes that ruthless employers will be able to drive a horse and cart through it. It is hardly surprising that the Irish Business and Employers Confederation, IBEC, has identified problems with the Government's proposals on the basis that they are a little bit restrictive. The reality, however, is that the restrictions are such that all employers who have their wits about them and are ruthless enough will be able to override them. Casual workers are not protected under the provisions proposed by the Government. Instead of five-hour gaps between the different bands, there is to be a gap of 15 hours. This means a person could be in one band one week on 35 hours and the next week be on only 20 hours and get a pay cheque that is one third lighter than it was the week before. That does not amount to protection for workers. In place of a six-month lead-in period, as proposed in Deputy Cullinane's Bill, the Government's proposal of an 18-month lead-in before the bands are fixed amounts to an employer's charter.

The Sinn Féin Bill is very positive in its intent and in its content. There might be a few i's to dot and t's to cross on Committee Stage, but it is a positive proposal that would represent a gain for workers' rights. As such, we will support it, and we urge the Government to abandon what has thus far been a very cynical approach to the debate on these issues.

**An Ceann Comhairle:** Deputies Martin Kenny and Bríd Smith have agreed to share time.

**Deputy Martin Kenny:** I compliment Deputy Cullinane on bringing forward the Banded Hours Contract Bill and thank the Members who did great work in both committees to develop the proposals set out in the Bill. I commend, in particular, the committee chaired by Deputy Mary Butler, which put a great deal of effort into enhancing the legislation. All that work has brought us to a place many of us thought we would not be, namely, on the cusp of finding a solution for workers who are in the difficult situation outlined by other speakers. That is a tremendous achievement in the space of a year or thereabouts. As Deputy Mick Barry noted, the Government has indicated an intention to bring forward its own Bill. None of us wants to be too cynical but it seems fairly clear to all concerned that this is really about blocking the proposals that are there and holding back their progress. It is a very disappointing approach from a Government that is telling us it wants to do the right thing and move forward on these issues.

The intent behind the Bill is to tackle the casualisation of work and the culture of short termism that has developed in modern western society in such a big way. Everything business does is about looking at how much profit can be made in the next quarter and the quarter after that. This short termism acts to the detriment of the lifelong work people do. People do not live their lives in quarters but over the 40 years they work or the 100 years they hope to live. That is how we should be setting out our society and everything we do. I knew a man who has since died who worked for one of the large national hardware chains. He told me how he travelled from his home in Carrigallen in County Leitrim to the job in Longford, where he would work for maybe four hours before being sent home again. The next day he might be in work for eight hours, but he never knew from one week to the next what hours he would get. He was a seasoned worker who was not looking for a mortgage or anything like that, but even at that stage in his life it was an unsatisfactory arrangement. The idea behind it, as this man described it to me, was so that the management, which was messing everybody about in the same way, would have no commitment to their staff and could, therefore, let people go whenever they wanted. That is what they did to him eventually.

We need to consider how we can turn these types of situations around for the benefit of workers. It will require a solution that is firm and which will actually work for the people affected. Adam Smith, that great proponent of the capitalist system, was of the view that government had a role to play in economic matters, which involved being a firm hand to ensure there was balance and a level playing field between employers and workers. He observed that when two merchants came together for the most casual conversation, the talk would invariably turn within minutes to how they might fix the market for themselves. The Government, as representative of the people, was obliged to step in and offer some degree of protection. This was the view of one of the chief proponents of capitalism.

**Deputy Bríd Smith:** He got it wrong.

**Deputy Martin Kenny:** Yes, he got it wrong in that Governments have not played that role. It is our job in this House to ensure the Government uses a firm hand now to make things better for the ordinary people who are going to work everyday and doing their best.

Deputy Cullinane's Bill has been considerably amended and enhanced such that most Deputies are in agreement that it offers a way to put in place a system that will protect workers into the future. I appeal to the Government to accept the proposed solution, which has been approved by a cross-party committee which includes members of the party in government. I urge the Government to reconsider the road it is going down and instead acknowledge that these proposals can work for everyone, including the Government and employers. Other speakers referred to concerns expressed by IBEC and other business interests. In fact, the people who do best out of all these things are those with money. It is in the interests of employers and big business, although it pains me to acknowledge it, that we have a stable and solvent economy. Stability and solvency are secured via a situation where people have money to spend and can plan to go for their dinner in a hotel next Sunday, go on holiday in a couple of months and buy a car next year. Without strong Government action and effective legislation, the people on the types of contracts we are discussing will never have that type of disposable income and will not, therefore, be able to contribute to the economy. We must help them out of that predicament. I appeal to the Government to support the proposals put forward by the Oireachtas committee.

**Deputy Bríd Smith:** I thank Deputy Martin Kenny for sharing time. As we come up to Christmas in areas like Ballyfermot, where I live, and other large working-class communities, moneylenders will be seen knocking on the doors of workers. In the past, they would have been trying the doors of the very poorest, those locked into long-term unemployment. This year, however, they will get a positive response from many people who are in employment but who nevertheless require a moneylending service because of the effects of disgraceful if-and-when contracts, a lack of banded hours and the precarious nature of so much modern employment. I question the whole business of the committee in spending 16 months and 14 hours considering this Bill and seeing 45 witnesses. The Fianna Fáil Deputy present chaired the committee very well and I served on it but I no longer do so. That is testimony to the fact that we put a great deal of work into this Bill and we are now being told that it is being pulled for a Government Bill. I question the whole process of democracy here. Workers and other people elect us to do a job and the evidence is there that we have done the job. Everybody would acknowledge, and the Minister of State acknowledged this also, that we did a good job, that good work was done, but now the rug is being pulled from under us. It is not because the Minister of State has something better up his sleeve. It is not because he is concerned about these workers who will have to turn to moneylenders because they are utterly broke and cannot even plan for Christmas for their families. It is because he has been lobbied hard by ISME, IBEC and all those witnesses

who appeared before the committee and said that this measure was intolerable and that it would cost them too much.

Previous speakers spoke about the lives of workers but I want to speak about the lives of the wealthy and those who make the profit. EUROSTAT figures show that profitability up to 2014 - I do not have the figures for the last three years - in the accommodation and food sector exceeded the 2007 pre-crash high by 40%. Profits in that sector are 40% higher than they were in 2007 prior to the crash. What might they be now three years later? God only knows. In the wholesale and retail sector profits are 11% higher than they were in the pre-crash years. However, workers' wages have fallen because their hours have fallen. Their income and living standards have fallen but the profits of the 1% who rule this world have gone through the roof. That is not a peculiarly Irish or a "Father Ted" phenomenon. The pattern can be found across modern developed countries where precarious if-and-when contracts are being used not by only by small firms but by very large firms whose profits have gone through the roof. Unless we have legislation enacted very soon to rein these people in, we will deny workers throughout this country the ability to have fairness and decency.

I want to cite a quote from one of the Dunnes Stores workers. She said: "They use the allocation of hours as a mechanism to control us." That is exactly what is going on here. A control mechanism is being used over workers, for them to be bullied, to be threatened and to live in fear in order to keep them in their place. As it happens, the largest cohort of them are women. This society is getting sick of the control, degradation and abuse of women right from the sexism of the industries down to the hours we work. If there is any pussyfooting or delay on this Bill I would like over the next period to see the unions organise strikes and demonstrations and begin to threaten this Government and the political forces within it. The Minister of State is not listening to democracy, to the elected people, to the workers who elected those people or to their trade unions. He is listening to the IBECs of this world. Senator Frances Black told me the other day when we talked about the alcohol Bill that IBEC has lobbied this Parliament 600 times on that Bill. I would love to know how often it has lobbied on this Bill. It would be interesting to find that out and I will check how often it has lobbied the Government on this Bill. That is what is going on but it has to end. The only force that can end it is the force and the power of the people, organised by their trade unions. That will be the solution unless the Minister of State delivers the change through this House.

**Minister of State at the Department of Employment Affairs and Social Protection (Deputy Pat Breen):** I listened attentively to all the speakers. As I said, this report is very welcome and it is important to discuss this issue. It is a very important issue regarding banded hours contracts and measures to tackle problems caused by the increased casualisation of work.

Our debate, first and foremost, must be placed in the context of the programme for Government commitment to tackle the problems caused by the increased casualisation of work and to strengthen the regulation of precarious work. The maintenance and improvement of strong protections for workers have been and will continue to be a key element of the Government's policy as we seek to build on the progress made in recent years in our economic recovery.

It is clear to me as Minister with responsibility not only for employment matters but also for small business, that in addressing these issues we must strike the correct balance between the rights and the needs of employers and workers. That is at the core of the legislation we are preparing. We must find solutions that make sense and that work in practice for all concerned. That is important also. Everybody must be involved. Striking the right balance will also be

important in terms of continuing to make progress on the jobs and employment front. The rate of unemployment was 15.1% in 2010, today it is 6% and falling, and it will be under that percentage after Christmas. A lot has been happening here.

Members may recall that in earlier debates on this Bill I expressed the view that the Sinn Féin Bill, though well intentioned - I never doubted that at any stage throughout the debate - was motivated by a particular industrial relations dispute in the retail sector at that time. However, we must remember that our legislation, in particular, will apply right across the economy to all sectors, which is extremely important, and to all employers. We must therefore ensure that any legislation is balanced and proportionate and avoids unintended consequences, which can happen in flawed legislation. It must also strike the right balance between improving protections for workers, particularly low paid, vulnerable workers about whom Members on all sides the House have spoken, and providing a reasonable degree of flexibility that allows employers to manage their workforce. This Bill does not strike the right balance.

This Bill would impose new and unnecessary obligation on employers. Moreover, the bands set out in the Bill are very narrow and provide very little flexibility. It would have adverse impacts in terms of limiting an employer's ability to manage their business and staffing needs in line with the needs of the business and its customers. It simply would not work.

One can only conclude that if all of the joint committee's recommendations were to be addressed, the Banded Hours Contracts Bill would remain a very narrow and limited response to the problems caused by the increased casualisation of work. As I said earlier, we talked at length to ICTU-----

**Deputy Bríd Smith:** IBEC.

**Deputy Pat Breen:** -----IBEC and all the main players.

On the other hand, I believe the Government's Bill, which the Minister, Deputy Regina Doherty, is committed to publishing before Christmas, is a much more comprehensive response to the issue of casualisation of work and the strengthening of regulation of precarious work. The Bill will address a number of issues which have been identified as being areas where current employment rights legislation can only be strengthened, without imposing unnecessarily onerous burdens on employers and businesses. In addition to introducing banded hours provisions for employees whose contract of employment does not reflect the reality of the hours they work on a consistent basis, the Bill will ensure that employees are much better informed about the hours they can expect to work on a daily and weekly basis. The Bill will also create a new offence where employers fail to inform their employees of their core terms of employment. Furthermore, the Bill will prohibit zero-hour contracts in most circumstances and will provide for better financial compensation for employees who may be called in to work but who do not get the promised hours of work. The Bill will provide for strengthened anti-penalisation provisions to better protect employees who try to invoke a right under the legislation. Unlike the Sinn Féin Bill - I want to state in the House that I have never provoked Sinn Féin - the Government Bill will contain measures specifically targeted at low paid, vulnerable workers.

I have listened with great attentiveness to the debate and I understand the genuine interest on all sides of the House in putting in place improved legislative measures to help those who may be in precarious or insecure employment arrangements. We all know these people. We deal with them in our constituency clinics. I can assure Members that the Minister, Deputy Regina

Doherty, and myself look forward to working in a positive manner with Members on all sides and in both Houses in progressing that legislation through the Houses of the Oireachtas. We are not kicking matters down the road, as some speakers suggested. We want to bring forward good legislation in the interests of all parties concerned.

I acknowledge again the good work carried out by the joint committee in conducting a thorough scrutiny of the Banded Hours Contract Bill. I believe the scrutiny report is balanced. It is a fair assessment of the Bill and reflects on all who have contributed to the process including stakeholders who attended hearings of the committee, individual members and the Chair, Deputy Butler, who has been in the Chamber throughout the debate this evening, as well as the clerk to the committee and the staff of the committee secretariat. I thank them all for their work.

**An Ceann Comhairle:** I invite Deputy Butler, who proposed the motion, to make some concluding remarks.

**Deputy Mary Butler:** I will be brief as I think it has all been said. I thank everyone for their contributions today and thank the Minister of State for remaining here for the whole debate. It was great to hear such a wide range of speakers. As Deputy Niall Collins said earlier, we are sometimes accused of being the do-nothing Dáil. However, a body of work is being done downstairs in the committee rooms day on day, which should be acknowledged inside and outside the House.

There is no doubt that there are significant issues. Like every other Deputy and Senator, I see them in my offices and clinics on a weekly basis. It is great that we are discussing it here today. The reason Deputy Cullinane brought the Bill forward, and he was very well intentioned, is that the issue is there and it is real. We heard from both sides of the debate in our committee, including opposing views and strong views. I will quote a passage from the scrutiny report to put it on the record of the House:

The committee heard of the difficulties and hardship experienced by workers on variable, low-hour contracts and the particular problems for workers whose contract does not reflect the number of hours they work.

A major issue raised was the income uncertainty it creates. Employees have difficulty planning their finances and life decisions (such as starting a family) as they have no guarantee of their income from week to week.

It is also difficult for employees to plan their time in advance as there is no certainty surrounding which days and hours they will be required to work. This makes it particularly difficult to plan childcare, family life and social activities.

Many employees have experienced difficulty obtaining credit, as banks will only look at the minimum number of hours in the person's contract, despite the actual working hours vastly exceeding what is stated in the contract. This causes difficulty for workers seeking to purchase a home, car, etc. A contract that reflects the hours worked would provide [immediate] certainty for employees and aid in obtaining credit.

I know this document upside-down and inside-out. I feel I have lived it for quite a number of months. There is one defining line in it which sums up the whole document: "The committee is unanimously of the opinion that employees are entitled to a contract reflective of the hours they work over a defined period." If we take nothing else away from today's debate, we should

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take cognisance of this. People should not have to wait any longer. They need the legislation. We need the legislation for the employees who are not being treated fairly. I urge the Minister of State, if he cannot accept the Bill or the recommendations of the committee, to bring forward his own legislation as a matter of priority. There is no doubt that this matter and the people affected cannot wait any longer.

Question put and agreed to.

The Dáil adjourned at 5.55 p.m. until 2 p.m. on Tuesday, 21 November 2017.