



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Leaders' Questions	796
Order of Business	807
Topical Issue Matters	817
Consumer Rights (Gift Vouchers) Bill 2017: First Stage	818
Personal Insolvency (Amendment) Bill 2017: First Stage	819
Property Services Regulatory Authority (Amendment) (Bidding Transparency) Bill 2017: First Stage	821
Community Energy (Co-ownership) Bill 2017: First Stage	822
Supplementary Estimates for Public Services 2017: Leave to Introduce	823
Supplementary Estimates for Public Services 2017: Referral to Select Committee	824
Ministerial Rota for Parliamentary Questions: Motion	825
European Defence Agency Projects: Referral to Select Committee	825
Standing Orders: Motion	826
Ceisteanna - Questions	826
Programme for Government Implementation	826
Taoiseach's Meetings and Engagements	831
Priority Questions	839
Post Office Network	839
Waste Disposal Charges	845
National Broadband Plan Implementation	848
Mobile Telephony Services	850
Other Questions	853
RTÉ Revenue	853
National Broadband Plan Implementation	855
Broadband Service Provision	857
Electric Vehicles	860
Business of Dáil	864
Topical Issue Debate	865
Pensions Legislation	865
Fodder Crisis	868
EU Issues	874
Legal Metrology (Measuring Instruments) Bill 2017: From the Seanad	877
Finance Bill 2017: Order for Report Stage	877
Finance Bill 2017: Report Stage	878
Justice Issues: Statements	895
Rural Crime: Motion	908

DÁIL ÉIREANN

Dé Máirt, 21 Samhain 2017

Tuesday, 21 November 2017

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

Paidir.

Prayer.

Leaders' Questions

An Leas-Cheann Comhairle: I ask all Members who are raising issues today to keep an eye on the clock.

Deputy Micheál Martin: Last week in the Dáil I asked the Taoiseach a number of questions relating to the knowledge of the Tánaiste, while she was Minister for Justice and Equality, and of her Department of the adversarial legal strategy of the Garda Commissioner during the O'Higgins commission of investigation. In May 2014, the Tánaiste, who was then the Minister for Justice and Equality, stated very clearly that she was committed to providing Maurice McCabe and whistleblowers with the highest levels of legal support and that she was very conscious of the significant role he had played in revealing wrongdoing and malpractice. The Taoiseach indicated in his reply to my questions on the issue that the Tánaiste had no prior knowledge and only found out about it after the fact, at around the time that it came into the public domain. He followed that up the following day, in response to Deputy Howlin, and referred to May 2016 as the date of her becoming aware of this. We now know that is not true. The Dáil was misled. The Taoiseach was misled by the Tánaiste. Deputy Kelly had, prior to this, asked basic questions which the Ceann Comhairle is now following up. Deputy Kelly did not get straight answers to those questions; he got answers to questions he did not ask.

Listening to the Tánaiste just before I came in, she said she had received an email which related to a criminal charge against Mr. McCabe being raised at the tribunal on the basis that it had not been properly investigated. That raises all sorts of issues. I have to inform the Taoiseach that, just a minute before I arrived in here, I took a phone call from Maurice McCabe - he had been on to another Deputy. He is adamant that such an issue was never raised during the O'Higgins inquiry. He is taking very serious issue with the remarks of the Tánaiste on the "News at One" today and, it is my understanding, will be issuing a statement. The House will appreciate I have only taken the call. I am not in a position to adjudicate on this but it again raises more questions than answers.

Again, I would make the point that it seems there was an attempt over the weekend to down-

play the nature of the adversarial attack on Maurice McCabe at the inquiry - it was just about motivation and credibility. In fact, it was about integrity. This is on the record of the House, and it might have been Deputy Howlin who spoke over a year ago in regard to this issue. It was in the public domain, courtesy of Michael Clifford and of Katie Hannon of RTE. Mr. Smyth stated: “[M]y instructions are to challenge the integrity certainly of Sgt McCabe and his motivation”. This was in response to questions from Mr. Justice O’Higgins. I can go through the whole transcript but I will not, as I do not have time.

The bottom line is that the Dáil was misled last week. Very basic questions are not getting answers. I want to ask about the email the Tánaiste spoke about. Who initiated that email? Who was the justice official who sent that email to the Tánaiste? Did the Tánaiste read the email in regard to the issue that she raised? Essentially, will the Tánaiste come before the House, make a comprehensive statement on this and answer questions that Deputies could put to clear this up once and for all? This is a very serious issue.

An Leas-Cheann Comhairle: Go raibh maith agat. The Deputy’s time is up.

Deputy Micheál Martin: Far from upholding the integrity of Maurice McCabe and offering the highest level of protection, which the Tánaiste said she would do, by her acquiescence and incuriosity on this issue, the Government essentially remains complicit from beginning to end in this sordid affair regarding the undermining of Maurice McCabe.

An Leas-Cheann Comhairle: I remind the House that misleading the House is one thing but deliberately misleading the House is another matter. We are all mature politicians. I want you to stay within the Standing Orders.

Deputy Micheál Martin: I did not use the word “deliberately”.

An Leas-Cheann Comhairle: The terms of the reference of the tribunal are about communications involving the Commissioner. Let us be very careful. I call the Taoiseach.

The Taoiseach: I thank the Leas-Cheann Comhairle for clarifying that, of course, to mislead the House is to deliberately seek to deceive the House; to misinform the House is to give information that may not be fully correct. I appreciate the opportunity to clarify matters as best I can. The House will appreciate, once again, that I do not have first-hand knowledge of any of these matters. I am replying based on briefings from other Departments and other Ministers but I will do my best to shine a light on things. I want to note as well that these are matters before a tribunal, a tribunal established by this House to investigate into these matters, not a role this House can hold.

I can confirm once again that the Department of Justice and Equality had no hand, act or part in the legal strategy pursued by the former Garda Commissioner. The Tánaiste had no hand, act or part in the legal strategy pursued by the former Garda Commissioner. The Department of Justice and Equality had no prior knowledge of it. The Tánaiste had no prior knowledge of it either and, therefore, could not influence it. The Department of Justice and Equality only found out about it after the fact - after it had already happened. The same applies to the Tánaiste: she only found out about it after the fact - after it had already happened.

Subsequent to my reply in this House last week, I received some new information in the form of an email I saw at 11.30 p.m. last night for the first time. This is an email between two officials in the Department of Justice and Equality describing a conversation with a third party,

an official in the Office of the Attorney General. This email was then forwarded to the Minister for information. The email speaks of a dispute between the legal team of the Garda Commissioner at the time and Sergeant McCabe. It concludes that neither the Attorney General nor the Minister had any function in the matter. The email has been provided to the disclosures tribunal. I do hope that in some way clarifies the matter as best as I can.

In relation to Sergeant McCabe, I want to say Sergeant McCabe is somebody who I have had dealings with. I met him when I was Minister for Transport, Tourism and Sport when he made allegations relating to penalty points, allegations which few people believed to be true, but because of the evidence he provided to my Department, I believed that they may well have been true. I subsequently met him and subsequently supported him on a number of occasions, particularly at times when it was not possible to do so. He is one of the bravest people that I have ever encountered in public life and he is somebody who has been very much wronged by the State on a number of occasions because of his bravery and because of his willingness to shine a light into some dark places.

I really hope that we all accept that these are now matters for the disclosures tribunal. That tribunal should be allowed to do its work.

Deputy Micheál Martin: The Tánaiste spoke to the Taoiseach last week. The point I made was that the Dáil had been misled. There is no question about that. Misleading information was given to the Dáil. I am not saying that it was deliberately misled, but it was misled because we were given clear information that the Minister and the Department only knew a year later regarding a row with the Department.

There is genuinely great unease on this matter, given the history. The protestations of support for Sergeant Maurice McCabe contrast with how the system has consistently dealt with him. The public articulation of support bears no relationship with the consistent adversarial attack on his integrity, his motives and what he was about. That followed right through. The significance of the revelations in the O'Higgins report is just that, because in the aftermath of that report, the Government, including the Minister, continued to express full confidence in the Garda Commissioner notwithstanding the clear adversarial nature of the activity at that commission, in essence by the State and legal counsels representing agencies of the State. That is the point.

We are finding it difficult to accept the credibility of what the Tánaiste is offering us in terms of the level of awareness of the Department and herself and when they became aware. Is the Taoiseach still holding that it was a full year afterwards in May 2016? Can we get any clarity on that? The Taoiseach did not answer my question on whether the Tánaiste will appear before the House to give a comprehensive statement on the matter and take questions on it.

The Taoiseach: I think that the ordering of the House obviously is a matter for the Business Committee, and there is a mechanism under special----

Deputy Micheál Martin: The Taoiseach can offer.

The Taoiseach: -----notice questions to raise matters such as this. Again, I am conscious that this House has set up a tribunal to establish the truth about these matters, including carrying out an inquiry into-----

Deputy Marc MacSharry: The Government rigged the terms of reference.

The Taoiseach: -----the former Commissioner's legal strategy in this regard and also-----

Deputy Marc MacSharry: The Department of Justice and Equality is not included.

The Taoiseach: -----the role of State entities, including the Department of Justice and Equality. That is why this House established a tribunal and I would be reluctant to agree to any parallel process in this House that would be separate from or undermine in any way the work of the tribunal. I would need to take-----

Deputy Timmy Dooley: The Taoiseach is protecting the Tánaiste.

The Taoiseach: -----advice on that.

As the Tánaiste said in the radio interview in the last hour, she did not recall the email at the time at which she spoke to me. She was away at the time in Dubai. I was subsequently away in Sweden. She was away in Boston. We only had the opportunity-----

Deputy Darragh O'Brien: The Dáil is the place to answer those questions.

The Taoiseach: -----to speak again last night.

Deputy Micheál Martin: The Taoiseach could start with-----

(Interruptions).

Deputy Micheál Martin: -----the Tánaiste's response at 1 p.m. today-----

An Leas-Cheann Comhairle: We will move on to Sinn Féin and Deputy Pearse Doherty.

Deputy Micheál Martin: -----concerning a criminal charge about something that had never happened.

An Leas-Cheann Comhairle: Please, allow Deputy Pearse Doherty.

Deputy Pearse Doherty: I wish to raise the same issue with the Taoiseach. The answers that he has given the House today are again unsatisfactory. We know that he misled the Dáil, intentionally or not, last week because the Department of Justice and Equality has now clarified that it has miraculously found an email that has been missing for the past two years. We now know that the Tánaiste became aware of this a full year earlier than the Taoiseach claimed in the Chamber last week. I welcome the fact that he has corrected the record of the House and acknowledged this, but that does not deal with the entire issue. We have contradictory information, which raises more questions, particularly given the Tánaiste's interview on RTÉ. She now tells us that she was aware in May 2015 that legal counsel for the Garda Commissioner was making allegations of a serious criminal nature against Sergeant McCabe and was also claiming that this complaint had not been investigated. We hear that Sergeant McCabe is disputing at the commission that that ever happened. We need to square that circle.

The Tánaiste told us she cannot even remember being told this and receiving the email in 2015. Let us cast our minds back to the significance of this controversy. We all know it has caused great hardship to Sergeant McCabe and his immediate and wider family. It has also led to the resignation of the Minister for Justice and Equality, the confidential recipient and the Garda Commissioner. Is it really credible to tell us that the Minister for Justice and Equality at the time got an email which said that the legal counsel for the Garda Commissioner was ques-

tioning a senior garda whose involvement and bravery, as the Taoiseach said, resulted in the resignation of those three individuals, that informed the Minister that serious criminal complaints were being made against the said garda, and that said that accusations were being made by the Commissioner through the legal representative that the complaints were not being investigated by the Garda which she oversees, and the Minister cannot remember reading that email? That really stretches credibility.

Many other things stretch credibility. We know that the Department miraculously found this email on Thursday. I am not sure when the Tánaiste was made aware of it. Again, it was the investigative journalism of Katie Hannon, along with Mick Clifford, who uncovered the story last year. She put this information into the public domain. The Taoiseach's Twitter account, the Tánaiste, Deputy Fitzgerald, or the strategic information service did not put this information into the public domain. An investigative journalist had to draw the information from the Department and Minister.

A serious number of questions need to be answered. If the Tánaiste cannot answer these questions credibly, there will be serious questions about whether she can remain in her position. This is a major political crisis because the Taoiseach has put false information on the record of the House. He has now corrected the record of the House, but there are now other serious questions.

When will the Tánaiste make herself available to answer questions, not just to RTÉ but to the Deputies in the House who hold her accountable? Will she make herself available today? Will the Taoiseach, as leader of Fine Gael, ensure that it supports a change to the Order of Business so that we can have proper statements and questions to the former Minister and current Tánaiste?

The Taoiseach: This is an email between officials from two and half years ago. It is not inconceivable and certainly should not give rise to conspiracy theories that it may take a few days for somebody to find such an email. It should be borne in mind that it is an email between two Department of Justice and Equality officials in which one official relates a third party conversation he had with an official from the Office of the Attorney General. The email concludes that it is the view of the officials that the Attorney General and Tánaiste had no function in this matter. This pertains to a legal strategy in which the Tánaiste and Department had no hand, act or part, about which they knew nothing prior to the fact and about which they only found out after the fact. The conclusion at that time was that they had no role in the matter.

Deputy Pearse Doherty: Nobody is making the accusation, to my knowledge, that the Tánaiste or Department were involved in devising a strategy which was devised by the Garda Commissioner in regard to Sergeant McCabe. The accusation we are making is that the Minister became aware not of the generalities but the specifics of this. The Taoiseach has seen that letter and I ask him to put it in the public domain. He has not repeated what the Tánaiste repeated on RTÉ, namely, that the letter which was subject of the conflict or row that took place at the commission of investigation involved serious criminal complaints being made against Sergeant McCabe, that Sergeant McCabe denied them and that the Commissioner's legal representative was also making the accusation that they were not properly investigated. Is that what is in that letter? Will the Taoiseach put that letter into the public domain?

We are now accusing the Minister of having knowledge of this. She told us she had knowledge of this and that she knew the legal counsel of the Commissioner was going down this av-

enue. She tells us also she cannot remember reading the letter. It is not credible that a Minister for Justice and Equality, given the sensitivity of this issue and the commission of investigation at that point, simply did not read an email, or if she did read an email cannot remember reading that email.

I ask the Taoiseach again if he will publish the contents of that letter to which the Tánaiste is referring. Will he confirm to this House that the comments the Tánaiste made on RTÉ are on the contents of that letter, which relates to the serious criminal allegations made against Sergeant McCabe? Will he, as leader of his party, make time available so this Dáil will have ample time for all Members to question the Minister for Justice and Equality on this matter?

The Taoiseach: As I said, leaders of political parties do not make time available in the House. We have a Business Committee that decides how time is allocated in the House.

Deputy Marc MacSharry: Leadership.

The Taoiseach: I do not know if I have the authority to publish this email.

Deputy Brendan Howlin: The Tánaiste quoted from it.

The Taoiseach: Again, it is something I would have to check and on which I would have to get legal advice. I am conscious that this is now a matter before a tribunal. The email is among the documents furnished to the tribunal.

Deputy Pearse Doherty: The Tánaiste quoted extracts.

Deputy Alan Kelly: It is public. It was discussed on the radio.

The Taoiseach: It is within the terms of reference of the tribunal to look into these matters.

Deputy Marc MacSharry: The terms of reference are too narrow.

The Taoiseach: I must restate the fact, and this has been over and back in different forms for nearly two weeks now, I am still not clear what allegation is being made.

Deputy Timmy Dooley: What?

The Taoiseach: The Tánaiste and the Department of Justice and Equality had no hand, act or part in the legal strategy. They did not know about it before the event happened.

Deputy Timmy Dooley: Right.

Deputy Marc MacSharry: They sat on the information and did nothing after the fact.

Deputy Timmy Dooley: If she did know, what did she do? Nothing.

The Taoiseach: There is a record of an email between officials discussing it after it had already happened, at which point, needless to say, it would have been too late for the Minister to influence it or intervene.

Deputy Thomas Byrne: It was sent to the Minister.

The Taoiseach: She would have not have had the authority to do so anyway.

Deputy Timmy Dooley: Perhaps it was to establish a tribunal more quickly when she realised what was going on.

The Taoiseach: The advice in the email is that the Minister and the Attorney General had no function in such a matter.

Deputy Pearse Doherty: The question was whether the Taoiseach would confirm what the Tánaiste said was in the email.

The Taoiseach: The Garda Commissioner had her own legal strategy.

Deputy Timmy Dooley: The spin unit will be going into overdrive now.

Deputy Brendan Howlin: It is an unfortunate fact that over recent weeks, the Taoiseach has given inaccurate information to this House twice. Both occasions related to the Department of Justice and Equality and both now require explanations from the Taoiseach. The first occasion related to the staffing of the Office of the Director of Corporate Enforcement. The Taoiseach told the House in September on the advice of the Department of Justice and Equality that the role of the detective inspector had been filled on a part-time basis while recruitment of a full-time person was under way. This was not true. The person the Taoiseach referred to did not fall under the management of the Office of the Director of Corporate Enforcement. In truth, that vacancy remains unfilled more than a year after it arose. I ask the Taoiseach to correct his statement to the Dáil on that matter.

Second, and potentially more seriously, the Taoiseach made comments to me in this House last week when I was trying to get information that the series of questions posed by Deputy Alan Kelly failed to get from the Department of Justice and Equality and its Minister. The Taoiseach stated the Tánaiste had informed him she only became aware of the legal strategy against Sergeant McCabe around the time it entered the public domain. That is, quite simply, not true and this is not a small matter. The legal strategy was designed to fundamentally discredit Sergeant Maurice McCabe and subvert the course of justice, a matter of enormous importance. This good man could have been destroyed. The strategy was deployed behind closed doors from where it could not be revealed by Sergeant McCabe under threat of criminal sanction. At the same time the Garda Commissioner was instructing her lawyers to discredit Sergeant McCabe, she and the Tánaiste were publicly lauding him. The strategy was fundamentally dishonest.

If the Tánaiste knew even in general terms, as we have now been told, what exactly does that mean? Will the Taoiseach produce the email partially quoted by the Tánaiste on the RTÉ news programme at 1 p.m.? Any Minister being told in any terms of a development as potentially explosive as this would say bluntly, “tell me specifically what happened and why”. That such an email resulted in no action, and cannot even be recalled, is simply not credible. Last week the Taoiseach’s view was that the Tánaiste did not know about this and therefore could not be asked anything about it. We are now being asked to accept that she was told by email that an allegation of a serious crime had been part of the legal strategy, yet she still did nothing. That any Minister for Justice and Equality would fail to examine an issue that so fundamentally goes to the heart of the administration of justice in this State is troubling. That the Tánaiste appears to have misled the Taoiseach last week on this matter speaks to the functioning of Government itself.

These are serious matters. Will the Taoiseach outline the contacts that he has had with the Tánaiste and the Secretary General of the Department of Justice and Equality to ensure that

questions asked in this House are fully and accurately answered? Will he explain how something as serious as this could have reached the Tánaiste and Minister for Justice and Equality's desk without triggering questions or actions of any kind?

The Taoiseach: As the Tánaiste notes, there was a commission of investigation underway at the time under a judge which was set up by this Government, and we now have a disclosures tribunal established by this House to look into all of these matters. The email is not my property and I do not know if I have the authority to publish it. It is a document before the tribunal, so I will have to take advice on that matter. I have had no direct contact with the Secretary General of the Department of Justice and Equality. I have had contact with the Minister for Justice and Equality and have done my best to find out as many of the facts about this matter as possible. In terms of my contacts with the Tánaiste, we spoke on the phone when she was in Dubai last week. As she has said on the radio just now, she did not recall the email at that time. However, what she said to me was substantially true, that she only became aware of the details of this set of events when they came into public knowledge. We have an email between officials relating to a third party conversation in relation to events that happened at the commission which was forwarded to the Tánaiste for information. The conclusion at the bottom of that email was that she had no function in the matter at all.

In terms of the other matter raised by the Deputy, during oral questions two weeks ago I was asked a supplementary question concerning the vacancy of the position of Garda detective inspector at the Office of the Director of Corporate Enforcement, ODCE. In my response I stated that:

I understand the duties and role have been undertaken by another detective inspector in addition to other duties. An ambitious programme of recruitment and promotion is now underway across An Garda Síochána. This is taking some time, but arising from the process a new appointment will be made to the post as soon as possible. In the interim, the Garda authorities have confirmed that they intend to assign the role on a full-time basis, effective immediately. It is important to note that there has been a full complement of gardaí at sergeant rank throughout this period.

Subsequent to that, the Director of Corporate Enforcement wrote to the acting commissioner on Tuesday, 14 November, to draw attention to inaccuracies in what had been reported in the media and to communicate his concern in that regard. In recording those concerns, the director noted that the aforementioned inaccuracies appear to have been formed on the basis of information provided in the House. This correspondence was only brought to my Department's attention on foot of a media query on Friday, 17 November. The ODCE did not write directly to me or to the Department of the Taoiseach. My answer in the House was based on a briefing from the Department of Justice and Equality, which had received the information from the Garda.

On foot of the correspondence between the Garda and the ODCE, I want to provide the following clarification. An Garda Síochána advised that inspector cover was provided to the ODCE from March 2017. As I said in the House, this was somebody who had other duties at the time as well. In his letter to the acting commissioner, the director states that at no point had a detective inspector been assigned to him and that at no point had the detective inspector come under his direction. The director further states that under those circumstances the individual, referred to above, in his view could not be delegated with the director's powers, nor could the director share otherwise confidential information with the individual referred to. As set out in my original answer, An Garda Síochána had informed the Department of Justice and Equality

that it intended to assign the role on a full-time but interim basis with immediate effect, and that a permanent officer would be assigned following an ongoing promotion competition. Subsequent to that and after my answer an issue arose with the candidate identified to carry out the role. I have now been assured by the Department of Justice and Equality that an inspector has been identified to fill the role on an interim full-time basis. Following a meeting yesterday, Monday, 20 November, between the director and the detective chief superintendent of the Garda National Economic Crime Bureau I am informed that the inspector will take up his new role with effect from Monday, 27 November. An internal Garda Síochána competition is expected to conclude in early 2018. Following this, a full-time detective inspector will be assigned to the Office of the Director of Corporate Enforcement, ODCE, on a permanent basis.

An Leas-Cheann Comhairle: I gave the Taoiseach an extra minute to allow him to answer the question fully.

Deputy Brendan Howlin: I will deal with the Office of the Director of Corporate Enforcement issue on another occasion because I have only one minute now.

The Tánaiste said on radio, and the Taoiseach repeated, that she cannot recall the email. She says she does not remember it because the email said that no action was required of her. Surely the very fact that an official of a Department informed her of this matter meant that she was expected to do something. Since she could not make public comment about them, on being apprised of these matters did the Tánaiste inform Mr. Justice Iarfhlaith O'Neill, who the Government tasked with scoping out the terms of further inquiry, of this information that a serious charge of a criminal nature had been made against Sergeant McCabe?

The Taoiseach: I know that Deputy Howlin has served in two Governments, perhaps three-----

Deputy Brendan Howlin: Three.

The Taoiseach: He has been a Minister on many occasions and is very aware that Ministers all the time receive emails from officials for information. All emails are not for action.

Deputy Brendan Howlin: They are not all of equal value either.

Deputy Micheál Martin: This is very serious stuff.

The Taoiseach: When the information that is provided in the email tells the Minister that he or she has no function in the matter, that sets out the parameters very clearly-----

Deputy Timmy Dooley: I would have thought an email that included the name McCabe would have required attention.

The Taoiseach: -----that this is something in which the Minister has no function-----

Deputy Timmy Dooley: I think the subject required an answer.

The Taoiseach: -----and no role.

The Deputy's second question was addressed to the Tánaiste and I am sure she will answer it in due course.

Deputy Pearse Doherty: Will she come into the House to answer it?

Deputy Alan Kelly: That is pretty fundamental.

Deputy Brendan Howlin: The Tánaiste will answer “in due course”?

Deputy Timmy Dooley: That is what the lads are paying €5 million for.

Deputy Alan Kelly: It is a pretty fundamental question. There is either a record or there is not. Mr. Justice O’Neill was told or he was not.

An Leas-Cheann Comhairle: The Deputies well know that I have no responsibility for the answers the Taoiseach gives.

Deputy Brendan Howlin: The Tánaiste will answer “in due course”.

Deputy Alan Kelly: That is some accountability from this Government, is it not?

Deputy Thomas Byrne: She will talk to the spin unit first.

Deputy Catherine Murphy: As I know and respect the fact that the Cregan commission of investigation is under way, I will not comment on the substance of that inquiry. However, I must raise concerns regarding information that is now in the public domain, regarding a request by Mr. Justice Brian Cregan for a doubling of legal fees, and a significant extension of time for the commission to complete the Siteserv module. If the full increase in legal fees is granted, it is anticipated the inquiry will cost in the region of €25 million but the original preliminary estimate was €4 million. The inquiry commenced in mid-2015 and is now seeking yet another extension to the end of 2018. From the outset of this process, I and others expressed a desire that the inquiry would not cost a fortune and would not go on for years. It is my understanding that commissions of inquiry are answerable to the Dáil and the Taoiseach should confirm that is the case.

The intention, as I understood it, was that the commission would act as a means of investigation led by a judge, that it would take information provided to it and would investigate based on this and other information it received. It was not intended to be a judicial process and I have serious concerns now that it is deviating from the role originally envisaged for it. In my first communication with the commission, I sought an undertaking on confidentiality. I had given assurances to those from whom I had received information that I would not reveal their identities, and I have not and will not reveal their names. My co-operation with the Commission is without question up to the point that such co-operation requires me to divulge confidential sources, thus potentially putting people in harm’s way. When whistleblowers come to us as Deputies they sometimes seek assurances about confidentiality and we, as public representatives should, and must respect that.

The information I was given, much of which I passed on to the inquiry, is apparently being reduced in value because I will not identify my sources. I have a problem with that. Now it appears that retrospective changes have been made to the procedures. Recently, I learned that my submission has been widely circulated to what are described as “potentially interested” parties. When I sought assurances on confidentiality from the commission, prior to submitting any information, I was told it would only be divulged as necessary. There appears to have been a significant deviation from “where necessary” to “potentially interested”. That is no small difference.

Will the Taoiseach outline to the Dáil how he intends to handle the request for a doubling

of legal fees? If it is to be granted, what Department will the money come from? Will he confirm that the commission is indeed answerable to the Dáil? Does he have concerns regarding the deviation from “where necessary” to “potentially interested” in regard to the circulation of sensitive information supplied to the commission?

The Taoiseach: The issues raised by the Deputy are not dissimilar to those raised by others. I am conscious that we are discussing a commission of investigation, and that is something which is not a creature of the Government. It is based in the legislation and is accountable to the Dáil, not to me. I am accountable to the Dáil for the actions of Government but not for the actions and operations of a tribunal, court, or a judge who has been appointed to carry out an independent investigation.

Mr. Justice Cregan has asked for an extension until the end of next year. I believe there is no option other than to grant that extension because if we do not do so the investigation will fall. Mr. Justice Cregan has asked that he have until the end of 2018 to continue his investigations and his work, which is appropriate. He has also asked that the legal fees be doubled. The legal fees for commissions of investigation are the same across the board and Mr. Justice Cregan has asked that they be doubled for his commission. I discussed this at a meeting with party leaders last week, or perhaps the previous week, when Deputy Murphy was present. She will be aware that the broad consensus across party leaders was that we should not agree to the request that legal fees be doubled for this commission of inquiry, but that they remain standard across commissions. However, my officials have committed to meet with the judge to discuss other ways in which the work of the commission can be supported, whether through additional staff or other supports.

Deputy Catherine Murphy: If the commission is answerable to the Dáil, I do not understand why the Dáil is not involved in this process when an extension is being sought. One difference in the commission of inquiries legislation is that it produces reports periodically. I would have thought that if the commission were answerable to the Dáil then the Dáil should discuss these reports.

Not only is the sum involved considerable but it is taking some time. The commission must conclude its inquires. This is only the first module. Other transactions were to be considered but the way it is being conducted makes it look as though we are moving into the kind of territory of tribunals of inquiry rather than a commission of investigation. Is the Taoiseach concerned that it may be moving into a different format than the one which was envisaged originally? Will he raise that with the judge?

The Taoiseach: I appreciate the Deputy’s sincerity on this but I am being asked difficult questions. I will need to check the legislation to see exactly how the commission of investigation is accountable to the Dáil and how it operates. I would have to read it again to be sure that I am answering correctly. My recollection from the meeting the party leaders had two weeks ago was that it would be possible for me, as Taoiseach, to extend the deadline by order and that it does not require a vote of the House. However, I would like to check it before saying that with certainty. Mr. Justice Cregan was appointed to carry out this role independently and it would not be appropriate for me, as Taoiseach, to seek to interfere in any way with the way he conducts his investigation.

21 November 2017

Order of Business

An Leas-Cheann Comhairle: I call the Minister of State at the Department of the Taoiseach, Deputy Joe McHugh, to announce the Order of Business.

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): Shíl mé go raibh an Teachta Richard Boyd Barrett chun an tOrd Gnó a fhógairt inniu ach, é sin ráite, tá mé sásta é a dhéanamh.

Today's business shall be No. 14, motion re Supplementary Estimates, leave to introduce; No. 15, motion re Supplementary Estimates, referral to select committee; No. 16, motion re parliamentary questions rota changes between the Department of Defence and the Department of Employment Affairs and Social Protection, and between the Department of Finance and the Department of Justice and Equality; No. 17, motion re European Defence Agency, referral to select committee; No. 18, motion re change to Standing Order 71(5); No. 1, Legal Metrology (Measuring Instruments) Bill 2017, amendment from the Seanad; and No. 33, Finance Bill 2017 - Order for Report, Report and Final Stages. Private Members' business shall be No. 157, motion re rural crime, selected by Fianna Fáil.

Tomorrow's business shall be No. 33, Finance Bill 2017 - Report and Final Stages (resumed, if not previously concluded); and No. 5, Public Service Pay and Pensions Bill 2017 - Order for Second Stage and Second Stage. Private Members' business shall be Second Stage of No. 50, Planning and Development (Amendment) Bill 2017, selected by Solidarity-People Before Profit.

Thursday's business shall be No. 5, Public Service Pay and Pensions Bill 2017 - Second Stage (resumed) and No. 6, Social Welfare Bill 2017 - Order for Second Stage and Second Stage. Second Stage of No. 51, University College Galway (Amendment) Bill 2017, will be debated in the evening slot.

I refer to the second revised report of the Business Committee dated 21 November 2017. In relation to today's business, it is proposed that:

(1) The Dáil shall sit later than 10 p.m. and shall adjourn on the conclusion of Private Members' business;

(2) The motions re Supplementary Estimates, leave to introduce and referral to committee, parliamentary questions rota changes, the European Defence Agency, referral to select committee, and the change to Standing Order 71(5) shall be taken without debate and any division demanded thereon shall be taken immediately;

(3) Private Members' business shall take place not later than 9 p.m. for two hours.

In relation to tomorrow's business, it is proposed that:

(1) The Dáil shall sit later than 10.15 p.m. and shall adjourn not later than 11 p.m. unless the Report and Final Stages of the Finance Bill 2017 are not concluded at 11 p.m. in which case the Dáil shall adjourn at 12 midnight or on the conclusion of the Finance Bill 2017, whichever is the earlier;

(2) Second Stage of the Planning and Development (Amendment) Bill 2017 shall conclude within two hours.

In relation to Thursday's business, it is proposed:

(1) The Dáil shall sit later than 7.48 p.m. and shall adjourn on the conclusion of proceedings on Second Stage of University College Galway (Amendment) Bill 2017;

(2) Any division demanded on the conclusion of proceedings on Second Stage on the Public Service Pay and Pensions Bill 2017 and-or the Social Welfare Bill 2017 shall be taken immediately;

(3) Topical Issue matters shall be taken not later than 8.10 p.m.

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

Deputy Pearse Doherty: Not agreed.

Deputy Richard Boyd Barrett: Not agreed.

An Leas-Cheann Comhairle: I call Deputy Micheál Martin. This is to be only a brief intervention.

Deputy Micheál Martin: It will be a very brief intervention. Given the lack of transparency and the fact that we have not really got answers to questions that we asked during Leaders' Questions both last week and this week on the adversarial approach during the O'Higgins commission of investigation and when the Tánaiste and the Department of Justice and Equality became aware of it, a number of us asked that the Tánaiste would come to the House to give a comprehensive clarification to the House and take questions. Given that this has been live up to our coming in here at 2 p.m. and the Tánaiste spoke on the issue on "News At One" just before we came in, prior to agreeing the Order of Business, it is imperative that we get a commitment from Government that we would adjust the terms of reference to facilitate the Tánaiste coming to the House to make a statement and to take questions. We are not agreeing the Order of Business as a result.

Deputy Pearse Doherty: On the same issue, as I pointed out in questions to the Taoiseach, this is a matter that the Government cannot sweep under the carpet or try to downplay as if it were an issue of non-significance. It is a very serious issue. It goes to the heart of the accountability of this House. It is our job to hold Ministers to account. It is also the job of the media. The Taoiseach has made himself available to the media, which I welcome, but he has to make himself available to this House. Sinn Féin will not be supporting the Order of Business in this House unless the former Minister for Justice and Equality agrees to come before it today to make a statement outlining her exact position and allow Members to question her on that position so we can have clarity regarding the burning issues that exist. I refer not only to views held by Members of this House but also to members of the public.

Deputy Brendan Howlin: On this same issue, I support the call by colleagues. It would be extraordinary and undermine the public perception of democracy in this House if the Tánaiste made herself amenable to going on national programmes to be interviewed and answer questions posed by a journalist and refused to answer questions in the House. I am sure the Tánaiste will be more than willing to do so. I ask that time be made available today, by agreement.

Deputy Richard Boyd Barrett: On the same issue, as a member of the Business Committee, I noted that when I and others agreed the Order of Business last week, we were not to know

the Taoiseach would be forced to admit he had misled this House or given false information to it on what the Tánaiste knew and when she knew it regarding what was, let us remember, an absolutely scurrilous campaign to try to destroy Mr. Maurice McCabe, a brave man who was trying to blow the whistle on wrongdoing in the Garda. We have not got a clear commitment on whether the Tánaiste will answer questions on these most serious matters. We have to have that commitment. We cannot proceed with the Order of Business, as it stands, unless we get a commitment that the Tánaiste will answer those most serious questions.

An Leas-Cheann Comhairle: The Taoiseach and the Chief Whip may respond.

The Taoiseach: I will speak first and then the Chief Whip.

I dispute the allegation that I somehow misled the House. As stated at the outset, to mislead is a deliberate act. I gave the House the information I had at the time, and I have since clarified the information. Misleading the House is a deliberate attempt to misinform the House. I reject the allegation and I hope people will at least accept-----

Deputy Micheál Martin: One can mislead inadvertently.

An Leas-Cheann Comhairle: We will deal with the four questions.

Deputy Marc MacSharry: The Taoiseach told a porky by mistake.

The Taoiseach: I want to say very clearly that I have nothing at all to hide on this matter, nor does the Government have anything to hide. As I stated today and nine or ten days ago, neither the Department of Justice and Equality nor its former Minister, the Tánaiste, had any hand, act or part in this legal strategy. They did not know about it beforehand and found out only after the fact. Therefore, they had no way of influencing it. That fundamental fact needs to be recognised.

I am still not clear exactly what allegation is being made against the Tánaiste by Members of this House. If we are going to have a statement on this, followed by questions, it is important to do as I propose. I do not wish to tell the Leas-Cheann Comhairle how to do his job here - he should not take me up in that way - but I believe it is important that he, his office or somebody get some legal advice. The tribunal has been established by this House to look into these matters.

An Leas-Cheann Comhairle: Hold on. I do not need legal advice on a simple question. Deputies are requesting that an opportunity be given to make statements. It is a matter for the House, not a matter of legal advice for me.

Deputies: Hear, hear.

An Leas-Cheann Comhairle: I might not be a lawyer but I have common sense. I have been here for 36 or 37 years and I will not be dictated to by anybody in this House, not even the Taoiseach.

The Taoiseach: I think-----

An Leas-Cheann Comhairle: Hold on. The Taoiseach is not in the Chair. I put it to the Taoiseach that four Members of this House have posed a question. They are not agreeing to the Order of Business. It is a matter for the Taoiseach to decide whether he is agreeing to that. I

will immediately put the question on the Order of Business.

Deputy Joe McHugh: May I make a remark before the Leas-Cheann Comhairle puts the question?

An Leas-Cheann Comhairle: Yes, of course.

Deputy Joe McHugh: I am happy to be part of a Business Committee which meets to consider these matters. It is the Business Committee that decides the order of the House. That is a mechanism we have all agreed to. I would be happy to facilitate what is being requested, if that is possible and if a meeting is convened to consider it. I am concerned that we might ignore the policy that is the Business Committee that decides what goes on the agenda. I am also aware, a Leas-Cheann Comhairle, that we have a very tight schedule this week between the FEMPI Bill, the Finance Bill, and trying to commence the Social Welfare Bill. We did have an agreement but I am happy if there is to be a meeting of the Business Committee on this issue.

Deputy Micheál Martin: A Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: Deputy Martin should hold on for one moment. The Business Committee does not decide the business of the House. The Business Committee makes recommendations to this House.

Deputy Joe McHugh: Recommendations on behalf of the committee to the House.

An Leas-Cheann Comhairle: There is a big difference. It is the House that decides. I will call the Taoiseach momentarily. I ask the House to decide. It is a matter for Members. I am only the facilitator and I must ensure we stay within Standing Orders. I remind Members that it is the House that decides and the Business Committee recommends.

The Taoiseach: I respectfully suggest that the right way forward now might be for the Business Committee to meet and discuss this matter and make a recommendation to the House on what we should do next. A tribunal has been established by this House to look into these matters and to investigate them. There is precedent in this regard and I would not like us as a House to make a decision in the heat of the moment that would jeopardise or scupper the tribunal. We need to assure ourselves that we would not end up doing that.

Deputy Micheál Martin: I need to respond. First, on the idea of referring to the Business Committee, there is no commitment from the Government side that it has any inclination or wish to engage in any Dáil debate on the issue or for the Tánaiste to speak in any capacity. It is very clear from the replies that people want to invoke the tribunal to avoid any discussion in the House or any questions. I would point out that parliamentary questions have already been tabled on the matter by Deputy Alan Kelly and there have been replies, but not ones that answer the questions he asked. The Ceann Comhairle is following up on the quality of those replies. Even in the House reference has been made to an email. Reference has been made publicly by the Tánaiste on the national airwaves about the content of that email. In other words, part of the email is public knowledge at this stage, without the entirety of the email being published. That is not fair procedure or fair practice.

I stand to be corrected but I believe there have been other precedents whereby in the midst of tribunals there have been plenty of Dáil debates relating to subject matters that were covered by various tribunals. What I want from the Taoiseach is not for the issue to be referenced back

to the Business Committee to be buried in red tape and all sorts of invocations as to why we cannot do it. This is the Parliament of the nation. This is the plenary session of Dáil Éireann. We can decide to have a proper debate where the Tánaiste comes in and gives what she knows, a comprehensive presentation to the House, and for her to take questions on it rather than the drip, drip revelations we are getting day by day.

An Leas-Cheann Comhairle: Deputy Pearse Doherty can make a very short contribution.

Deputy Pearse Doherty: I will be as short as Deputy Martin on this. Deputy Martin is correct in that there is no commitment from the Government in regard to holding this debate and having questions and answers and statements. Neither the Taoiseach nor the Chief Whip gave that commitment. What I am asking the Leas-Cheann Comhairle is that given the seriousness of the issue, the majority, it seems, in this House - based on the four contributions of the Members who spoke on behalf of their groups and parties - is of the view that the Order of Business should not proceed. The suggestion is that we adjourn for 30 minutes, that the Business Committee will meet and we will come back with a new Order of Business that will include statements from the former Minister for Justice and Equality and an opportunity for Members of this House to question the Minister on those statements.

An Leas-Cheann Comhairle: Okay. That is the proposal. I call Deputy Boyd Barrett and then Deputy Howlin.

Deputy Richard Boyd Barrett: There is absolutely no point in accepting a proposal for the Business Committee to meet again unless we get a commitment from the Government here and now that at the meeting it will facilitate a debate, statements and responses from the Tánaiste on the matters surrounding this issue. As to the legal impediments, I am sure that if we agree this week - it has to be this week, ideally today or tomorrow - that such statements are made and that questions and answers will be had, I am sure it is within the ken of the Government and the Opposition to know what they can and cannot say that might infringe on the legal issues being dealt with at the tribunal.

Deputy Brendan Howlin: Of course it makes sense for the Business Committee to organise the logistics of doing what the majority of the House wants, that is, a set of statements and then a series of questions. I imagine the statements will be short and that the Tánaiste will have as long as she needs to make her presentation.

We all know the demarcation lines between the work of a tribunal of inquiry that we have established and the accountability of Ministers to the House. For too long and on other occasions in the past, tribunals went on for a decade and were used as a shield from providing full truth. I call for immediate agreement to such a debate, including questions and answers. If possible, it should be done today and, if not, then no later than tomorrow. The details can be determined by the Business Committee - I do not believe we need to adjourn to do that. If there is agreement, the Business Committee can meet and we can continue our business in the Chamber without eating into the Chief Whip's timetable.

The Taoiseach: Having discussed the matter with the Tánaiste, I can say that the Tánaiste is willing to make a statement later this evening followed by questions. The detail and parameters will be worked out and agreed by the Business Committee.

Deputy James Lawless: Have they just discussed that now?

An Leas-Cheann Comhairle: Is that acceptable? Subject to the Taoiseach's offer, is the proposal for dealing with Tuesday's business agreed to? Agreed. Is the proposal for dealing with Wednesday's business agreed to? Agreed. Is the proposal for dealing with Thursday's business agreed to? Agreed.

I have quite a list before me and I am going to read it out lest I leave someone out. We have only 13 minutes. Due to the fact that there will be statements later, I am going to cut off after 13 minutes. The names I have of those who have indicated include Deputies MacSharry, Butler, O'Brien, Durkan, Michael Healy-Rae, Scanlon, Fitzpatrick, Breathnach, Ryan, Danny Healy-Rae, Michael McGrath, Sherlock, McConalogue, McLoughlin, Harty, Ó Cuív, Munster and Heydon. First up is Deputy Micheál Martin.

Deputy Micheál Martin: The programme for Government promises to provide the modern technology and resources necessary to detect and investigate crimes and to provide an effective rural policing plan that enhances visibility.

For the past two years, Deputy Marc MacSharry has been raising consistently the appalling sub-standard nature of Sligo Garda station, which is the regional headquarters for the Border counties. The extraordinary level of deprivation in the station is difficult to comprehend. Numerous issues relating to health and safety have arisen. It has not been fit for purpose for many years. It was condemned by the regional safety advisor of An Garda Síochána in October 2015. Conditions are so dire that drinking water is not even available in the station because of potential contamination from rats and other rodents. The cells cannot be used. When people are arrested, they have to be driven 15 miles away to Ballymote. The building is not fit for purpose.

A new building was sanctioned in 2015 to great fanfare. Two years later, no progress has been made. It is beyond being a disgrace that hard-working gardaí are being forced to take the kind of action they have had to take. Essentially, they walked out of the station yesterday. They will not be going back into that station, and I cannot blame them for that.

Given the specific commitment in the programme for Government to enhance resources and facilities for An Garda Síochána, how can the Taoiseach explain the failure to implement the programme for Government commitment in the context of Sligo Garda Station? When will the matter be addressed?

Minister for Justice and Equality (Deputy Charles Flanagan): I am familiar with the situation at Sligo Garda Station. I agree that the station is unfit for purpose. As Minister, I am keen to advance and develop a new Garda station in Sligo. I put it to the Deputy who asked the question, however, that we need an appropriate site on which to build the Garda station. I regard it as a matter of some regret that there has been no agreement on the location of an appropriate site upon which to build it.

I acknowledge the interest Deputies MacSharry and McLoughlin and others have taken in this issue, which has been the subject matter of a number of Topical Issue debates. The Government remains committed to providing the appropriate level of resources to construct a new Garda station in Sligo that will meet the increasing demands of policing in the north west. I encourage local stakeholders, in particular, the local authority and any interested party who may wish to assist in procuring an appropriate site locally, to get together on the issue. Following agreement, we will proceed with the building of the Garda station at the earliest opportunity.

3 o'clock

Deputy Pearse Doherty: The programme for Government commits to complete the repair of the banking system and ensure the banks support the wider public interest. We are far from achieving this objective. The Taoiseach may have noticed that the Financial Conduct Authority, FCA, in Britain is considering further action against Royal Bank of Scotland, RBS, because of the actions of its global restructuring group, GRG. The Taoiseach should remember those three initials - GRG - because they will play a big part in this Parliament in the coming period. The FCA, in a recent report, found instances of inappropriate treatment of 92% of viable businesses that were part of its review. In this State, the GRG operated as part of Ulster Bank and all the evidence points to similar treatment. A total of 2,141 businesses of Ulster Bank were placed in the GRG where they believed they would be restructured and saved but were instead placed on death row. Information provided indicates that as few as six of these businesses emerged from the GRG alive. These companies were asset stripped by a subsidiary of Ulster Bank.

Senior bankers in Ulster Bank told barefaced lies to the Joint Committee on Finance and Public Expenditure, and Taoiseach on this issue. The Central Bank is dealing with the matter and is in discussions with Ulster Bank. Political pressure needs to be brought to bear, as was the case with the tracker mortgage scandal. Will the Taoiseach or the Minister for Finance do anything to raise these issues with Ulster Bank given that it put 2,141 Irish companies on death row because it was more profitable to do so?

The Taoiseach: As there is no programme for Government commitment on this specific issue, I will ask the Minister for Finance to reply to the Deputy.

Deputy Sean Sherlock: I ask the Taoiseach about the most recent Health Information and Quality Authority, HIQA, report on foster care services in Ireland, which was published today. The report found a serious lack of compliance in foster care services in Cork. A report issued in February and a subsequent report issued today found a glaring lack of compliance with safety requirements and a lack of social workers. HIQA has produced 16 reports to date on foster care services in all the regions. The Department responsible for these services has received a headline budget allocation of €750 million. Will time be provided for a proper debate or statements on child care services, particularly in respect of fostering and the lack of resources, specifically for social workers, as well as the glaring lack of compliance with HIQA requirements?

The Taoiseach: The Oireachtas joint committee published a report on this matter a few weeks ago. I am sure a debate on the matters the Deputy raises would be timely but it would be a matter for the Business Committee to agree the time available.

An Leas-Cheann Comhairle: Some Members feel I am not calling Deputies in order. I am calling either the party leaders or their representatives.

Deputy Gino Kenny: The House has spent many hours debating the ongoing housing crisis. There is, however, another national crisis, namely, in the assessment of needs for children. The Government is continually in breach of the Disability Act 2005. Not only is the system broken but many families are broken because they have not had access to simple assessments of need. A number of cases taken against the Government are before the High Court. The Taoiseach can expect a tsunami of further cases against the Government for breaking the law. I have a simple question. What will the Taoiseach do about this?

An Leas-Cheann Comhairle: I thank the Deputy for his brevity.

The Taoiseach: I cannot comment on court actions under way. Perhaps this matter would

be best dealt with as a question to the Minister of State at the Department of Health with responsibility for disability.

An Leas-Cheann Comhairle: Deputy Michael Collins is representing the Rural Independent Group.

Deputy Michael Collins: I refer to the programme for Government at page 85 on care for elderly. In Leaders' Questions three weeks ago, I asked the Taoiseach about Bandon Community Hospital, a question he referred back to the Minister for Health, from whom I got no answer. Major works were completed in Bandon Community Hospital last August. Although December is approaching, the HSE has not adequately staffed the hospital, thereby leaving the elderly without respite care in the Bandon area. The Friends of Bandon Community Hospital have collected tens of thousands of euro from the public. It is a major disappointment to all to see this state-of-the-art facility left idle. Can the Taoiseach personally intervene in this crisis and get the new facility open to the public?

An Leas-Cheann Comhairle: It is more suited to either a Topical Issue debate or a parliamentary question.

The Taoiseach: A Topical Issue, I think, but perhaps the Minister of State, Deputy Jim Daly, may reply.

An Leas-Cheann Comhairle: It is not in order but-----

Minister of State at the Department of Health (Deputy Jim Daly): That is an issue before the Workplace Relations Commission, WRC. There is a disagreement between unions and management in respect of staffing ratios.

An Leas-Cheann Comhairle: That is all the leaders or potential-----

Deputy Jim Daly: It is not at the HSE.

Deputy Michael Collins: We are waiting for it.

An Leas-Cheann Comhairle: Sorry, I call Deputy Eamon Ryan.

Deputy Eamon Ryan: Under the Supreme Court ruling, we are due to introduce mechanisms to allow refugees the right to work before the end of this month. Did the Government approve of that today or has it put the matter back until next week's meeting? Will it need legislation or will it need this House to sign off on details and can the Taoiseach give an indication as to whether the Government is thinking of introducing restrictions, in terms of areas or timelines in which people might work, on foot of the Supreme Court decision?

Deputy Charles Flanagan: A Leas-Cheann Comhairle, the Deputy is correct in so far as this was the subject matter of discussion at Government this morning. I would be happy to furnish the Deputy with a copy of the Government's decision. I also would be pleased to have this matter debated in the House at the earliest opportunity. Matters are complete and the Government has formed a view which I will communicate to all Deputies at the earliest opportunity, perhaps before 5 p.m.

Deputy Eamon Ryan: On a point of order-----

Deputy Mary Butler: There are no points of order.

Deputy Marc MacSharry: The programme for Government, at pages 96 and 97, talks of the refurbishment and provision of new stations which are “critical to delivering effective policing”. I could not agree more. As Deputy Micheál Martin stated earlier, there is a serious issue in the regional Garda station in Sligo where an assistant commissioner sits.

An Leas-Cheann Comhairle: We dealt with that.

Deputy Marc MacSharry: We have had a debate here previously about the provision of a site for a new Garda station. Before one gets a new Garda station, what is the Government doing about the existing one? A commitment was given in October 2016, when it was condemned by the Garda’s own health and safety adviser, to take remedial action. That has not happened. Yesterday, 101 gardaí walked out. They will not be going back. I am reliably informed the AGSI members are likely to do the same. Is Deputy Flanagan really a Minister in government telling me we are having problems selecting a site? I made an offer to the Minister here previously. If the Minister wants someone to get him a site, if he is not capable of doing it, I will get it for him but we must have a functional Garda station in Sligo that we do not have at present.

An Leas-Cheann Comhairle: It has already been debated. It is a matter for a Topical Issue debate or a parliamentary question, unless the Minister wants to respond briefly.

Deputy Martin Kenny: It is down for Topical Issues.

Deputy Charles Flanagan: I welcome Deputy MacSharry’s interest in the matter and I would be happy to engage with him bilaterally.

An Leas-Cheann Comhairle: Deputy McLoughlin on the same issue. Ministers may then offer it.

Deputy Marc MacSharry: The sooner the better. The Minister had the offer two weeks ago in here.

Deputy Tony McLoughlin: On the issue highlighted by Deputy MacSharry, I have tabled two Topical Issues matters here, one taken by the Minister for Justice and Equality, Deputy Flanagan, and one by the Minister of State, Deputy Stanton, as well as five parliamentary questions. The Office of Public Works is near completion of its work in relation to a site. This is the route that we have got to take to ensure that we get this site announced as quickly as possible.

Deputy Marc MacSharry: But Deputy McLoughlin announced a new Garda station in 2015.

An Leas-Cheann Comhairle: Deputy MacSharry-----

Deputy Marc MacSharry: That is three years ago.

Deputy Bernard J. Durkan: Calm down.

Deputy Tony McLoughlin: Would Deputy MacSharry hold on for a minute now? There is somebody else here who has more information than Deputy MacSharry will ever have in that regard.

Deputy Marc MacSharry: I hope the people in Sligo are listening.

Deputy Tony McLoughlin: The Minister for Justice and Equality, in 2015-----

Deputy Marc MacSharry: They are anxious to get all the information Deputy McLoughlin has.

Deputy Tony McLoughlin: A public private partnership plan for 2017 to 2021 is the plan on which we are working, whereby we will have the site for the new Garda regional headquarters in Sligo.

Deputy Marc MacSharry: In 2021; a new announcement.

An Leas-Cheann Comhairle: The Minister, Deputy Flanagan, indicated that he will engage.

Deputy Charles Flanagan: Once again, for the third time in the past half hour, I am most reluctant now to enter into the crossfire between two local Deputies on this issue but I would be happy to meet them.

An Leas-Cheann Comhairle: I must inform the House that I will be cutting this short in about two minutes. The next on my list is Deputy Mary Butler.

Deputy Mary Butler: In June of this year I was informed by the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, that a review was under way in his Department, as per the recommendations of the report of the interdepartmental group on fuller working lives. The review was to examine the statutory and operational considerations giving rise to barriers to extending participation in the public service workforce up to and including the current and planned age of entitlement to the State pension. The Minister promised the review at the end of the second quarter but we are now almost at the end of the fourth quarter. When can we expect this review to be published?

The Taoiseach: The work on that is almost complete. It has been complicated by the fact that public servants hired at different times have different contracts. Generally speaking, people hired before 2004 must retire at 65, those hired between 2004 and 2012 have no retirement age and those hired after 2012 have a retirement age of 70. The fact that there are three different contract groups has complicated the matter somewhat. I met the Minister for Finance yesterday and this was one of the matters we discussed. He intends to bring a memo or proposal to Government within two weeks.

An Leas-Cheann Comhairle: If I were to continue as per my list, I would need another 30 minutes. The last two for today are Deputies Darragh O'Brien and Durkan. I will give all of the other Deputies on my list priority tomorrow because I expect to be in the Chair again then.

Deputy Darragh O'Brien: On page 64 of the programme for Government is a statement that the Government will drive down the costs of providing new treatments and drugs. I ask the Taoiseach to account for his Government's abject failure to introduce a coherent, effective and efficient way of introducing life saving orphan drugs such as Respreeza to Alpha-1 patients. Is the Taoiseach aware that one of the 21 patients who was on the Respreeza clinical trial died at the weekend and that some of the other 20 patients on the trial have been without this life saving drug for up to five weeks? A meeting was held by the HSE last Thursday. I ask the Taoiseach and the Minister for Health to intervene urgently to ensure that an arrangement is put in place so that this drug can be administered to these patients. This truly is a life and death situation. I spoke to two patients yesterday who are in fear of losing their lives because the drugs are being kept in a warehouse and are not being administered to those who need them. I respectfully ask

the Taoiseach and the Minister for Health to intervene as a matter of extreme urgency.

Deputy Michael Healy-Rae: I had intended to raise the same issue. That was my issue too, on behalf of the people -----

An Leas-Cheann Comhairle: I know it is not parliamentary language, but the Deputy is a cute Kerryman.

Deputy Michael Healy-Rae: It is an absolute scandal that the drugs are in a warehouse. We are not asking the Taoiseach but are begging him to talk to the HSE and to ask it to administer the drugs. On our knees, we beg him on behalf of these people. They are at home and they need this drug. They are like a stone in the water now. Their health is going down day by day. I know some of them personally. They are getting weaker and sicker. There is nothing worse than having a drug and then having it taken away. As a doctor and a former Minister for Health, the Taoiseach knows that what I am telling him is the truth.

The Taoiseach: I appreciate that this is a very sensitive issue for the people affected and for their families. I am very sorry to hear about a person having passed away with this illness. As a doctor and a former Minister for Health, I know why it is important that politicians do not decide which drugs are licensed or reimbursed or how much is paid for them. That is best decided using clinical evidence and the best advice from the National Centre for Pharmacoeconomics, NCPE, and the HSE. It is a matter that is decided on clinical and economic facts, based on the effectiveness of a medicine and how much is a reasonable cost for reimbursement. I will certainly ask the Minister for Health to provide the Deputies with further information.

Deputy Bernard J. Durkan: The Central Bank (consolidation) Bill is promised legislation and should be brought before the House as a matter of urgency with a view to introducing a code of conduct along the lines of that described by Deputy Pearse Doherty a few minutes ago in order to control the activities of primary and secondary lenders who are now using the situation of increased equity to repossess properties and dispossess people who have been making mortgage payments, within their reach, over the past five or six years. Such people are now being treated badly by the lending institutions. Can the aforementioned Bill be brought before the House as a matter of urgency, in order to combat this activity?

The Taoiseach: We do not yet have a date for the publication of the Central Bank (consolidation) Bill but it is being worked on currently by the Department of Finance.

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 Clare Daly - the need for legislative reform in regard to pension benefits; (2) Deputies Sean Fleming, Fiona O'Loughlin and Brian Stanley- the future of the Midland Regional Hospital, Portlaoise; (3) Deputy Éamon Ó Cuív - funding for Traveller specific issues highlighted in the Traveller community survey; (4) Deputy John Brassil - to review traffic safety at the Lewis Road and bypass road junction in Killarney; (5) Deputy Peter Burke - the absence of wind energy guidelines and the impact on planning; (6) Deputies Martin Kenny and

Marc MacSharry - the need to address health and safety concerns at Sligo Garda station; (7) Deputies Niall Collins, Bobby Aylward, Charlie McConalogue, Jackie Cahill, Dara Calleary, Brendan Smith, Anne Rabbitte and Eamon Scanlon - the need for action to address the lack of fodder as a result of poor weather; (8) Deputies Seán Crowe and Aengus Ó Snodaigh - Ireland's participation in the EU co-operation on security and defence, PESCO; (9) Deputies John Curran and Willie O'Dea - to discuss proposals to address State pension anomalies; (10) Deputy Thomas Byrne - concerns over bullying allegations at the National Council for Curriculum Assessment; (11) Deputy Donnchadh Ó Laoghaire - advertising changes for positions in community employment schemes; (12) Deputy Joan Burton - concerns relating to the future of cultural institutions such as concert orchestras; (13) Deputy Billy Kelleher - the need to discuss the provision of Respreeza; (14) Deputy Mattie McGrath - Garda numbers in County Tipperary to tackle rural crime; (15) Deputy Pat Buckley - the need to connect the R630 to the N25 Cork road at Lakeview roundabout; (16) Deputy Joan Collins - to ask the Minister to ban hare coursing; (17) Deputies Mick Wallace and Louise O'Reilly - to discuss what knowledge the former Minister for Justice and Equality, Deputy Frances Fitzgerald, had of the Garda Commissioner's legal strategy at the O'Higgins Commission and to ask the Minister for Justice and Equality when he was made aware of the contradictory statements from the Taoiseach and Tánaiste and those from Department of Justice and Equality officials regarding Maurice McCabe; (18) Deputy Frank O'Rourke - the need to conduct a review of the housing assistance payment, HAP, limits, taking account of geographic variations in market rents and in supply, with a view to increasing payments in high density areas like Kildare North until the housing supply issue has been addressed; (19) Deputy Declan Breathnach - the additional measures proposed and available to the Minister for Transport, Tourism and Sport to ensure that those using disabled parking bays and those impeding footpaths and pedestrian access are better informed of their responsibilities and penalised accordingly; and (20) Deputy Peadar Tóibín - bus transport services in County Meath.

The matters raised by Deputies Clare Daly, Niall Collins, Bobby Aylward, Charlie McConalogue, Jackie Cahill, Dara Calleary, Brendan Smith, Anne Rabbitte, Eamon Scanlon, Seán Crowe and Aengus Ó Snodaigh have been selected.

Consumer Rights (Gift Vouchers) Bill 2017: First Stage

Deputy Catherine Murphy: I move:

That leave be granted to introduce a Bill entitled an Act to protect consumers by limiting expiry dates on gift vouchers and banning certain fees and charges.

Obviously we are heading into another festive season. This coming Friday is "Black Friday", a US initiative which kicks off the peak month of shopping for both shoppers and retailers. It is obviously the height of the gift giving season. Almost all of us have faced the question of what to buy for particular people. We do not want to buy gifts which have to be exchanged and we want the recipients to be able to decide on a date and time to use them and so forth and very often the last resort is the gift voucher. This is a €300 million industry and it goes right across the spectrum covering toys, DIY, travel, restaurants and everything in between. Often when people receive gift vouchers they partially use them or they put them away to use at a later date. The advantage is very much on the side of the retailer as opposed to the consumer.

Sometimes gift vouchers are treated as if they are not money but they are very much so. It is not as if they are coupons cut out of newspapers. They are bought with peoples' hard earned cash and very often it is the recipient who discovers the terms and conditions attached to gift vouchers. We can all imagine situations where people forget about gift vouchers and discover that there is a problem when it is too late. The financial loss of forgotten vouchers to consumers must run into millions. In the US, this loss was estimated to be close to \$1 billion. In 2009, an initiative was introduced in the US which removed annual limits on gift vouchers. A five year limit was put on gift vouchers or cards and evidence shows that the number of unused gift vouchers declined very dramatically as a result.

This Bill is concerned with strengthening consumers' rights when it comes to gift vouchers. Currently, everything is stacked in the retailers' favour. Retailers can charge for issuing gift vouchers and can cancel the card or voucher after a short period. They can also apply charges for the non-use of a card, thus rendering it worthless and can apply charges for refunding the balance. Many retailers adopt a "use it or lose it" policy, effectively. The imposition of strict and unreasonable expiry dates comes at the expense of customers.

The Bill addresses these issues and seeks to do four things. It seeks to give certainty in relation to expiry dates with the provision of a five year limit. It seeks to ban charges for issuing gift vouchers. It seeks to ban charges related to inactive gift vouchers and to ban companies from taking money off the balance if a card is not used by certain dates, which is happening routinely at the moment. The Bill also seeks to ensure the repayment of any credit balance on a gift voucher. It is a simple way of strengthening consumer rights.

As I said, similar legislation was introduced in the United States. The last Government promised action on this but it never happened and the present Government has promised action but has yet to introduce legislation to the House. It is time we moved to strengthen consumer rights in this respect. While the EU has announced a revised proposal on digital vouchers, given the very cumbersome way these things are dealt with at European level, we cannot wait for these consumer protections to be introduced by the EU. We all recognise there is an issue in regard to consumer rights. This should be proceeded with without any further delay.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister of State at the Department of Health (Deputy Jim Daly): No.

Question put and agreed to.

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

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

Question put and agreed to.

Personal Insolvency (Amendment) Bill 2017: First Stage

Deputy Michael McGrath: I move:

That leave be granted to introduce a Bill entitled an Act to amend the Personal Insolvency Act 2012 to provide clarity with regard to certain applications before the courts.

I am pleased to have the opportunity to introduce the Personal Insolvency (Amendment) Bill 2017. In 2012, when the original personal insolvency legislation was passed, this was touted as a game-changer for personal insolvency in Ireland. Where the family home was involved, an independent personal insolvency practitioner, PIP, would propose a personal insolvency arrangement, PIA, and this, in theory, would offer the best prospect of protecting the family home.

At the time we in Fianna Fáil pointed to a fundamental flaw in the legislation. By offering the lender an effective veto over any proposed solution, the legislation clearly placed the power in the hands of the lender. We were told that removing the veto would be unconstitutional. The bank veto, along with the banks' unwillingness to co-operate fully, ensured this new system was going to be long and cumbersome, and this has proven to be the case. Some 40% of all applications for a PIA have either been vetoed or the protective order has expired. Recently, the head of the Insolvency Service of Ireland, ISI, informed the justice committee that many lenders are not fully co-operating with this process. After mounting political pressure from Fianna Fáil and others, the law was changed in 2015 and this offered a way to challenge the bank veto in the courts by way of an appeal mechanism. The 2015 Act intended to offer an appeal mechanism whereby the borrower could challenge the veto in the courts but this appeal system is clearly broken. Since the creation of section 115A, some 632 appeals have been lodged and nearly 70% of these cases have yet to be concluded. Therefore, not only is the personal insolvency system long and cumbersome, so too is the appeals process.

It is because of section 115A that I am introducing this amendment Bill today. In September of this year the Dublin Circuit Court made a crucial decision that has thrown the entire personal insolvency system into further turmoil. Under section 115A of the 2015 Act, it was decided that the debtor had no legal authority to appeal a bank veto in the courts and that appeals had to be taken in the name of the PIP. Nearly a month later the High Court, in a similar case, came to the same conclusion. It is entirely unfair and unreasonable to expect a PIP to take a very significant personal risk when proceeding with a case in his or her own name. This has had a major effect on the appeal mechanism. Appeals have been stalled as PIPs have been left completely in the dark on how the system will be rectified. Why would a PIP, under the current circumstances, proceed with an appeal? It is perfectly understandable for them not to go down that route, given all the personal risks that come with it.

Once again, as has been the case with this Government from day one, the balance of power has been shifted even further towards the lender. I have heard evidence that creditors are using the current situation to their advantage and are being overly aggressive. Why would they not be? They have opposed the personal insolvency process at every single point along the road. This Bill amends section 115A of the 2015 Act by clearly placing the legal authority to appeal in the hands of the debtor, not the PIP, which is the crux of the issue which has to be urgently dealt with. This is as it should be, and as it was intended to be from day one. However, I would like to point out that this will not, on its own, solve all of the problems with the personal insolvency process. It is but a small step in the right direction and much more needs to be done. Even if this Bill is enacted, it is a huge challenge for a borrower to go down the legal route of appealing the rejection of a PIA to the courts. The banks too know this, and they are using the system to pressure more and more people into surrendering their home.

Earlier this year we introduced that Mortgage Arrears Resolution (Family Home) Bill 2017. That Bill would remove the veto power from the bank when it comes to mortgage arrears cases involving the family home and would empower an independent office to make the final decision in that situation. The balance of power is firmly with the lender in the current system. The entire onus to co-operate is placed on the borrower while the bank can simply walk away at any point in the process. The net issue that this Bill seeks to address arises because of a court decision in the Circuit Court, and then in the High Court, which has had very serious consequences for the existing appeal mechanism under the personal insolvency system. If it is going to take very long for this Bill to be enacted, I would ask the Government to consider amending another piece of justice legislation so that what is clearly an anomalous situation can be rectified as quickly as possible.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): No.

Question put and agreed to.

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

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

Question put and agreed to.

Property Services Regulatory Authority (Amendment) (Bidding Transparency) Bill 2017: First Stage

Deputy Barry Cowen: I move:

That leave be granted to introduce a Bill entitled an Act to enhance and expedite the transparency of the bidding process during the sale of land other than by auction.

This short Bill is an amendment to the Property Services (Regulation) Act 2017 and concerns the issue of bidding transparency. At present, during the process of the purchase of a property, agents retain the records associated with any bids made on the property and, if there is a fear on the part of those seeking to buy a property that there may have been fake bids during that process, it is only after the transaction that this can be investigated by the regulatory authority. While we do not cast any doubt on the industry or on the regulatory authority that is in place at present, we feel there is a gap in the legislation. As there is this fear, we believe this Bill can be used to accommodate a ten-day freeze during which an investigation can be carried out by the authority. It is up to the third party investigation to clarify that fact for all concerned; the procedure can proceed thereafter and there would be no cloud over the transaction once it is completed.

As I said, this is not to cast any aspersion on the industry and the current system but, especially given the current crisis, I believe every effort has to be made on our behalf to ensure that those who are seeking to purchase property can do so without any doubt about the process

they enter into. There has to be fair play for everyone concerned and I believe this Bill sets about addressing that issue. I hope it will not be opposed and that it will proceed to the relevant committee for pre-legislative scrutiny in order for it to be enacted as soon as is practically possible. It is just one element of a system that is, unfortunately, broken in regard to the manner in which the housing programme and housing crisis are being managed by the Government. We want to play our part in ensuring this process is above reproach and that we can learn from the mistakes of the past. As few mistakes as there may have been, if there was one mistake in this area, it is one too many. This is a loophole that has to be closed. I would ask the Government's indulgence to proceed.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): No.

Question put and agreed to.

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

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

Question put and agreed to.

Community Energy (Co-ownership) Bill 2017: First Stage

Deputy Eamon Ryan: I move:

That leave be granted to introduce a Bill entitled an Act to create a planning condition that enables local communities to invest in a renewable energy project; to create a new prescribed class of development to which such a planning condition can be attached; and to provide for other related matters.

This Bill seeks to do what is set out in the Title, namely, to support the community ownership of new energy projects. The Taoiseach and other Ministers will be aware that this issue is critically important in regard to meeting our emissions reduction targets and also developing our own renewable energy, rather than relying for 90% of our energy on fossil fuels, as we do at present.

It takes the example of other countries like Denmark, where similar legislation has been introduced mandating a certain requirement in respect of new projects above micro-generation - if it is wind farm, above 500 kW in size, or if it is a photovoltaic project, above self-generation on a roof. In such circumstances, we argue that there should be a mandated requirement for 30% of the equity in that project to be owned by people living within the local community area. This is achievable and practical and will have a material benefit in terms of spreading ownership of the new renewable energy projects more widely throughout their local areas. This will help to raise equity for such projects, which is an important way of lowering the cost and getting them over the line, and reduce the level of uncertainty in the planning process that is making it more difficult to reach the renewable energy targets that we have set for ourselves. There are other benefits, for example, people being informed of what is happening in their area.

21 November 2017

We are setting out a variety of co-operative models that could be used to manage such an ownership stake. It should be practical to introduce, with a geographic area being set. For example, people within 5 km of a development would be given first right to an equity stake. We could start at a €250 share and go up to €10,000, which would give people the right to own and be a part of the revolution that is taking place in this country and everywhere else.

We are looking for mechanisms to help fund this through credit unions and post offices. We would support the development of a new public banking system, for example, the *Sparkasse* model, to make lending to these types of development possible. It is lending to an area when there is certainty that we are going in this direction. Every country is. Hardly any new generation using fossil fuel infrastructure is taking place in the EU. That day is gone.

We need to get the changes and the delivery of the new renewable power supply right and avail of the fact that it is now cheaper and more competitive. We are in a different world than we were ten, 15 or 20 years ago, in that the cost of onshore wind, solar and even offshore wind has reduced to the point at which they are probably the cheapest power supplies available to us if we get the market rules and governance systems right. We are not doing that currently. That is why Ireland ranked 49th out of 60 in a major study on climate change last week. The Government and public administration system are continuing to get it wrong. In the negotiations around the new EU directives on renewables, governance and market reform, our officials are the ones who are taking the most negative and restrictive position. This is doing significant reputational harm to our country.

The Bill, along with those European provisions, would steer us in the right direction by following best example and starting a necessary revolution in how to use energy efficiently and how it is owned. I hope that the Government supports the Bill and takes a similar approach to European legislation, which is up for negotiation currently. For this reason, we have introduced the Bill.

An Leas-Cheann Comhairle: Is the Bill opposed?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): No.

Question put and agreed to.

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

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

Question put and agreed to.

Supplementary Estimates for Public Services 2017: Leave to Introduce

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move:

That leave be given by the Dáil to introduce the following Supplementary Estimates for the service of the year ending on the 31st day of December, 2017:—

Vote 5 — Office of the Director of Public Prosecutions (*Supplementary Estimate*).

Vote 12 — Superannuation and Retired Allowances (*Supplementary Estimate*).

Vote 17 — Public Appointments Service (*Supplementary Estimate*).

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*).

Vote 31 — Transport, Tourism and Sport (*Supplementary Estimate*).

Vote 32 — Business, Enterprise and Innovation (*Supplementary Estimate*).

Vote 35 — Army Pensions (*Supplementary Estimate*).

Vote 37 — Employment Affairs and Social Protection (*Supplementary Estimate*).

Question put and agreed to.

Supplementary Estimates for Public Services 2017: Referral to Select Committee

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move:

That, subject to leave being given to introduce the following Supplementary Estimates for the service of the year ending on 31st December, 2017, the Supplementary Estimates be referred to the following Select Committees, as appropriate, pursuant to Standing Orders 84A(3)(c) and 182(3), which shall report back to the Dáil by no later than 6th December:—

Vote 5 — Office of the Director of Public Prosecutions (*Supplementary Estimate*) — Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Vote 12 — Superannuation and Retired Allowances (*Supplementary Estimate*) — Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Vote 17 — Public Appointments Service (*Supplementary Estimate*) — Select Committee on Finance, Public Expenditure and Reform, and Taoiseach.

Vote 30 — Agriculture, Food and the Marine (*Supplementary Estimate*) — Select Committee on Agriculture, Food and the Marine.

Vote 31 — Transport, Tourism and Sport (*Supplementary Estimate*) — Select Committee on Transport, Tourism and Sport.

Vote 32 — Business, Enterprise and Innovation (*Supplementary Estimate*) — Select Committee on Business, Enterprise and Innovation.

Vote 35 — Army Pensions (*Supplementary Estimate*) — Select Committee on Foreign Affairs and Trade, and Defence.

Vote 37 — Employment Affairs and Social Protection (*Supplementary Estimate*) — Select Committee on Employment Affairs and Social Protection.

Question put and agreed to.

Ministerial Rota for Parliamentary Questions: Motion

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move:

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

Minister for Employment Affairs and Social Protection

Minister for Finance

Minister for Justice and Equality

Minister for Education and Skills

Minister for Housing, Planning and Local Government

Minister for Defence

whereupon the sequence established by the Order of 6th May, 2016, shall continue with Questions to the Minister for Foreign Affairs and Trade.

Question put and agreed to.

European Defence Agency Projects: Referral to Select Committee

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move:

That the proposal that Dáil Éireann approves Ireland's participation in two European Defence Agency Projects – (1) Joint Procurement Arrangement for EU SatCom Market and (2) European Centre for Manual Neutralisation Capabilities (ECMAN) pursuant to section 2 of the Defence (Miscellaneous Provisions) Act 2009, be referred to the Select Committee on Foreign Affairs and Trade, and Defence, in accordance with Standing Order 84A(3)(b), which, not later than 30th November, 2017, shall send a message to the Dáil in the manner prescribed in Standing Order 90, and Standing Order 89(2) shall accordingly apply.

Question put and agreed to.

Standing Orders: Motion

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I move:

That, in accordance with the recommendation under Standing Order 107(1)(a) of the sub-Committee on Dáil Reform, and with effect from Thursday 23rd November, 2017, Standing Order 71 of the Standing Orders of Dáil Éireann relative to Public Business be amended by the substitution of the following for paragraph (5):

‘(5) Where there is more than one division at the weekly division time on Thursday, in respect of the second and any subsequent divisions--

(a) the period for which the division bells are rung shall be not less than one minute, and

(b) the interval between the ringing of the bells and the locking of the doors shall be not less than one minute.’

Question put and agreed to.

Ceisteanna - Questions

Programme for Government Implementation

1. **Deputy Brendan Howlin** asked the Taoiseach the status of the implementation of measures in the programme for Government. [48128/17]

2. **Deputy Gerry Adams** asked the Taoiseach when the next progress report of A Programme for a Partnership Government will be published. [47837/17]

3. **Deputy Joan Burton** asked the Taoiseach the progress in regards to the implementation of the programme for Government. [48980/17]

4. **Deputy Richard Boyd Barrett** asked the Taoiseach the progress report on A Programme for a Partnership Government. [49113/17]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

The programme for Government annual report published on 10 May provides a comprehensive update on more than 300 commitments progressed across all of Government in its first year and highlights the specific plans put in place to tackle in the short and longer terms areas such as housing, homelessness, education, rural and regional development, job creation, broadband, agriculture and climate change. The report also highlights the ambition and steps to improve services for families, children, people with disabilities and mental health problems and older people, and reforms necessary in the health and justice sectors. It also reflects the significant work undertaken to ensure an effective whole-of-Government approach to the Brexit negotia-

tions and takes full account of the Government's negotiating priorities.

Work is under way on a further interim progress report to reflect work advanced by the Government since May. The report, which is expected to be finalised in the coming weeks, will include an update on measures progressed by Government Departments, including actions to ameliorate housing and homelessness problems, such as the €750 million financing entity Home Building Finance Ireland, the new stamp duty refund scheme, projects approved under the local infrastructure housing activation fund, LIHAF, the national roll-out of the HAP place finder service and measures to progress delivery of vacant houses; actions to support rural development, including a €60 million regional enterprise development fund, €21.6 million allocated in the 2017 town and village renewal scheme and €10 million approved for Leader projects; actions to support businesses and jobs, including a €300 million Brexit loan scheme, which has been announced, €3.4 million in Brexit supports made available to SMEs, the reduction in USC rates and an additional €6.6 billion in capital funding allocated in budget 2018; and actions to support families and services, including a €5 increase in all weekly benefits, increasing the minimum wage for the fourth time, 1,800 additional front-line posts for the health sector, the new national cancer strategy, which runs from 2017 to 2026, an increase in maternity leave in the case of premature births and 2,300 extra posts for schools.

The Government will continue this work over its lifetime to protect and grow the economy, invest in and care for its people and plan for Ireland's future.

Deputy Joan Burton: I recall from the programme for Government and interviews that the Taoiseach gave at the time that he indicated his appreciation of the importance of the arts and culture in Ireland and his hope to more or less double funding to that area over time, which all of us would support. Is he aware of a serious concern among professional musicians, particularly those working in the orchestras under the aegis of RTÉ, that there will be a severe reduction in the number of its orchestras, which currently stand at two? Given the size of Ireland's population, we have little in the way of professional orchestras. The idea that, under an RTÉ review, one of them would be closed down and many musicians would be deprived of employment is worrying.

The Taoiseach tries to have sweet music around him. On days like this, that is sometimes difficult. The issue concerning the orchestras is very important to the future of culture in Ireland. Many musicians have been obliged to leave Ireland to get employment because there is so little orchestral employment here. The Minister for Culture, Heritage and the Gaeltacht told me she is not aware that RTÉ is carrying out a review of orchestras as part of an overall review of operations. She was not aware that submissions have been sought in regard to this matter. I ask the Taoiseach to express his concern and solidarity with the musicians in the orchestra, as well as all of the music students nationwide who are for working for music degrees and who will have little prospect of employment in their own country if the policy of closing down orchestras proceeds on his watch.

Deputy Pearse Doherty: Gabhaim buíochas leis an Taoiseach as ucht an freagra sin a thabhairt dom. Tá súil agam go léireoidh an chéad tuairisc eile ar an dul chun cinn maidir le clár an Rialtais go bhfuil dul chun cinn suntasach á dhéanamh i dtaobh na mórcheisteanna atá ag cur isteach ar shaoránaigh ar fud an Stáit. Caithfidh mé a rá nach raibh mórán dul chun cinn le feiceáil sa tuairisc dheireanach, a bhí iontach éadrom.

Despite so-called new politics, the Government has failed to take decisive action on the big

issues affecting citizens. In areas of significant challenge, such as housing, homelessness, the rent crisis, health and other areas, the Government is clearly failing. There has been little progress on areas for which the Taoiseach's Department has direct responsibility. The commitment in the programme for Government to fulfil the Government's mandate as co-guarantor of the Good Friday Agreement, as well as honouring the commitments of subsequent agreements, has not been fulfilled.

The Taoiseach will be aware that a Sinn Féin delegation met the British Prime Minister, Theresa May, today. We told her that her Government must bear the greater responsibility for the failure to reach agreement on the restoration of the institutions, but the Irish Government also has a role to play. We told her there is no public confidence in talks which will be more of the same; they need to be meaningful. We told her that the provision of the Irish language Act, marriage equality, a bill of rights and funding for legacy issues are all British Government obligations and commitments. Progress is only possible if the British Government honours these commitments.

The job of the Irish Government is to ensure that it honours those commitments. We told the British Prime Minister that direct rule is not an option and that she must look at the provisions of the Good Friday Agreement, in particular the establishment of an intergovernmental conference involving the Irish and British Governments. I ask the Taoiseach to also press this with the British Prime Minister. There is an urgent need for the two Governments to act to deliver equality. As the Taoiseach is aware, that is a joint responsibility under the Good Friday Agreement and it needs to happen without delay. Will the Taoiseach press his British counterpart to establish an intergovernmental conference, as is the next logical step under the Good Friday Agreement?

Deputy Richard Boyd Barrett: The programme for Government states "Our approach to governing will be clearly seen in how we address the issues of housing and homelessness." Given that was stated as a priority and a key indicator of what the Government is like, what are we to make the series of statements coming from the Taoiseach, the Minister of State, Deputy English, the Minister, Deputy Eoghan Murphy, Conor Skehan of the Housing Agency and Eileen Gleeson of the Dublin Region Homeless Executive? Quite frankly, they were scandalous and insulting statements which have tried to normalise, minimise or downplay the scale of the housing and homelessness emergency, or even worse, in the case of Eileen Gleeson, blame the homeless themselves. Her shocking comments referred to homelessness being a result of "years of bad behaviour" and chaotic lifestyle". The Minister of State, Deputy English, suggested that those who talk too much about housing and homelessness are doing damage to our reputation.

In so far as the Government has power over these agencies, is it going to repudiate these kind of comments? It should denounce them for what they are, namely, shameful attempts to cover up, downplay or normalise the housing crisis. Will the Taoiseach acknowledge that as the housing analyst Mel Reynolds has suggested, the real problem is the refusal of the Government to build council housing on the thousands of hectares of publicly owned land? There is an aversion to building council houses. The Government is playing with figures to try to suggest more houses are being built than is actually the case. The evidence shows that what is actually happening is the Government is refusing to use public land to build council housing.

An Leas-Cheann Comhairle: I am going to be very strict on time because there are three important blocks of questions. There are 15 minutes. We have five minutes left.

21 November 2017

Deputy Micheál Martin: I generally agree with what is said about the programme for Government in respect of housing, in terms of the language contained therein compared with the actual implementation. The local infrastructure housing activation fund, LIHAF, has not worked. I understand only seven houses benefitted from the repair and relief initiative. A series of initiatives over the past two years have had very little impact. There is no sense that there is any urgency or conviction in respect of the scale of the issue.

It seems to me that recent statements from the Taoiseach, the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, the Minister of State, Deputy English, and from the Housing Agency and regional housing executive personnel are all designed to try to put the housing crisis in Ireland in some context. We are being told that things are not that bad compared with other countries and so on.

Yet all of us in the House are inundated with people coming into our clinics or contacting us who are in dire situations on foot of having no place to go with their children. Some are living in very overcrowded conditions with their parents and siblings in, for example, a boxroom in a small house. Many are on the homeless pathway and others are facing that route. It is very difficult to match the rhetoric and language we have heard with their everyday life experience. To be frank, the language which has come from officialdom of late has been insulting to them.

I put it to the Taoiseach that there has been a sense from officialdom for quite some time that the market will take care of this and that we do not need to build local authority houses to any great extent. That view has been there for the past three or four years. I met Department officials at the time of the formation of the Government when I was talking with Independents and that very much seemed to be what was coming from the officials. It seems to me that the entire approach has failed abysmally. I could go on to health and other issues, but my time is up. On the issue of homelessness alone, it is important not to insult people who are in desperate situations in terms of their personal circumstances and housing.

An Leas-Cheann Comhairle: The questions were very broad, but I ask the Taoiseach to try to compact them into about four minutes. I know it is impossible.

The Taoiseach: I will do my best. On the first set of questions on the arts from Deputy Burton, she is absolutely correct to mention my commitment to increasing arts funding. I did not say this would happen over a period of time. I was very specific and said we would double funding for the arts over a period of seven years. That, of course, refers to the arts in total and not just to the Arts Council. There has been an increase in the arts and culture budget Vote for 2018 and 2017. It is not as much as I would have liked but, as the Deputy knows, the famous fiscal space was much narrower this year than it was last year and will be next year. The commitment to double total funding over seven years stands.

I am not aware of the detail in regard to the orchestras. I would share the Deputy's concern about any diminution of the RTÉ orchestra or any other orchestras in the State. I will certainly discuss that with-----

Deputy Joan Burton: There are two.

The Taoiseach: The other one is-----

Deputy Eamon Ryan: The concert and symphony.

Deputy Joan Burton: There are two RTÉ orchestras and it might want to abolish one.

The Taoiseach: I will raise the issue with the Minister, Deputy Humphreys.

On Deputy Pearse Doherty's question, we all have a role to play in making sure the Good Friday Agreement works. I am disappointed when I hear Sinn Féin spokespersons, as has been the case for weeks, setting the scene for the blame game. That is very disappointing and I call on Sinn Féin and the Democratic Unionist Party, DUP, to come to an agreement to form a coalition government and do the right thing by the people of Northern Ireland.

On the Deputy's specific question, at my meeting with British Prime Minister Theresa May in Gothenburg on Friday we discussed the Good Friday Agreement. As I have done at previous meetings, I said to Prime Minister May that the Irish Government could not accept a return to direct rule as it existed prior to the Good Friday Agreement and that if Sinn Féin and the DUP failed to form an administration, the Government I lead would expect the Good Friday Agreement to be implemented without them. That means convening the British-Irish Inter-Governmental Conference, as if nothing is devolved then everything is devolved to that conference. I indicated to her I would seek a meeting in the new year of the British-Irish Inter-Governmental Conference so British and Irish Ministers could meet to plot a way forward for Northern Ireland in the absence of the elected representatives in Northern Ireland being able to form an administration.

With regard to housing and homelessness, I do not wish to speak for other people but statistics are important. It is how we know whether things are getting better or policies are working. International comparisons are important also, notwithstanding the health warning that comes with them. It is how we know what examples to follow or not. Perhaps sometimes when we speak about statistics, numbers and policy, it can come across as being somewhat unfeeling. I want everyone in the House to be assured that the Government feels very deeply about the homelessness crisis we are facing and that it is worsening. It feels very deeply about the need for us to return to a *status quo* in which people can aspire to home ownership again, with homes being affordable and available for young people seeking to purchase them. That is our objective.

With regard to social housing more generally, we anticipate 2,000 houses will be built this year. They are social homes, publicly built homes, council homes or council apartments, whatever people wish to call them. That is up from only a few hundred last year, meaning the number has more than doubled. The aim next year is 7,000, with 3,800 direct-build and approximately the same number through other mechanisms. Deputy Boyd Barrett spoke about playing with figures but much of that is going around on all sides. I was in Clongriffin just yesterday at an Iveagh Trust project. Many Members know the Iveagh Trust, which has been providing social housing for people for over a century. It is associated with the Guinness family. It has 84 apartments and duplexes under construction and they will be occupied by 84 people and their families this time next year. When our opponents criticise our record on housing, they do not count such homes; to them, these 84 homes do not exist and the people who will be in them do not exist.

Deputy Pearse Doherty: That is untrue.

Deputy Micheál Martin: It is not true.

Deputy Richard Boyd Barrett: That is not true but the Government is not building on its

land.

The Taoiseach: I will tell the Deputies why it is true. It is because of the mechanism by which those 84 real social homes are being provided. That is a partnership between the Government and the Iveagh Trust, using a long-term lease agreement. It is not a direct build by a local authority.

Deputy Micheál Martin: We all know that.

The Taoiseach: It will provide 84 real social homes for people.

Deputy Micheál Martin: Who has said it does not?

Deputy Richard Boyd Barrett: That does not get the Government off the hook for not building council houses.

An Leas-Cheann Comhairle: We will move on.

Deputy Micheál Martin: The Taoiseach has gone over by four minutes already.

The Taoiseach: I have seen so many times the opponents of what the Government is trying to do with social housing only counting direct build.

Deputy Micheál Martin: No.

Deputy Pearse Doherty: We recognise them for what they are.

The Taoiseach: They discount everything else that is done. That is not honest.

Deputy Micheál Martin: We mentioned social housing.

The Taoiseach: Only two weeks ago I opened a site at Hansfield in my constituency, where there are 1,000 new homes being built, approximately 100 of which are social housing. They are being acquired by direct purchase by the council from the developer.

Deputy Micheál Martin: We all know that.

The Taoiseach: Again, we see figures produced of Fingal only having ten or 40 houses, and it does not include such houses. It is a good idea to have integrated communities.

Taoiseach's Meetings and Engagements

5. **Deputy Micheál Martin** asked the Taoiseach if he will report on his meetings in the west coast of the USA; the companies he visited; and the issues that were discussed. [47081/17]

6. **Deputy Micheál Martin** asked the Taoiseach if Ireland's corporation tax rate or the possible reduction in USA corporation tax rate and the proposal that the European Union will introduce digital taxation were discussed at his meetings in the USA. [47082/17]

7. **Deputy Joan Burton** asked the Taoiseach if he will report on his trip to the west coast of the United States of America. [47610/17]

8. **Deputy Joan Burton** asked the Taoiseach if he will report on his meeting the chief ex-

ective officer of a company (details supplied). [47611/17]

9. **Deputy Eamon Ryan** asked the Taoiseach if he will report on his meetings in Silicon Valley. [47612/17]

10. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his visit to the United States of America; and his meetings with personnel from companies. [47836/17]

11. **Deputy Gerry Adams** asked the Taoiseach if he will report on his recent visit to the United States of America; and the details of the meetings and engagements he attended. [47838/17]

12. **Deputy Paul Murphy** asked the Taoiseach if he will report on his recent visit to the United States of America and in particular his meetings with representatives of a company (details supplied). [47860/17]

13. **Deputy Paul Murphy** asked the Taoiseach if he will report on his invitation to President Donald Trump to visit here. [47861/17]

14. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his invitation to President Donald Trump to visit here. [49114/17]

15. **Deputy Richard Boyd Barrett** asked the Taoiseach if Ireland's corporation tax rate or the possible reduction in the USA corporation tax rate and the proposal that the European Union will introduce digital taxation were discussed at his meetings in the United States of America. [49115/17]

The Taoiseach: I propose to take Questions Nos. 5 to 15, inclusive, together.

I had a three day visit to Seattle, Silicon Valley and San Francisco from Wednesday, 1 November, to Friday, 3 November. The primary focus of the visit was growing trade, investment and tourism opportunities between Ireland and the US and highlighting Ireland's priorities in the context of Brexit and other international developments.

In Seattle, I spoke at an event attended by approximately 250 people from Seattle's business community, as well as local Irish community representatives. I used the opportunity to emphasise Ireland's attractiveness as a location for US investment and highlight our firm and ongoing commitment to our European Union, EU, membership. I also met representatives of Amazon and Microsoft, who between them employ over 5,000 people in Ireland. Our discussions focused on Ireland's leadership in driving the digital agenda and the companies' continued commitment to Ireland as a location for their global operations and European, Middle East and Africa, EMEA, headquarters.

I then travelled to Silicon Valley and the Bay area for a series of business engagements with existing and potential investors in Ireland. I visited the headquarters of a number of companies with significant investments and operations in Ireland, including Cisco, Facebook, Google and Apple. At each of these meetings, senior executives outlined their very positive experiences in Ireland, including the strong capabilities of their Irish-based workforces, and the positive outlook for their operations here. I was particularly pleased that Facebook announced its intention to create hundreds of additional jobs in its Irish operations next year. At my meeting at Apple, its chief executive officer, Mr. Tim Cook, highlighted the company's very positive and long-standing experience of their Irish-based operations, particularly in Cork. The company briefed me on its data centre needs, including in particular its current data centre development

in Denmark, and it confirmed that it will consider the Athenry site in the context of future business requirements. I advised the company of the Irish Government's approach, including the recent decision to designate data centres as strategic infrastructure for planning purposes. This morning the Cabinet gave the relevant Minister, Deputy Eoghan Murphy, the authority to prepare an amendment for Report Stage of the current planning Bill to do exactly that. We also had a brief discussion regarding the European Commission's state aid case and on regional and global economic challenges.

In San Francisco, I spoke at a reception in City Hall hosted by the city's mayor, Mr. Ed Lee, and attended by approximately 300 Irish-American business and community leaders. I was also awarded the key to the city. I spoke about Ireland's economic and social transformation, Ireland-US relations and the strong and vibrant Irish community in San Francisco and the Bay area. I also had the opportunity to meet with the family of Ashley Donoghue, one of the people tragically killed in Berkeley in 2015. Also in San Francisco, I spoke at an Enterprise Ireland business networking event attended by 250 people, using the opportunity to promote the strength of Ireland's innovation ecosystem and highlight the depth of our highly skilled workforce. I also met representatives of a number of Enterprise Ireland clients exhibiting at the event.

I officially opened the new San Francisco office of Irish company Linesight, which is projecting job increases of 200 worldwide in 2018, including approximately 90 jobs in Ireland. I attended the announcement by IDA client company, Twilio, that it has chosen Dublin as the location for its EMEA headquarters, with the establishment of 100 jobs. I attended a Tourism Ireland event with representatives of the travel industry and airlines, where I had the opportunity to promote Ireland's tourism offering. I was very pleased to hear word at that meeting of the Aer Lingus plan to begin direct flights to Seattle, which has now been announced. Finally, I had the opportunity to meet senior executives from Lucasfilm and hear their positive experience of Ireland as a location for the Star Wars series.

I did not have detailed discussions during the visit on US tax reform proposals, which are entirely a matter for the United States, or on EU digital tax proposals, where our position is clear and consistent that, reflecting the international nature of the digital economy, this topic must be pursued on a global basis through the work of the OECD. No arrangements have been made regarding a visit for President Trump but I look forward to meeting him during the annual St. Patrick's Day functions in Washington, DC, next March. Overall, my visit to the west coast was very positive and a great opportunity to develop the strong links between Ireland and the United States, as well as promote Ireland's priorities in the context of Brexit and other global developments.

Deputy Micheál Martin: I thank the Taoiseach for his reply. It is fair to say companies headquartered in the United States employ tens of thousands of Irish people directly and indirectly. They are major contributors to our economy and wider society. That is why it is important that for decades, taoisigh and Ministers have made it a policy to visit regularly and maintain contact with these companies at the highest level.

The Taoiseach visited many companies which have been in Ireland for quite a long time on his trip to the west coast, including Microsoft, Amazon and Apple, among others. The consistent policy Ireland has had over recent decades is an important one and speaks to an industrial policy which, over four decades ago, was about making Ireland an open country which exported but also attracted foreign direct investment which acted as a catalyst to promote Irish-owned

companies. I do not believe we should lose sight of that amid the commentary on tax issues.

I am somewhat taken aback that the Taoiseach did not have any detailed tax discussions with any of the company representatives he met and that there was only the briefest discussion with Apple representatives on tax matters generally. I am not talking about specific tax issues with each company but rather the European Union tax policy, which will affect companies, and the US tax policy. It is incorrect to say that it is just a matter for the EU. It is clearly a matter for Ireland and is fundamental to our corporate tax strategy in terms of attracting foreign direct investment. President Obama had radical proposals while he was campaigning. When I was Minister for Enterprise, Trade and Employment, we put people into the embassy to monitor what was going on in terms of politics in Washington and to make sure we could get a proper read on what was likely to come through in terms of policy proposals and what the impact would be on our own inward investment strategies.

The Taoiseach has said that he is keeping an active watch on tax proposals in Washington. Will he give the House his analysis of the proposals which have passed the House of Representatives and have now been reported out of committee in the Senate?

Commissioner Moscovici has in recent days started an aggressive new approach to changing tax rules. He has done this without publishing a single piece of paper on impacts or economic justification for these actions. These measures are separate from the digital taxation measures already promoted. Has the Taoiseach demanded the publication of impact studies before such proposals are considered? It is simply unacceptable that a serious proposal has been launched and promoted at European Commission level without even the most basic economic studies being undertaken on its impact.

Deputy Joan Burton: What discussions did the Taoiseach have on the issue of taxation during his visit to the west coast? I believe he met the CEO of Apple. My understanding is that Apple is one of the most aggressive multinationals in terms of its approach to taxation. Notwithstanding the fact that it has a real presence in Ireland and that it contributes to taxation in Ireland, we nonetheless have the ongoing issue of the €13 billion it owes on foot of the announcement by the European Commissioner. Has the Government even received €1 billion of the €13 billion for placement in an escrow account at this point or has that process been stalled? Is Ireland refusing to receive the €13 billion because of other potential consequences?

I asked the Minister for Finance some weeks ago about tax repayments made by Ireland due to the double taxation agreements. The Minister indicated that hundreds of millions are now regularly being repaid as repayments are becoming due in respect of double taxation agreements. I understand from the type of answers I am getting from the Revenue Commissioners that, although they cannot name the companies, Apple is among these companies and that many hundreds of millions are being repaid by the Irish tax authorities because of double taxation agreements to countries such as Italy and India.

Acting Chairman (Deputy Alan Farrell): The Deputy is out of time.

Deputy Joan Burton: I have some time.

Acting Chairman (Deputy Alan Farrell): The Deputy is out of time.

Deputy Joan Burton: It is time that we had a debate in this House about where the country stands now. Will the Taoiseach, and Fianna Fáil, commit to supporting the Labour Party's

amendment to the Finance Bill which would establish a standing, permanent commission on taxation which would address these issues and loopholes as they arise?

Deputy Eamon Ryan: I was at the sustainable nation event last night. Many of these companies, based in Ireland and in the United States, were there. The consensus across that dinner last night was that what the Taoiseach is overseeing is a republic of missed opportunity and that we are not moving with the new industrial revolution which features clean energy and renewable power which those companies want. There are 116 companies in the world which have committed to going 100% renewable. I hope the Taoiseach is listening. Adobe, Apple, eBay, Facebook, Google, HP, Microsoft and Salesforce were among the companies which the Taoiseach visited. These companies all want to go 100% renewable. Ireland cannot even commit to going to 40% renewable by 2030, and we are fighting at every turn in Europe to take away ambition in that area. Did any of the companies bring up with the Taoiseach when he met them their ambition to go low carbon and renewable, and did they ask why Ireland, which has some of the best renewable resources in the world, did not have the same ambition that they had? It is one of the reasons behind the Apple decision to go to Denmark rather than Ireland, which to my mind is a disaster for the development of the west of Ireland because it is a clear signal that these companies are starting to realise that this Government does not believe in that new, clean industrial revolution. It is not leading or partaking in it, and we are starting to see the consequences. Did any of the companies with ambitions to go 100% renewable raise that issue with the Taoiseach when he met them?

Deputy Pearse Doherty: Did the Taoiseach have the opportunity to raise the plight of the 50,000 undocumented Irish during his visit to the United States? Did he have an opportunity to meet any of their representatives? President Trump has said that he wants Congress to pass an immigration reform Bill within six months. That provides opportunities, but it also provides serious threats. Everyone in this House is hoping for a sustainable solution to address the plight of the undocumented in America. Many of us have family members there and understand the difficult situation they have to go through and the missed opportunities back home. We also know people personally who have been deported recently. Has the Taoiseach discussed that? He needs to lead the way with robust lobbying and make sure that we seize the opportunities in terms of any future immigration reform Bill.

Has the Taoiseach considered the plan to bring forward a referendum on voting rights for citizens in the North and the Irish diaspora further? Is the Government still expecting that it will happen in mid-2019 or is it willing to expedite that?

The Taoiseach mentioned that he met Tim Cook and discussed the state aid ruling with him. Was the escrow account discussed? Has the money gone into the escrow account? Was the timeline for the case discussed? My information is that this could be heard as quickly as next year and that the court case could be in 2018. Was the fact discussed that the European Commission is now investigating the post-2015 structure of Apple to see whether state aid applies to that structure?

Deputy Paul Murphy: The Taoiseach's predecessor, famously and to his later embarrassment when he was elected, described the comments of Donald Trump as racist and dangerous. He has been in power for almost a year and the evidence has piled up that it is not just his comments which are racist and dangerous but that the man himself is racist, sexist and dangerous. Does the Taoiseach agree? In recent months he spoke at a rally where he called on NFL bosses to fire American football players such as Colin Kaepernick, who took a knee in protest against

the killing of black Americans by the police. He said, “Get that son of a B off the field right now. He is fired. He is fired”. In the aftermath of Charlottesville, a violent protest by far-right and fascist forces which saw the murder of Heather Heyer, President Trump said that there was blame on many sides. He went on to describe the anti-fascist protestors as very, very violent. He continues to push with the so-called Muslim ban being blocked by protests and courts and he threatened North Korea with fire and fury, illustrating what a dangerous man he is in the most powerful political position in the world. Does the Taoiseach not agree that instead of an invitation and encouragement he needs public criticism? Surely it would send a very powerful signal if an invitation was to be withdrawn with an explanation for its withdrawal? Or will the Taoiseach continue to put forward a false perception of economic interests, a craven approach to US multinationals and imperialism before human rights and the environment?

Deputy Richard Boyd Barrett: There are more reasons than I can think of to withdraw the invitation to Donald Trump to this country. The Taoiseach’s standard response when we ask him about this is to say our relationship with the American people is more important than that with any individual president. I do not want to hear that again because it is dodging the issue of Donald Trump, his policies and what he is doing. Is there any line over which he crosses that will make the Taoiseach say that is too much for us, that we must speak out and that it is not appropriate to invite somebody who supports or allows these kinds of policies? I will mention two: in Yemen, as we speak, a country of 28 million people, 80% of the population now has no food security. Millions are teetering on the brink of starvation in one of the worst humanitarian crises in recent times. There is a cholera outbreak, a diphtheria outbreak, no secure water supply because Saudi Arabia has blocked all ports, all aid shipments into the country and is literally starving the entire population. This is a policy that was promoted, supported and facilitated by Donald Trump when he visited there and signed a massive arms deal to arm that state. Is there a point at which we say that is not acceptable, we are going to speak out, we are not going to invite somebody to this country who is complicit with a genocidal policy in Yemen? Is there any red line this man crosses that will cause the Taoiseach to say that is enough, we are having nothing to do with him and we are certainly not inviting him to this country?

The Taoiseach: In response to Deputy Martin, a big part of our message now in the United States is a little different from the one we would have had in the past. There is a view in the United States, shared by some in the Administration there, that is hostile to free trade, that takes a different view of trade than did previous administrations. One of the points we make very strongly is that trade goes both ways. While the United States has a very large trade deficit with us on merchandise, we have a very significant trade deficit with it on services. They pretty much balance each other out. Americans are often surprised to hear that because they think it all goes one way. We also make the point that jobs and investment go both ways. Approximately 100,000 Americans in 50 states are employed by Irish owned firms.

Deputy Micheál Martin: We have always made that point.

The Taoiseach: We have broken that down by state and are trying to break it down by district. We need to make the point more strongly in our visits to the United States, that trade, investment and jobs, go both ways and make everyone better off in the round especially because the climate in the United States is different now, people are more sceptical about the benefits of global free trade.

US tax policy is a matter for them. It is not a matter for us to tell other countries what their tax policy should be but we do monitor it very closely. If the United States wants to follow

our lead and reduce corporation profit taxes, that is a matter for it. That is a decision for it. If it wants to bring in a mechanism that allows profits to be repatriated to the United States we would welcome that. We are often told that there are trillions of dollars in Europe that have been already taxed but are sitting there and have not been repatriated to the United States because of the high taxes there. Some of that money is in Ireland and we have no difficulty about its being repatriated to the United States. It is a matter for it to change its tax laws to allow that happen.

We are very straight on our own tax policy: there is a rumour going around America that Ireland will reduce its corporation profit tax. We assure it that is not the case. It will stay at 12.5% with the research and development exemption and the knowledge development box. It will not go up or down.

Deputy Paul Murphy: Four per cent.

The Taoiseach: Part of what we offer more so than almost any other country is tax certainty. Corporation profit tax is going down in the UK under the Conservatives and in France under Macron and in the US under Trump. Under a Corbyn or Melenchon government or perhaps a left wing Sanders government in the United States, however, it might go the other way. We are offering people certainty because there is consensus in this House, between Fianna Fáil, Fine Gael, Labour and Sinn Féin, that we should leave our profit taxes at-----

Deputy Paul Murphy: That is not consensus.

The Taoiseach: It is almost consensus.

Deputy Paul Murphy: Almost consensus.

The Taoiseach: There is always the 1% or the 3% or whatever it is these days. There are always a few contrarian voices and they are always welcome. They add to the quality of debate.

Deputy Paul Murphy: That is how they thought of Sanders.

The Taoiseach: We also always emphasise tax sovereignty. It is our view that nation states should set their own taxes, that national parliaments should set their taxes and budgets. I also make it very clear that Ireland is not a tax haven, does not want to be a tax haven and does not want to be seen as a tax haven. That is why we will close loopholes that are being exploited by certain companies and individuals to avoid taxation. We have done that already. We will do it some more. We have paid some attention in recent weeks to this “single malt” issue, which is new to most of us but which appears to concern Maltese tax law more than our tax law and the fact that Malta has not signed up to the particular Organisation for Economic Cooperation and Development, OECD, convention that we have. It does not appear to be something particular to Ireland but we need to figure that out in more detail.

Deputy Pearse Doherty: That is what the Taoiseach said about the double Irish.

Deputy Paul Murphy: Exactly. It is a big figure, that is the problem.

The Taoiseach: I have met with Apple twice as has the Minister for Finance, Deputy Donohoe. There have been meetings at official level. We have indicated to it that we want the escrow account established and funds to be paid into that account without further delay. We do not want to be in a situation where the Irish Government has to take Apple to court because the

European Commission is taking the Irish Government to court. That message is understood and I would anticipate progress on that in the coming weeks.

Deputy Joan Burton: Has it paid anything yet?

The Taoiseach: Not as yet.

Deputy Joan Burton: Not a cent.

The Taoiseach: The account has not been established yet. Nothing has been paid into an account that has not been established yet. It has made provision for it in its 2018 accounts and 2018 is only a few weeks away and I would be confident enough that it will be in its 2018 projections.

Deputy Joan Burton: There will have to be a material restatement of the accounts if it wants to do it in 2018.

The Taoiseach: In response to Deputy Eamon Ryan's question, while I am sure he will not believe it, none of the companies raised renewable energy, with the exception of Facebook. It is the only one that wanted to speak about being zero carbon.

Deputy Eamon Ryan: I heard differently.

The Taoiseach: When we discussed Athenry with Apple renewable energy was not an issue it raised. It raised concerns about planning and legal delays, eirgrid connections, and who would build the substations on its site in Athenry. It did not raise concerns about renewable energy as something that was delaying that project in any way. I appreciate that does not fit the Deputy's narrative but that is the truth.

In response to Deputy Doherty's questions, the undocumented Irish did not feature because I met only one politician, the Mayor of San Francisco, and as the Deputy knows, San Francisco is a sanctuary city so I did not particularly need to convince him of our position on it. That is, however, something that is being pursued very intensively by Deputy Deasy at the moment. It was also a feature of my discussions with the US acting ambassador yesterday who I met in Government Buildings. The difficulty, as I am sure most people appreciate, is that it would be difficult to secure some form of arrangement to regularise the undocumented Irish in America in the absence of comprehensive immigration reform, in other words, to ask for an arrangement for the Irish that would not then apply to El Salvadorians and Colombians and people from other countries. That is the difficulty at the moment. If there were comprehensive immigration reform I think we could do it but looking for a special deal for Ireland is difficult. That does not mean that we will not continue to pursue it and to see what we can offer in return that might make it possible.

The anticipated date for the referendum to extend voting rights in presidential elections to Irish citizens living outside the Twenty-six Counties is still 2019. It would not be possible to have this done in time for the next presidential election and it does not make sense to elect a President using a different franchise, so we intend to hold the referendum after the presidential election in 2018. Therefore, the referendum will be in 2019.

On Deputy Paul Murphy's questions, I disagree with many of the Trump Administration's policies, particularly on migration, climate change and North Korea. I am not as well-informed as Deputy Murphy is on Yemen, but it is something I will read up on. I will not attack President

Trump personally. I do not believe doing so would bring about a change in policy and it would not benefit us as a country to do so. If I have the opportunity to meet him in March, I intend to raise some of the concerns which Ireland as a country has and the Government has on these areas.

Acting Chairman (Deputy Alan Farrell): Out of respect for Members, I gave the Taoiseach considerable time to answer their questions, as he had been limited to a minute and half. That is largely because so many questions were grouped. Unfortunately, I do not have the opportunity to continue to the next group of questions. It is regrettable but that is due to the restraints placed on the Chairman by Standing Orders, which ought to be reviewed in the context of the grouping of Taoiseach's Questions and those to the Ministers.

Priority Questions

Post Office Network

37. **Deputy Timmy Dooley** asked the Minister for Communications; Climate Action and Environment the implementation status of the Kerr report and the date by which the strategic plan for the network will be published. [49411/17]

40. **Deputy Brian Stanley** asked the Minister for Communications; Climate Action and Environment the policy in terms of progress towards changes in services available through the post office network or broadening services to maintain a viable network of post offices. [49250/17]

Deputy Timmy Dooley: The Minister will be aware of the report which Bobby Kerr was commissioned to write with the Government's blessing and possibly its financial support, with the acquiescence of the postmasters and with An Post. Bobby Kerr wrote a comprehensive report which was aimed at securing the future of the post office network. When the report was published, it was strongly supported in this House and the Government gave commitments here, both in writing and orally. Scarcely anything has happened on that report since. I note the Minister's announcement today and the Government decision, and in light of this, will the Minister give some indication as to where the recommendations of the Kerr report stand?

Minister for Communications, Climate Action and Environment (Deputy Denis Naughten): I propose to take Questions Nos. 37 and 40 together.

I wish to advise the House that the Government has today been briefed by me on the comprehensive strategic plan that An Post has prepared, the objective of which is to secure the long-term viability of both the post office and mails businesses and return the company to a sound financial footing.

The Government is fully supportive of An Post in its endeavours. Reflecting its commitment to sustaining a nationwide post office network and daily mails service, the Government

has agreed to make available State funding of €30 million to enable An Post to move quickly in delivering on the vision of the plan, building on the momentum of actions taken this year. This funding will be provided in the form of a repayable long-term loan and is to be used to support the renewal of the post office network and the continued fulfilment of a five-day delivery service. To ensure its long-term success against the backdrop of an accelerated decline in mail volume and falling revenues, An Post is embarking on a significant transformation programme.

The current financial challenges facing An Post have been well documented and I have addressed this matter on several occasions in this House. They have arisen, in the main, from the decline in mail volumes and the move to electronic transactions in both the mail and post office network. This is a global trend and is not unique to the Irish postal service. I have taken a very proactive approach to An Post since becoming Minister for Communications, Climate Action and Environment. I acted quickly by introducing legislation to facilitate the repeal of the price cap mechanism when the drop in mail volumes accelerated in 2015 and 2016. This has resulted in an improved financial forecast for An Post for 2017 with a much lower level of losses now anticipated.

In response to the challenges facing the company, the board has overseen the preparation of a strategic plan for which it is ultimately responsible. It harnesses the company's existing strengths such as its nationwide reach, trusted brand and the relationship of postmasters with communities, both rural and urban. At the same time, An Post has recognised that it cannot and should not fight the digital agenda. It must be embraced and this is reflected in the plan, especially in the emphasis on growing the parcels business. For example, the company now offers Saturday and evening deliveries and has launched new product lines such as AddressPal and ReturnsPal, embracing the rising trend of online shopping. Enhanced banking services are becoming available through the post office network with the smart bank account. It is expected that further such opportunities will be available across the network, especially as high-speed broadband becomes widely available through the roll-out of the national broadband plan.

The Government has also committed to exploring the potential for extra Government business, including motor tax, to be channelled through the network. The local post office and local staff who deliver mail is still an important part of the fabric of local communities, especially in rural areas, and the Government recognises the importance of ensuring that this continues into the future.

Deputy Timmy Dooley: The question seeks to establish the Minister's vision for the future of the post office network. The Bobby Kerr report set out an action plan that did that to secure the future of the post office network. The only thing on which the Minister could be complimented is his knee-jerk reaction to An Post's calls for increased funds. On this occasion the €30 million of Government intervention by way of a loan is nothing more than a job loss announcement dressed up as some new departure. There is nothing in today's announcement to provide for the future security and viability of the post office network. The moneys that are being provided by way of a loan will be used to create a redundancy fund for those working in the mails business and will be used to pension off postmasters. I accept that postmasters who have come to the end of their working lives should be provided for at an appropriate level in their retirement, but that cannot be used as a ruse to close post offices. Post offices are more than the postmasters and postmistresses. They provide a valuable service to communities. If they are not financially viable in the short term, the State must intervene and provide State funds on a recurring basis to ensure the service is protected. That was what we needed to hear from the Minister today, in line with the recommendations of the Kerr report, but it was not there.

Deputy Denis Naughten: The €30 million which has been put into the company has been ring-fenced for the five day a week universal postal service in order that it continues to every address in the country and to support and develop services in the post office network. The nationwide reach of the post office network makes it uniquely positioned to act as a gateway to Government. In addition to the existing range of Government business, such as social welfare payments, and Passport Express, a new pilot initiative called Digital Assist will use the local post office as a digital gateway for Government business such as motor tax. That will be rolled out in ten post offices in different parts of the country initially and is in line with the recommendations of the Kerr report. The proposed strategy for An Post involves it being split into two distinct business units, An Post mails and parcels and An Post retail. Efforts to improve profitability will be targeted through growth, pricing and cost reduction strategies and are aimed at establishing a sustainable, modern and vibrant network for the future, capable of adapting to the changing environment in which it operates.

There are concerns about the closure of post offices and it is something that also concerns me. I am advised that An Post has not made any definite decision on post office closures, but the move to electronic transactions has affected the post office network. Overall activity levels are down by 15% since 2013 and annual payments to some post offices have reduced by up to 20%. These reductions mean that the income model is becoming unsustainable, especially for postmasters operating smaller post offices.

I am extremely conscious of the value placed on local post offices in towns and villages across the country. While it is accepted that, in light of the ongoing decline in activity, the network must be renewed, it is also important that this is done in a controlled and transparent manner. Changes to the footprint of the post offices network, where they occur, should be a consequence of the modernisation process as opposed to its objective. In this regard, a protocol will be put in place to manage the modernisation of the network and the impact of postmaster exits on the local community. It is expected that this protocol would have regard to existing contract arrangements and become a blueprint for decisions on the future of the network, including the opening of new post offices as well as managing the future of a post office where a postmaster decides to take a redundancy package or otherwise to exit the business.

The protocol must also make provision to ensure that the existing business is effectively transferred in order to support the remaining network and local businesses and should take account of recommendations made by Mr. Bobby Kerr in his report. This protocol will be agreed between An Post and the IPU and these negotiations will be supported by an external facilitator.

An Post is entering into a period of significant change but this change is critical to ensuring the long-term success of our national postal operator and a sustainable post office network. Doing nothing is simply not an option. To the credit of the board, management and employees of An Post, the strategic plan sets out a positive vision for the company, positions it for the digital age and aims to put the company in a position where it can support sustainable jobs in both its mail business and post office network right across the country.

Acting Chairman (Deputy Alan Farrell): I will allow Deputy Stanley to come in for a minute and then Deputy Dooley to conclude.

Deputy Timmy Dooley: I do not think the Chairman can do that during priority questions.

Acting Chairman (Deputy Alan Farrell): The questions are grouped. I call Deputy Stan-

ley.

Deputy Timmy Dooley: I do not think the Chairman can group them.

Acting Chairman (Deputy Alan Farrell): I can. I call Deputy Stanley. Unfortunately, it is only for concluding remarks. He has one minute.

Deputy Brian Stanley: Hold on now a second.

Acting Chairman (Deputy Alan Farrell): You were not here, Deputy. I am sorry.

Deputy Brian Stanley: I have a priority question.

Acting Chairman (Deputy Alan Farrell): Yes, but you were not here.

Deputy Timmy Dooley: I do not think you can group priority questions.

Deputy Brian Stanley: No.

Deputy Timmy Dooley: Through the Chair and on a point of order, to save the Deputy, I will just protect my corner first and then let him protect his. My understanding is that a priority question cannot be grouped. We are entitled to our time. If the Deputy has a similar question he is entitled to pursue it with the Minister. I have been around the House a while and I may be wrong on this, which is why I seek the clarification, but my understanding is that, when it comes to oral questions, a priority question is just that: it is a one-to-one between the Deputy and the Minister. The same applies to the next Deputy. Groupings, as I have always understood it-----

Acting Chairman (Deputy Alan Farrell): The Deputy has made his point. Thank you.

Deputy Brian Stanley: The normal thing would be for Deputy Dooley's question to be taken first. I am here for the second question. My question was listed and no issue was raised about it. With respect to the Chair, all I am expecting is that I get equal opportunity.

Acting Chairman (Deputy Alan Farrell): Unfortunately, Deputy, while I do not disagree with what Deputy Dooley has just said about priority questions, the fact remains that the questions are grouped. The Deputy was not here at the commencement of priority questions.

Deputy Brian Stanley: I was here before he finished.

Acting Chairman (Deputy Alan Farrell): The Deputy was not here at the commencement of the business.

Deputy Brian Stanley: I am not accepting that.

Acting Chairman (Deputy Alan Farrell): That is fine. I call Deputy Dooley to conclude.

Deputy Brian Stanley: I am not accepting that. My question-----

Acting Chairman (Deputy Alan Farrell): Deputy, it is not a matter for you to accept.

Deputy Brian Stanley: Mine is the second question.

Acting Chairman (Deputy Alan Farrell): The decision has been made. You can have a minute to respond to the Minister's response or you can take your seat and Deputy Dooley can

conclude.

Deputy Brian Stanley: To be fair, having put in a priority question, I am allowed one minute-----

Acting Chairman (Deputy Alan Farrell): Let me clarify Standing Orders for the Deputy.

Deputy Brian Stanley: Can I clarify something with you?

Acting Chairman (Deputy Alan Farrell): Standing Orders allows six and a half minutes for the questions. The six and a half minutes have concluded. In fact, they concluded two and a half minutes ago.

Deputy Brian Stanley: And there is six and a half minutes for my question.

Acting Chairman (Deputy Alan Farrell): No, Deputy. The question was grouped.

Deputy Brian Stanley: It is a separate question.

Acting Chairman (Deputy Alan Farrell): A decision has been made and we have moved on from that decision.

Deputy Brian Stanley: I am sorry but it is a completely separate question. This is very unfair.

Acting Chairman (Deputy Alan Farrell): I note Deputy Dooley's remark, and I do not believe he is incorrect, but the point is that we have already done it.

Deputy Timmy Dooley: Can I propose a suspension of the House until we examine the facts?

Acting Chairman (Deputy Alan Farrell): It has been done before while I have been in the chair and while the Ceann Comhairle has been in the chair. I was present for it.

Deputy Brian Stanley: This is very simple. Questions are listed for priority.

Acting Chairman (Deputy Alan Farrell): I am giving the Deputy an opportunity to address his question.

Deputy Brian Stanley: We wait for five or six weeks to have them addressed. All I am asking for is my minute, a minute for the Minister to respond and a minute for me to come back in.

Acting Chairman (Deputy Alan Farrell): In fairness, Deputy, the Minister has given his entire response, which was two pages long.

Deputy Brian Stanley: That is not how I have seen it working here. The Chairman is deviating from the practice of the Ceann Comhairle and the Leas-Cheann Comhairle.

Acting Chairman (Deputy Alan Farrell): I am not deviating from practice.

Deputy Brian Stanley: You are. I have been here when questions were grouped.

Acting Chairman (Deputy Alan Farrell): The Deputy is wasting the time of the House.

Deputy Brian Stanley: All I am asking for is one minute to raise the question with the

Minister and a minute for the Minister to respond. Two minutes is all I am asking for. It is very simple.

Acting Chairman (Deputy Alan Farrell): I will give the Deputy the minute-----

Deputy Brian Stanley: I am trying to be fair.

Acting Chairman (Deputy Alan Farrell): -----and I will ask the Minister to make a brief response.

Deputy Brian Stanley: A quick response.

Acting Chairman (Deputy Alan Farrell): If Deputy Stanley would like to take his minute, Deputy Dooley has a right to his minute after Deputy Stanley.

Deputy Timmy Dooley: Will I get my final round as well?

Acting Chairman (Deputy Alan Farrell): Then the Minister may make a final response.

Deputy Brian Stanley: And I will get a minute to come back in.

Acting Chairman (Deputy Alan Farrell): No. That will be the Deputy's concluding remark.

Deputy Brian Stanley: Okay. The clock shows 55 seconds now.

Acting Chairman (Deputy Alan Farrell): Yes, but we will give the Deputy the minute. We will not argue over five seconds.

Deputy Brian Stanley: My question relates to the changes in An Post and the expansion of services. As the Minister said, doing nothing is not an option. We totally agree with him on that. It is not an option. We believe that it has to be sorted. We have put forward a number of proposals. The Kerr report and the McKinsey report are sitting there. I note that the Minister announced a €30 million loan today. Will the Minister outline exactly how it can be utilised? I am not convinced I see an urgency with regard to putting in new services. The Minister said he wanted to see it become an interface with Government, which is to be welcomed. There are other areas that it could get into, particularly banking-----

Deputy Denis Naughten: Yes.

Deputy Brian Stanley: -----and linking in with the credit union where there has been a successful pilot scheme. However, we need to see that action ramped up in the coming weeks. I have told the Minister many times in this Chamber that we do not have time on our side when it comes to the post office network. We need to see improvements. If the services are not expanded, the reality is that many smaller post offices will be lost. We need to see action and the services expanded and a clear plan put in place, but I do not see that. What I see is the McKinsey and Kerr reports left hanging in midair. Today the Minister announced a €30 million loan to the company but I would have preferred to see the plan first and then the €30 million going into it. That is what we need to see. I am concerned about the post offices in the midlands and in County Laois which will close if further services are not put into them.

Acting Chairman (Deputy Alan Farrell): Thank you, Deputy. I call Deputy Dooley to make his concluding remarks.

Deputy Timmy Dooley: Will the Minister be straight with the House? I am not suggesting that the Minister is not normally but I think he could on this occasion. He speaks about the money and what it will do. There is a series of events that will have to take place, and the provision of ten digital gateways on a pilot basis will not use up €30 million. The Minister should come clean and talk about the cost reduction that will assist An Post into the future. He should explain what cost reduction really means, which is redundancies. This is not about improving services or coming up with innovative ways of driving people into post offices. A financial slide rule is being placed across the books of An Post and this is about eliminating people, cutting jobs and reducing access to the services of the post office. It is about making the organisation leaner and fitter to continue doing what it is doing but in fewer areas. We get the continuation of the five day universal obligation on the postal side. That is a given. There is nothing in this for people who depend on post offices in rural areas. It is quite the contrary, notwithstanding the glossy language on the periphery of the kernel of this.

Deputy Denis Naughten: This is about expanding the number of people who will utilise and depend on the post office in rural areas. Since David McRedmond became chief executive, we have already seen the expansion of the parcel service. We now have a service in Ahascragh and Elphin that is equivalent to what is available in Amsterdam or Edinburgh. A van travels six days a week to homes throughout this country delivering parcels and taking back returns. This provides huge opportunity, particularly for local businesses. In the new year, the company will launch a new initiative called *eLocal.ie*. Initially it will be a pilot in Mullingar, Ennis and Bantry. It will examine how those provincial towns can service the local community with an overnight delivery service using the An Post vans to do it.

On Deputy Stanley's point, it is about putting in more Government services and about putting in new and additional financial and banking services. As I have stated consistently, it is not about holding the tide back but about using technology, including digital technology, to provide new and additional services in An Post. The €15 million is specifically for the development of services within the post office network. There is €15 million to maintain the universal five-day-week postal service. It is specifically ring-fenced for that.

Deputy Dooley referred to the ten pilots for the digital assist mechanism. The funding in this regard is completely separate from the €30 million loan. The money to pilot the mechanism is funding that will be found elsewhere. It will be to enhance and show how Government services can be provided across rural communities and expanded right across the network.

Deputy Brian Stanley: May I clarify what the €30 million is being spent on? Could he give one or two sentences on the mail centres? What is the future of the centres? There are four of them. There are nearly 1,000 workers in them and they are worried about their future and what will happen.

Acting Chairman (Deputy Alan Farrell): The Deputy will have to submit a parliamentary question on that matter.

Waste Disposal Charges

38. **Deputy Brian Stanley** asked the Minister for Communications, Climate Action and Environment the status of progress towards proposed changes to household waste collection charges; and if he has considered an alternative system of tendering the collection of household

waste. [49249/17]

Deputy Brian Stanley: My question is on progress on the proposed changes to charges for household waste collection. Has the Minister considered an alternative means?

Deputy Denis Naughten: I thank the Deputy. The necessary regulatory steps have already been put in place to phase out flat-rate fees for household waste collection. The permits of household waste collectors have been amended in order that existing customers who are seeking to renew their contracts or new customers are not offered flat-rate fees. It is worth noting that this measure is not “new” for about half of kerbside household waste customers because they are already on an incentivised usage pricing plan - in other words, a plan that contains a per-lift or weight-related fee. As I announced in last June, mandatory per-kilogram pay-by-weight charging is not being introduced.

This phasing out of flat-rate fees is consistent with national waste policy. Research has shown that all-in flat-rate fees are the least successful pricing structure in preventing waste. However, it is a necessary measure because twice in 2016, local authorities had to exercise emergency powers to make additional landfill capacity available. If emergency measures had not been taken, there would have been no way for waste collectors to continue collecting household bins. In the past two years, the amount of waste disposed of in landfills has increased. We must act now to avert a return to over-dependence on landfill across Ireland.

Furthermore, Ireland faces challenging EU targets to achieve by 2020, including a household waste recycling rate of 50%. Failure to achieve such targets could leave the State open to infringement proceedings and potentially punitive fines. More ambitious waste objectives for 2025 and 2030 are currently being negotiated at EU level.

When introducing the measure to phase out flat-rate fees, the Government gave a commitment to consumers to carefully monitor the transition in the sector. Accordingly, a household waste collection price monitoring group has been established. That group has begun the process of tracking the rates charged by household waste collectors. In addition, the Competition and Consumer Protection Commission is undertaking an independent study of the market that will, *inter alia*, assess the nature and scale of consumer and operator issues in the household waste collection market and consider whether the introduction of an enhanced regulatory regime could efficiently address these issues in the short and long term.

Deputy Brian Stanley: I thank the Minister for the reply. The problem with what the Minister has done is that he has left a range of options open. Everyone wants to reduce the volume of waste being produced but the problem is that the Minister has left the system open for standing charges, pay-per-lift arrangements, weight bands, per-kilogram charging and weight allowance charges. There is a range of options, therefore, and they can be used in combination. That is the problem with what has happened. There is no control over this.

The Minister mentioned a monitoring group. Who is on the group? I understand the Competition and Consumer Protection Commission did not take up the offer to participate.

What we have is side-by-side competition. According to the Government’s regulatory impact assessment in 2012, the household waste collection market in Ireland is unique. It is unique because it is very cumbersome. Poland has enacted legislation to switch away from side-by-side competition to a municipalities system. Finland has also switched from side-by-side competition to a franchise system. Has the Minister examined this? The current model in

Ireland is unique among the models of OECD countries in that Ireland does not have either a franchise system or municipal system. Has the Minister considered either of these?

Deputy Denis Naughten: On the matter of having mechanisms other than side-by-side competition, mechanisms been considered and reports have been published on them. The results of the analysis of the household waste collection price monitoring group, in conjunction with the results of the study being completed by the Competition and Consumer Protection Commission, will provide an evidence base regarding future monitoring and the potential need for changes to the regulatory regime or a different type of regulation or system. These are all being considered by the commission at present.

The members of the price monitoring group are the chairman, Mr. Frank Conway, a respected media commentator on financial matters, an economist and author of financial guides, Mr. Kevin O'Donoghue, principal officer within the Department, Mr. Eoin Deegan, assistant principal officer within the Department, Mr. Evin McMahon, an economist within the Department, and Mr. Colin Cotter, a statistician from the CSO. Shelfwatch, a marketing research company, has been contracted to carry out the mystery shopping mechanism that is being used to monitor prices.

The Competition and Consumer Protection Commission is not part of the price monitoring group. The reason is that because it is carrying out a review of the industry itself, it believes it would be compromised. It must make recommendations regarding the type of regulation that should be applied.

Deputy Brian Stanley: With regard to the model we are using, side-by-side competition, in some counties, such as County Leitrim, there is only one operator. Has this been considered?

I am concerned that the volumes of waste being produced by manufacturers are not being emphasised enough. If manufacturers are still producing the waste, along with the wholesalers, it is still finishing up in the wheelie bins, be they recycling bins or other bins. That is an issue.

While the gas and electricity markets are privatised, there is still a large number of controls. The Minister is familiar with this in terms of advertising, complaints procedures, etc. The option of franchising, which we have not considered in this State, should be considered. In the estate in which I live, several companies are racing in and out. While this may give an appearance of competition, the companies all charge the same prices, or almost the same prices. I am not sure side-by-side competition is the best model. It is not being used in the main in other OECD countries, where there tend to be franchise or municipal systems. I ask the Minister to review this.

Deputy Denis Naughten: On the Deputy's final comment, there is a review taking place. That is what the commission is doing. I am quite happy to consider the recommendations that emerge from that review.

My objective is twofold. First, it is to try to reduce the amount of waste generated in the first place. As the Deputy knows, we have set up a group involving the retailers and major supermarkets across the country to consider specifically waste being generated at supermarket level. Admittedly, we need to go back a step further in this regard. We are involved in negotiations at European level on the circular economy. At the end-user level, or on the domestic side, we have rolled out brown bins to every population centre of 500 people or more. My intention is to roll out a brown organic waste bin to every single home in the country that wants one and, in tan-

dem, encourage people not only to use brown bins but also to get them to think about what they are putting into it them order to reduce the amount of waste being generated in the first instance.

National Broadband Plan Implementation

39. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the implementation status of the national broadband plan; and the date by which the contract for the State intervention area will be awarded. [49412/17]

Deputy Timmy Dooley: The regular update from the Minister to this House relates to where we are at in the procurement process of the national broadband plan. He will be well aware that the programme for Government, to which he is a signatory, and of which he is a significant beneficiary as a Minister, sets out a commitment to have an agreement in place to sign off with a contractor for the project in June 2017. We are now approaching Christmas. The Taoiseach told us in the House last week that from his point of view, the national broadband plan has seen significant and unacceptable delays and it will be some time next year before the project is signed off. Can the Minister set out a timetable as to when he hopes to appoint a contractor, when the work will begin, and when he thinks the last tranche of houses in the State ultimately will get high-speed broadband?

Deputy Denis Naughten: The national broadband plan, NBP, is about connecting people in rural areas, towns and villages across Ireland to high-speed broadband through a combination of commercial investment and State-led intervention. The NBP continues to act as a catalyst to commercial investment, with more than €2.75 billion invested by industry over the past five years. That is €1.8 million every single day.

Examples of the high rate of investment include Eir's rural deployment of broadband to 300,000 premises. Eir has surpassed its target of 101,000 premises passed by the third quarter of 2017. SIRO continues its roll-out to 500,000 premises across 51 towns, with more than 100,000 premises now passed. Enet and SSE's plan to provide high-speed broadband to 115,000 homes in the west and north west is under way. Virgin Media continues its plans to expand its high-speed service to an additional 200,000 homes. Imagine has also committed to a deployment of fixed wireless broadband services particularly in rural and other more remote areas. A number of other operators have engaged with the Department on roll-out plans. The communications regulator's auction of the 3.6 GHz spectrum will also help pave the way for next generation connectivity for mobile customers.

When I was appointed Minister, just over 50% of homes and businesses in Ireland had access to high-speed broadband. Today the equivalent figure is 65% and by the end of next year, it will have risen to 77%. By the end of 2020, more than 90% of premises in Ireland will have access to high-speed broadband.

As a result of the national broadband plan we are witnessing a significant increase in the availability of high-speed broadband in Ireland. The Government is committed to leaving no one behind. Delivering connectivity to the 542,000 premises that fall within the State-led intervention phase of the national broadband plan remains a Government priority.

In the public procurement process, the NBP specialist team is continuing its evaluation of the detailed submissions of the two bidders, which were received last September. This is the

last stage of the procurement process before moving to the final tender stage and subsequently the appointment of a preferred bidder or bidders. I fully appreciate that people want quality mobile and broadband connectivity as soon as possible and reiterate that this remains a priority for the Government, for me and for my Department. To help achieve that my Department will engage with the winning bidder or bidders to ensure the most efficient deployment as part of the NBP contract.

Deputy Timmy Dooley: The Minister's response is as ridiculous as if José Mourinho, when asked about the performance of Manchester United, were to respond by telling us how Manchester City, Chelsea and Liverpool are doing. I asked the Minister to outline on numerous occasions in this House where the Government is at in respect of the national broadband plan in providing high-speed broadband to those 542,000 homes. He comes in week after week and month after month telling us what Eir, SIRO and Virgin Media are doing. I know what they are doing. They are not State secrets. Those companies communicate with me and I communicate with them, as does everybody else. What is farcical is that the Minister created a situation in an arrangement with Eir that put in place a scenario whereby it rolled out fibre to certain areas and then stopped. There are people on the other end whose appetite has been whetted. They have seen the fibre come so far but no further. They cannot understand why fibre goes as far as a certain house but ten adjacent houses are not connected and have no idea when they will be connected. The reality is that they are the prize for Eir or Enet, whoever ultimately wins the contract. Those people now need clarity from the Minister.

The Minister should set out the situation for us clearly and give us an indicative date. There must be a project plan or Gantt chart somewhere. That is standard operational practice with any contract. I ask the Minister to set out for us clearly when he hopes to sign off on the deal. If it runs over by a month or two I will not beat him up about it. He will at least have drawn a line in the sand and then he can set out clearly from there the length of the project. This is not rocket science. It just takes a little bit of initiative on his side and gives some certainty to the people who are seeing the fibre come within a snowball's distance of their door but they have been left waiting. They cannot understand why they cannot get connected.

Deputy Denis Naughten: When I was appointed as Minister last May 12 months, no one envisaged that at this stage we would be talking about fibre being on the ground in rural areas.

Deputy Timmy Dooley: We thought it would be done.

Deputy Denis Naughten: It is happening. I have said before that my focus is on delivery not indicative dates. People in this country are sick and tired of being promised they would have broadband by a certain date but it has not happened. My priority is the people who have not got high-speed broadband at the moment. I am leaving no stone unturned to ensure that is delivered as quickly as possible. We have a core team within the Department of 39 people directly involved in the issue. The broader team involving external advisers is about 80 people. This is a 25-year contract. It is fundamentally important that we get it right, not just for the people who need broadband today but for the next generation and the generation after that. We need to make sure that we get it right once and for all and that we do not have any more hollow promises in relation to it.

In the interim I am working with the Minister for Rural and Community Development, Deputy Ring, to provide hot desks in rural communities where fibre is located. If people cannot have high-speed broadband of 1,000 Mbps in their own home they can have it in their own lo-

cal community centre to enable them to work from there rather than being obliged to commute into the city. We are working with wireless and mobile operators to see how we can exploit the fibre that is already rolled out across the country to improve the existing services that are available so people have access to a broadband service before they have access to the high-speed broadband service.

Deputy Timmy Dooley: I do not know if the Minister's constituency office is as inundated as is mine with people who are concerned about the issue. I am sure it is but I do not intend to offer such a solution to anybody. I refer in particular to families where children come home at the weekend from college or with secondary schoolchildren. I do not want to say that they should toddle off to the community centre to find a hotspot to do their homework, assignments and projects. We know that when people are on holidays, they drop in to the local McDonald's to get access to high-speed broadband. That is fine for a holiday environment but many people in the 542,000 cohort require broadband to live their lives, do their studies, apply for jobs and in the case of farmers to return information to the Department of Agriculture, Food and the Marine. We must address the issue. The sooner the Minister sets out dates the better as it will force others to meet the deadlines. That is his job and it is the challenge of the companies to adhere to them.

Deputy Denis Naughten: Many of my constituents do not have mobile phone coverage never mind broadband services. As Minister, I am determined to make sure that every single person, home and premises in this country gets access to high-speed broadband. I am determined not to stop until that happens.

It is important to point out that 27% of our population live in villages of fewer than 50 people. We have one of the most dispersed populations on the globe. Vint Cerf, one of the founders of the Internet, came to Dublin last June. He said that Ireland was working on one of the hardest problems that we know about, that is, a highly distributed, highly rural and low-density population. He said that our success would be a real beacon for other populations that have similar rural populations.

No one in the world has done what we are doing. We were the first country in the world to bring electricity to every home in the country. We will be the first country in the world to bring high-speed broadband. I am monitoring this on an ongoing basis to ensure that it happens and that it takes not a day longer than is absolutely necessary. I will ensure that every home, no matter how isolated, gets high-speed broadband as quickly as possible.

Question No. 40 taken with Question No. 37.

Mobile Telephony Services

41. **Deputy Sean Sherlock** asked the Minister for Communications, Climate Action and Environment to outline the steps that have been taken to improve mobile telephone coverage in rural parts of the country in the past six months; the number of times the mobile phone task force has met in the past six months; the mobile telephone operators the task force has met; and the number of officials and their Departments dedicated to work on the task force. [49410/17]

Deputy Sean Sherlock: We are speaking a good deal about broadband today, but I want to move the agenda on to the fact that in large swathes of the country, people cannot get mobile

telephone coverage. I want to speak for those people. I have specific questions about the work of the mobile phone task force. Will the Minister outline when the task force met? How many officials in the Departments are working on the task force? When can people who do not have coverage expect to have coverage? What are the timelines? When we can expect delivery of a 100% rate of penetration for 3G coverage in the country?

Deputy Denis Naughten: I specifically included in the programme for Government a commitment to a mobile phone and broadband task force. In July 2016, I established the task force to identify immediate solutions to broadband and mobile telephone coverage deficits and to investigate how better services could be provided to consumers prior to the full build and roll-out of the network planned under the national broadband plan State intervention phase. The task force worked with key stakeholders to produce the December 2016 report which contained 40 actions to alleviate some of the deficits. The report is available on my Department's website.

The implementation group I co-chair with the Minister of State, Deputy Kyne, is overseeing the implementation of the actions. The group comprises all key stakeholders responsible for delivery. Meetings were held in March and July and the next meeting is scheduled for tomorrow, 22 November. Three officials in my Department and three in the Department of Rural and Community Development are immediately engaged in managing the task force actions. Several other officials and experts from various Departments and State bodies are working with key stakeholders to assist in the delivery of the actions.

Achievements to date by the task force include funding of all local authorities to assign a broadband officer and close co-operation with local authorities to develop local digital strategies. This includes the Government working closely with local authorities to identify approximately 320 high-speed strategic community access hubs that will be connected at an early date after the national broadband plan contract. Other achievements include the development by ComReg of a testing regime to check mobile handset performance. This will inform consumers in choosing products and network services. ComReg will also develop a new network coverage map. Moreover, most local authorities apply waivers in respect of development contributions for telecoms development. Transport Infrastructure Ireland has constructed 80 km of ducting on the M7-M8 corridor and 14 km on the N25 in Cork, with more to follow in the coming months to help expedite infrastructure roll-out. Transport Infrastructure Ireland is also reviewing the cost of duct access for telecoms operators.

Deputy Sean Sherlock: I conducted a straw poll today of people I know throughout the country. Cushenstown in rural Wexford has little or no mobile coverage. Maryborough Hill, Douglas in the heart of Cork has little or no mobile coverage. North Meath outside of Kells and Navan has no coverage. Other places, including the area west of Carrigrohane in Cork, have no coverage. Wolfhill in Laois, Balgriffin in north Dublin and Knocknacarra in the heart of Galway city have no coverage. North-east Kilkenny has no coverage.

We must get the basics right. I am asking the Minister the question in simple terms. Will he ask the mobile telephone operators specifically to ensure that they provide coverage? It is all well and good to talk about tender processes for selling bandwidth and so on. The Minister referred to the 3.6 GHz band spectrum and so on. If people in the places I am talking about cannot use their mobile telephones, then we are on a hiding to nothing in respect of the roll-out of broadband. I am simply calling on the Minister to give some impetus to getting ComReg and the organisations I have referred to, including the mobile telephone operators, to ensure a 100% rate of penetration throughout the country. If we can start at that basic point, we will have done

a good day's work.

Deputy Denis Naughten: Deputy Sherlock has given me a day's work with those questions. As Deputy Sherlock knows, I cannot bring in ComReg. The only body that can bring in ComReg is Deputy Sherlock and his colleagues who are members of the relevant Oireachtas joint committee. ComReg is answerable to the committee, not to me.

Deputy Sean Sherlock: The Minister can bring in the mobile telephone operators.

Deputy Denis Naughten: While I am on the issue of ComReg, I wish to point out that since January, ComReg has received a little more than 5,000 complaints, a total of 163 of which relate to mobile telephone coverage. People are not complaining.

I do not disagree with Deputy Sherlock. This is a problem. Far too many times I have had to turn off the data on my mobile telephone to try to get telephone coverage. I should not have to do that but that is the only way I can get coverage at the moment, and that is not good enough. More and more frequently, people are seeing the "no service" notice when they look at their handsets. Whether we are in Kiltoom, Ballymore or other areas, the problem is the same throughout the country.

Part of the problem has been the phenomenal increase in mobile data. That is why we released the 3.6 GHz band spectrum. It provides an 86% increase in capacity throughout the mobile telephone networks. This allows for more data to be carried and improves the quality of mobile data and mobile telephone coverage as well.

I believe the mobile telephone operators should be brought in, along with ComReg, before the committee to deal with these issues.

Deputy Sean Sherlock: The Minister is shifting it back onto the committee. The committees of the Houses of the Oireachtas have discussed these issues *ad infinitum*. The Minister acknowledges that mobile telephone coverage in his experience is patchy in part. He has acknowledged that he has had to turn off his own data service. It is a sad indictment on the House when the Minister for Communications, Climate Action and Environment stands before the House to answer questions from people like me and says that it is simply not good enough.

Will the Minister bring in the mobile telephone operators? As part of his armoury, the Minister has the power of persuasion as a Minister. He has the facility to be able to nudge or cajole mobile telephone operators to provide a rate of 100% penetration for 3G services at least.

Deputy Denis Naughten: Sadly, the problem dates from before I came in to this job. I am unsure who was the Minister at the time. We will not go into it, but I understand one of Deputy Sherlock's colleagues was in the Department when the last auction took place for the 4G spectrum. That auction sought 85% population coverage throughout the country. I do not think that is good enough. That is why I am committed, in respect of 5G, that the licence will be for coverage throughout the country and that it would be done on a geographic basis.

Deputy Sean Sherlock: People cannot even get 3G, never mind 5G.

Deputy Denis Naughten: The problem is that under the licensing in place, those companies are compliant. I have spoken to the companies and I will be speaking to company representatives again tomorrow. I will continue to do that. What I am dealing with is unacceptable; I am not disputing that. That is why we have released the 3.6 GHz spectrum.

21 November 2017

The committee has a role as well. The communications regulator is answerable to the committee. When did Deputy Sherlock and the committee bring the communications regulator before the House and talk to those responsible in ComReg about mobile telephone coverage? I am not simply talking about the current committee. I am talking about the previous committee as well. The communications regulator is not answerable to me. The law states that the communications regulator is answerable to the committee. I am actively encouraging the committee to bring in ComReg.

Deputy Timmy Dooley: The Minister was well able to take the credit for SIRO and Eir and so on.

Other Questions

RTÉ Revenue

42. **Deputy Shane Cassells** asked the Minister for Communications, Climate Action and Environment his plans to reform the funding model for public service broadcasting in view of the fact that there is an evasion rate of 14.5% of the television licence; and if he will make a statement on the matter. [49087/17]

Deputy Shane Cassells: I ask this question in the context of the appearance before the Committee of Public Accounts of the Secretary General of the Department, Mr. Mark Griffin, two weeks ago to account for the Department's accounts and expenditure. The largest item of expenditure, accounting for more than half of all departmental spending, was €241 million on broadcasting. In response to questions from me, Mr. Griffin acknowledged that the funding model for public service broadcasting was broken, with television licence evasion rates of 14.5% resulting in lost revenue of approximately €40 million per annum. In light of these figures and the comments of the Secretary General, what are the Minister's plans to reform the funding model for public service broadcasting? I am not trying to catch the Minister out on this issue. I have a great interest in and passion for public service broadcasting and the issue needs to be addressed.

Deputy Denis Naughten: I recognise the important part that public service broadcasters play in our democratic society. The provision of stable and adequate funding is essential to ensuring the continued delivery of their role in this regard. I am very much aware, however, of the challenges that face the existing television licence system, including the current unacceptable levels of evasion. While the evasion rate has fallen from 15.3% at the end of 2013 to the current rate of 14.6%, it is still very high.

In light of changes in technology and viewing habits, I accept that the current system needs to be reformed. Having said that, despite its limitations, it is important I ensure the current system works as an effective collection mechanism. In that context, my Department has been working with An Post and RTÉ on an ongoing basis in order that all steps are being taken to ensure the system is working as effectively as possible. Marketing campaigns, more evening

and weekend inspections and the appointment of additional temporary inspectors are just some of the initiatives utilised to enhance sales and improve compliance rates.

I obtained Government approval earlier this year to draft a number of legislative amendments to the Broadcasting Act 2009, including amendments to allow for the tendering of television licence fee collection. The proposed amendments are under pre-legislative scrutiny by the Joint Committee on Communications, Climate Action and Environment. The committee is also considering the longer-term issue of the future funding of public service media. Its work is ongoing and it hosted a very useful consultative forum on this important topic on 7 July last. I look forward to receiving the joint committee's report, which will inform consideration of future funding options. In the meantime, there will be no change to the existing television licence fee arrangements, and An Post continues to work as the issuing agent for television licences in accordance with section 145 of the Broadcasting Act 2009.

Deputy Shane Cassells: The grant to RTÉ last year was €6.5 million less than the Estimate because income from television licence sales was lower than anticipated. The amount of the grant in 2016 was €179 million, which is roughly in line with the figure for 2015. The €6.5 million shortfall on the Estimate amounts to 40,000 licence payments of €160. While the licence fee has not increased since 2008, the population and number of households have increased in the past decade. Despite this, RTÉ income has declined by more than 10% and the uncollected fees for television sets exceed RTÉ's annual losses. This means others must pick up the tab for those who do not pay.

The broader issue is whether and how we will maintain the public service broadcasting model. Are we to say to hell with the current approach and embrace commercialisation of broadcasting? Will we follow in the footsteps of the United States where President Donald Trump tunes into Fox News to make sure he is doing okay? I do not believe we will go down that route because coverage of events such as the 1916 commemorations and sporting events would cease. In such circumstances, I do not believe the international rules game between Ireland and Australia would have been broadcast last Saturday morning. RTÉ also broadcasts the Ard-Fheiseanna of all the main political parties, including Sinn Féin's Ard-Fheis at the weekend. A fundamental question must be addressed regarding our commitment on this score.

Deputy Denis Naughten: I do not disagree with anything the Deputy said. The system needs to be reformed and the joint committee is actively considering the issue. A range of funding models are utilised in the European Union, with some member states having licence fees and others funding public service broadcasting from taxation or charging a fee linked to electricity bills. Finland, for example, has a broadcasting tax in place.

There are two aspects to the decline in licence fee income, namely, the evasion rate and the 9% of households which indicate they do not have a television. The latter figure is not surprising given the change in devices used for viewing content. The current focus is on the evasion rate. The evasion rate in the United Kingdom, for example, is approximately half the rate here. Licence fee evasion has a significant impact on RTÉ's income and we are examining how we can tackle the issue. A broader, longer-term issue also arises with regard to the funding of public service broadcasting. I look forward to the recommendations the joint committee will make on this issue.

Deputy Shane Cassells: The third reason for the decline in income is that advertisers are copping on that viewing habits are changing. Services such as Netflix are also having an

impact. The Minister is correct to focus on evasion. I would like to hear his thoughts on the recommendation that Revenue should become involved in collecting television licence fees.

The print media model is broken and television is heading in the same direction. Deputy Dooley is introducing proposals on the print media to ensure we have an independent media model which works for the country.

The Minister is also correct that the way in which people access news is changing. Either we value the product or we do not value it, and if the latter is the case, we will move towards the broadcasting model in place in the United States. Colm McCarthy wrote an analysis earlier this year in which he stated that the “advent of laptops and smartphones, equally capable of accessing television broadcasts, has finally brought it home to policymakers that this antiquated and cumbersome method of raising revenue has no place in a modern fiscal system”. That may be the case, but public service broadcasting must also be able to wash its own face, so to speak. Ultimately, the issue is whether the Government and citizens value it. I ask the Minister to set out his view on the Government’s commitment to public service broadcasting.

Deputy Denis Naughten: I have reiterated several times my commitment to public service broadcasting and news content. While I have accepted that this comes at a significant cost, we are very lucky in terms of the way in which news content is disseminated in this country and the balance it provides. This balance is not provided in other countries, including the United States, the example the Deputy cited. One could give other examples across Europe where particular media outlets give a particular slant on the news. We should be proud that this is not the case here.

The proportion of the population who listen to the radio is probably higher in Ireland than anywhere else in the world. Moreover, community radio is thriving to a greater extent than anywhere else on the planet.

I accept that the existing model needs to be reformed and the Revenue Commissioners could be a mechanism for doing so. There are a number of options available for a long-term funding model. What we fund and how we fund it must be examined. As I stated, I am waiting for the joint committee to submit a report to me on this matter. In the interim, it is intended to introduce legislation to amend the Broadcasting Act 2009 to address the issue of evasion in the short term.

National Broadband Plan Implementation

43. **Deputy Aindrias Moynihan** asked the Minister for Communications, Climate Action and Environment the date on which finalisation of the national broadband plan will be complete in view of the fact that the expenditure allocations 2018 to 2020 document allows €15 million for finalisation of the procurement process for the State-led intervention for the plan; the time-frame for the complete implementation of the national broadband plan; and if he will make a statement on the matter. [49085/17]

Deputy Aindrias Moynihan: Broadband ar ais arís. The roll-out of the national broadband plan calls to mind the old dial-up connection. It is slow, we are hearing lots of noise and screeching and it is simply not uploading. People need to see the plan being rolled out much more rapidly. The roll-out of fibre by Eir is a positive development and the service is wonderful in those areas where it is being made available. However, a timeline is needed for the so-called

amber locations and communities that are not being reached. We must also establish where these areas stand in terms of broadband.

Deputy Denis Naughten: The national broadband plan will ensure high-speed broadband access of a minimum of 30 Mbps to all premises, regardless of location. The plan continues to act as a catalyst to commercial investment, with more than €2.75 billion invested by industry in the past five years. Current investment is running at €1.8 million per day. As a result, approximately 1.5 million or 65% of the 2.3 million premises in Ireland now have access to high-speed broadband. By the end of 2018, this figure will reach 77% and it will exceed 90% by the end of 2020.

I recognise that people want quality mobile and broadband connectivity as soon as possible and I reiterate that delivering connectivity to the 542,000 premises in the State-led intervention phase of the national broadband plan remains a Government priority.

The procurement process in which my Department is engaged will select a company or companies which will roll out the new high-speed broadband network for the State-led intervention. As the Deputy will recall, a significant milestone in that process was reached in September with the submission of detailed solutions by two bidders and these are now being evaluated by my Department's specialist NBPT. This is the last stage of the procurement process before receipt of final tenders and progression to the appointment of a preferred bidder or bidders. My Department will engage with the winning bidder or bidders to ensure the most efficient deployment as part of the contract.

With regard to funding for the State-led intervention, the Government has allocated an initial €275 million in the 2016-21 capital plan for the national broadband plan. These moneys will help finance the initial years of the network build-out. Significant further funding will be required over the lifetime of the proposed 25 year contract. The total level of funding required will be established through the ongoing competitive procurement process.

Deputy Aindrias Moynihan: The indicative solutions that have been submitted to the Minister from the two groups give indications of the kind of timelines they expect and it should be possible to give some direction to rural communities of when those companies are likely to be able to make broadband available. The Minister has those since September last. It seems that the commercial companies are taking control of the timeline. We need to get from the Minister a direction on the kind of timeline on which he wants to see the roll-out of this broadband. We have already seen dates slipping from this summer. Has the Minister a date on which broadband will be available to people in those amber areas? For example, in my own area, whether in Kilmichael, Rylane or Donaghmore, when constituents try to download a large item of the Internet it could take them 36 hours. They are not happy with it but they know the time it will take. They can go away for the weekend and have something when they come back. They know they have a timeline. In the interests of people in those amber areas, we also need to get a timeline on the rural broadband programme. When can they expect to see that broadband at their doorstep?

Deputy Denis Naughten: As I stated earlier, this is a complex procurement process. It is the first time this type of procurement has been used. The advantage with this competitive process is that it will facilitate a far quicker build-out than would have been the case with the traditional procurement processes.

It is a 25-year contract. It is important that we get it right, that we do not do like we did with the electronic voting machine or the national broadband scheme which was obsolete the day it went live. This has to last the period of time. Everyone is focused on a date but the reality is that people are sick and tired of dates being thrown out and then being missed. When I give a date, I want to be able to stand over that date and be definitive in relation to it.

What I am focused on is making this happen as quickly as possible, not only in relation to the high-speed broadband ultimate solution but using the existing infrastructure that has been rolled out to virtually every village across the country to give people opportunities, not only for hot-desking but also for wireless and mobile coverage. Everyone needs a service as quickly as possible. It will be great that people will have the gold-plated service after that but the important point is that they get access to broadband and to mobile phone coverage now.

Deputy Aindrias Moynihan: This is not the first time a project of this scale has been rolled out across rural Ireland. We have had a very successful rural electrification system many years ago. It is possible and it should not be a surprise or anything new.

The companies which have given the Department the bids have given indicative times as part of their submissions. It should be possible to identify timelines. Are we talking about the end of 2020 or 2022, or will it be much sooner, perhaps in 2018? It should be possible to give an indication of timelines because the information has been already made available by those commercial companies when they gave the Department those details in September.

Deputy Denis Naughten: There are indicative proposals but what we and the public need are definitive dates in relation to it. I am confident that, by 2020, more than 90% of people and premises will have access to high-speed broadband. I cannot be any more definitive than that until we award the contract and look at the build-out in relation to it.

I want to see this happen. My constituents, the people in Roscommon and Galway, are as frustrated as everyone else across the country that they do not have access to a broadband service or a mobile service at present, and that they must turn off their data, as I do, in order to get a mobile phone signal. That should not be the case. That is why we have released the 3.6 GHz spectrum to ensure we can improve the mobile phone coverage. That is why it is the first 5G enabled network that has been auctioned across Europe. On foot of that, we have already got one operator who tells me that it expects to have 85% geographic coverage of the country by 2019.

This is moving. It is not moving as quickly as I would like but it is moving. I am trying to fast-track this at every available opportunity.

Broadband Service Provision

44. **Deputy Bernard J. Durkan** asked the Minister for Communications, Climate Action and Environment the extent to which he expects to be in a position to provide broadband services to those areas outside the proposed or existing provisions, in some cases only by a matter of metres; if he will consider a separate contract for such customers to run concurrent with the current programme; and if he will make a statement on the matter. [49078/17]

Deputy Bernard J. Durkan: The purpose of this question, somewhat similar to the previous question, is to bridge the gap between the existing work that has been done, is satisfactory

and is a major improvement on what we had, and the next stage for those who require service and are anxious to know when they will get it.

Deputy Denis Naughten: I assume from the question the Deputy is referring to premises that are adjacent to, but not included in, eir's ongoing rural deployment of broadband to 300,000 premises between now and the end of 2018. This roll-out by eir is an example of the ramping up of commercial investment by industry which has been stimulated by the Government's national broadband plan.

To ensure that nobody is left behind, my Department is engaged in an ongoing procurement process to select a bidder or bidders which will roll out the new high-speed broadband network for the State-led intervention phase of the national broadband plan. My Department's specialist national broadband plan team is currently evaluating the detailed solutions received from two bidders last September as part of that competitive procurement process. This is the last stage of the procurement process before receipt of final tenders and progression to the appointment of a preferred bidder or bidders.

As Ireland's telecommunications market is a liberalised market, decisions by private companies on the roll-out and locations for their infrastructure are a matter for those companies. I understand the frustration for people who live near, but are not included, in the current roll-out of fibre by commercial companies. eir's decisions as to the areas and premises to be served as part of its 300,000 rural deployment is a matter for the company. While that is the case, eir has indicated that it will consider including additional premises for areas where low-level designs have yet to be completed. I have asked that the local authority broadband officers identify candidate premises for inclusion in the eir 300,000 roll-out based on guideline criteria and I understand that this information was submitted via my Department to eir last week. Decisions on the inclusion of any individual premises remains a matter for eir.

I reiterate that any premises not covered by commercial operators private investment will be included in the State-led NBP intervention phase.

Deputy Bernard J. Durkan: I thank the Minister for his reply.

It is not true to say that we had services all over the country a few years ago. Six or seven years ago, there were several black spots in the country with no mobile phone coverage, no telephone services, no radio signal and no television signal. The position has improved a little since then because of the action being taken.

The problem is that many find themselves 100 m from existing service. With that existing service, they feel they could work from home just as well as they can travelling into work. There are many in those circumstances all over the country. Is there any way the Minister can bridge that gap between where the services now stop and those who have a strong reason for getting service, have promoted the reasons over the years and continue to request the provision of service? I believe it is possible to do it. The digital highway is in position and it is the minor roads with which we have a difficulty now. We need to come to some arrangement under which we can identify the end of the road.

Deputy Denis Naughten: First, I understand the frustration to which the Deputy refers. There are thousands of my own constituents who are in the exact same situation, whereby they are struggling with little or no coverage. Some of them are also quite close to fibre that has been already built out or that is planned to be built out. eir has decided to look at its build out

plan to see if there are commercial premises, schools or clusters of housing to which its network could be easily extended. The company is actively looking at that at the moment but that is a commercial decision for eir. Aside from that, the national broadband plan will bridge the gap and ensure that every single premises in the country will have access to high speed broadband. More than 90% of premises will have that access by 2020. We are also looking at how we can sweat the existing asset, the fibre that has been built out and the infrastructure that is already in place. That is why the auctioning off of the 3.6 gigahertz spectrum was so important because it allows for both mobile and wireless operators to provide broadband data services to a much broader catchment more quickly. In the coming months we will see some of those companies beginning to trial and offer services to customers who do not have access to such services at present.

Deputy Bernard J. Durkan: I thank the Minister for his response. Is there any possibility that the situation could be examined with a view to ensuring that those who are closest to the existing fibre could be accommodated, even temporarily? It may be possible to do that kind of thing without incurring too much expenditure. Would it be possible for the Minister to discuss that with eir or other private operators to see whether it could be done in the short term? It may be possible to do it using wireless technology or by some other means or it may not be possible at all. However, unless an attempt is made to address that issue, there will be a considerable level of discontent and people will feel they are being ignored and isolated. Some of these people are in the business of job creation and offering employment.

Deputy Denis Naughten: I assure the Deputy that they are not being ignored and isolated. I am very conscious of each and every one of the 542,000 premises across the country. This is not just about sustaining existing jobs. There are also huge opportunities for new businesses to be created, not just with the provision of broadband. Broadband will only facilitate that. The new An Post parcel delivery and collection service means that in any location in the country one can provide an online service selling goods to customers across the globe and never have to leave one's own area. There are huge opportunities in that area. There are also huge opportunities in delivering health services which have not been exploited.

I assure the Deputy that I am actively discussing these matters with eir. A submission on a further build out was compiled by the broadband officers across the country and submitted to eir via my Department. We are also looking at how we can best exploit the existing infrastructure through both mobile and wireless services.

Deputy Brian Stanley: In the interests of being helpful, I suggest that Questions Nos. 45 and 54 be grouped together because they are on the same topic. Both questions deal with electric vehicle charging points. I make the suggestion in order to move things along.

Acting Chairman (Deputy Alan Farrell): While I appreciate the Deputy's desire to be of assistance, the questions have not been grouped-----

Deputy Brian Stanley: I would ask that the questions be taken together. We have done that previously in the interests of moving things along. Questions Nos. 45 and 54 are almost identical. They both deal with electric vehicle charging points.

Deputy Timmy Dooley: I have no objection to them being taken together.

Deputy Brian Stanley: Deputy Dooley, who tabled question No. 45, has no problem with my suggestion.

Deputy Denis Naughten: I have no objection either.

Acting Chairman (Deputy Alan Farrell): That is fine, if everyone is in agreement.

Electric Vehicles

45. **Deputy Timmy Dooley** asked the Minister for Communications, Climate Action and Environment the measures his department will take to address the lack of availability and poor management of Ireland's electric vehicle charging infrastructure; and if he will make a statement on the matter. [49105/17]

54. **Deputy Brian Stanley** asked the Minister for Communications, Climate Action and Environment his plans in regard to the future charging network following a recent decision by the regulator in terms of the future financing of the public charging points for electric vehicles. [49010/17]

Deputy Timmy Dooley: The Minister is well aware of the importance of getting a shift in the way in which people use private vehicles. In particular, we need to move away from the burning of fossil fuels and electric vehicles would seem to be an appropriate method of addressing our climate change obligations and improving citizens' behaviour in that regard. I ask the Minister to give us some understanding of how he intends to improve the management of Ireland's electric vehicle charging infrastructure to assist in that effort.

Deputy Denis Naughten: Does the grouping of the questions mean that I have double the time to respond?

Acting Chairman (Deputy Alan Farrell): Yes, the Minister has four minutes.

Deputy Denis Naughten: I propose to take Questions Nos. 45 and 54 together.

The ESB, through its eCars programme, has rolled out an extensive public network of charging points across Ireland with approximately 900 electric vehicle charge points. We have one of the more comprehensive charge point networks in Europe for a country of our size. The maintenance and repair of these points is an operational matter for ESB eCars. Although there will be outages from time to time for technical reasons, ESB eCars operates the system to a high standard. This can be seen through the online map which shows the status of each charge point including if it is in use.

As battery technology develops, the range of electric cars will grow and higher capacity charging will be needed to support quicker charge times and longer travelling ranges. It is anticipated that large car manufacturers will become increasingly involved in the provision of high-powered infrastructure. A number of providers are likely to emerge onto the Irish market in the coming years. Nissan already has a number of charge points available through its dealer network and Tesla recently opened its second supercharger location in Ireland.

The provision of electric vehicle infrastructure, particularly the availability of public charging points, is a key focus of the work of the low emissions vehicle task force. The task force is co-chaired by my Department and the Department of Transport, Tourism and Sport and is examining options for infrastructure, regulation and pricing in order to devise a sustainable policy framework for effective and efficient electric vehicle recharging.

The work of the low emissions vehicle task force led to a package of measures in budget 2018 designed to promote a low carbon, electric vehicle future. These measures include funding to support the operation and development of the public charging network with a specific emphasis on increasing the number of rapid chargers. The task force is also planning a stakeholder workshop later this month to explore issues related to the future requirements for electric vehicle recharging infrastructure.

Following a public consultation, the Commission for Regulation of Utilities, CRU, last month published its decision on the future ownership of the electric vehicle charging network. A key outcome of the decision is that the charging network should not form part of the regulated asset base and therefore expansions of the network should not be funded from network charges. This is in keeping with the proposals published last year by the European Commission in the ‘Clean Energy for All Europeans’ package. The decision also sets out the need for electric vehicle charging infrastructure to operate on a commercial basis. Currently, recharging electric vehicles at public charge points is free and unlimited. Deputies will, however, appreciate that free fuel for electric vehicles, funded by electricity consumers, is not sustainable in the longer term. At the same time, it is important that if payments for the use of public charge points are introduced in the future, they are at a level which does not disincentivise the uptake of electric vehicles.

The low emissions vehicle task force has made a number of recommendations. The task force is also assessing the decision of the CRU in its examination of the future requirements for electric vehicle recharging infrastructure. The work of the task force is well underway and has already resulted in a package of measures in budget 2018 designed to promote a low carbon, electric vehicle future.

Deputy Timmy Dooley: The budget did little to support a greater uptake of electric vehicles. The elimination of benefit-in-kind on a one year basis is a disincentive. Companies, as the Minister knows, seek certainty around their asset base and how they are taxed and very few will invest if it is just for one year. The Minister could nearly substitute the words “electric vehicle” for “broadband” in what he announced. It is what Tesla and Nissan are doing, and there is a task force and another group looking into it.

If we are to get real about addressing the climate change issue, we must target the population of vehicles across the State. We must have an aggressive approach to taking action to encourage behavioural change. I think the Minister can do it. I know he gets it because he has already told me he is using a hybrid vehicle himself and he has complimented the technology that exists. We will have to put in place financial incentives in the short term. For example, we will have to retain the free electricity so let us not talk about paying for five or six years for those who take it up. What has been done to date has not worked. We had 2,970 vehicles by June 2017 in the battery and electric vehicle plug-in hybrid market. The reality is that this is one twentieth of what Fine Gael had promised, although I am not expecting the Minister to answer for Fine Gael. We need to take it out of the hands of the mandarins in the Minister’s Department and other Departments who are looking at task forces and a step-by-step approach. It will be 2030 and we will still not have even reached our 2020 targets. We need action.

Deputy Denis Naughten: To correct the record, the benefit-in-kind zero rate is for a minimum of three years, not one. The Deputy is right that this needs to be a minimum, and the hope and intention is to extend that timeframe. In the budget we have maintained the grant relief, which is among the best in Europe, and we are also committing to bringing in a grant for the

installation of home charges, not just for new vehicles but for second-hand vehicles, and to support electric vehicles for taxis, hackneys and limousines.

The Deputy is right that there has to be behavioural change. This year we established the behavioural economics unit within the Sustainable Energy Authority of Ireland to look specifically at this. However, we cannot shoehorn people into this. We need to take a number of strands. First, we need people, when they are purchasing, to purchase clean vehicles and zero emissions vehicles, but we also need to look at how we can retrofit the existing fleet to drive down emissions in the short term. The behavioural economics unit is looking at such issues and is feeding into the task force and into other measures within the Department. We are trying to proceed based on what was done in the past, for example, with the plastic bag tax and the smoking ban, which have dramatically transformed attitudes in this country in regard to health and the environment. There are other measures and initiatives. What was announced in the budget for 2018 is a first step but it is a very positive step. The feedback I have already received from commercial businesses in regard to the three-year benefit-in-kind suggests we will see a significant shift in 2018.

Deputy Brian Stanley: The decision of the Commission for the Regulation of Utilities, CRU, has left the situation in limbo. I listened carefully to the Minister in regard to the charging points. The CRU in its paper said there will be no further funding of the assets through network charges and went on to say it expects the ESB to arrange the sale of the assets. We have 1,946 electric cars in the State. The Minister said we are the best in Europe but we are not, given other northern European states are at multiples of that figure. We have to put in place the infrastructure. While the Minister mentioned the plastic bag levy, which is successful and which we support, this is not the same as the plastic bag levy. It requires planning and action. We have not seen that to date in terms of where and how the infrastructure will be provided and how people will access charging points to get electric vehicles on the road and sustain them, even for short journeys.

Deputy Denis Naughten: First, we have one charge point for every four cars in the country.

Deputy Brian Stanley: That is because there are so few cars.

Deputy Denis Naughten: We have 900 electric vehicle charge points across the country. I compliment the initiative by the Cathaoirleach of Roscommon County Council, Orla Leyden, and Roscommon County Council, which has put in place proper signage in regard to electric vehicles and parking spaces. I hope other local authorities will follow the example of Roscommon County Council. Of those 900 electric vehicle charge points, some 800 are standard public charge points and 70 have DC fast chargers. I accept we need to improve the infrastructure across the country and that is why I have allocated funding in the budget for 2018 to roll out fast charge points across the country.

The Deputy is right that the CRU has made this recommendation. However, there is a ten-year lead-in time so we have time to transition from the current ownership model. We must remember that the decision that was taken previously was to establish this pilot project to roll out electric vehicle infrastructure and study the impact of electric vehicles on the electricity distribution system itself. From that point of view, it made sense. I do not think anyone is surprised by the decision that has been made by CRU. The fact we have a ten-year timeline is positive but it is the case that we need to invest in improving the infrastructure. That is why we started this process in budget 2018.

Deputy Brian Stanley: That is all fine and dandy but we are talking about reducing our carbon dioxide emissions and we are not doing very well on that front. I do not understand the sense of urgency being given to this issue because we are way behind. There is very little mention of home charging points and there are question marks over whether the grid can sustain the load if several people with electric cars in the same street all plug in at the one time. It is Sinn Féin's belief that we need to get into home charging, particularly if we are phasing out the current system.

I heard the point about the ten-year phase-out, which is to be welcomed. I take it the ESB does not have to stop next month or the month after, and that it can be phased out. The Minister also made the point about there being one charging point for every four cars but that simply shows there is not the take-up we require. We need to look at this scheme again. One of the places we could start is with public service vehicles and local authority vehicles that are doing short runs. The milk carts of 30, 40 and 50 years ago ran on batteries. Surely it is not beyond the imagination and engineering ingenuity of this generation to get such vehicles running on electricity in order to reduce greenhouse gas emissions. I want the Minister to take up with his Department officials the whole issue of home charging, which I do not think they are giving the urgency it needs.

Deputy Denis Naughten: With regard to home charging points, from 1 January a new grant scheme will be brought in. If someone buys a new car or second-hand car, he or she will get a grant for a home charging point. Every new car that has been purchased to date in this country has been able to avail of a home charging point but, from now on, it will be available not just for new purchases but for the purchase of a second-hand vehicle. That does two things: it gives confidence to someone who buys a second-hand vehicle but it also provides reassurance for those who buy new vehicles that there is a second-hand market.

With regard to the load on the grid, while this is a valid point, we are looking at the other side, which is microgeneration. As the Deputy knows, we held a forum in Dublin in the past month and the view was that both of those issues can be addressed together and can help to solve that problem - for example, putting solar PV panels on a roof has an impact on the grid. We have two problems, one in demand and one in supply, and the question is whether we can bring them together. We are now examining a broader approach to that than has been taken to date.

Deputy Timmy Dooley: I support everything that my colleague, Deputy Stanley, said about home parking. We do not need pilot projects for a couple of aspects, only common sense. People need to be able to charge at home and where they go ultimately. The majority of trips are to work or shopping centres. People park in the environs of their workplaces or public or private car parks.

The Department and the Government need to develop incentives for workplace and private car parks to put the infrastructure in place. We have a Mickey Mouse operation at the moment, with a couple of high-visibility points around St. Stephen's Green and other places like it that few people will ever get to use. As the Minister stated, the ratio of points to cars is adequate at 1:4, but we should not even be thinking like that. If we want a seismic shift in behavioural change, doubters of this technology need to see a free space everywhere they park. In addition to financial incentives, they would then know that they could charge in a public car park, at a filling station or in their work environs. That requires State incentives.

Roads used to be ass-and-cart dirt tracks but, with the advent of Henry Ford's invention, people had the foresight to start building infrastructure that could carry that type of vehicle in current volumes. The Government needs to get into that kind of mindset and put key infrastructure in place. If the Minister can make the shift and begin that process, he can dispense with some of his pilot projects and little groupings that are operating in the background. He knows where this needs to go. Make the big move and incentivise workplaces, car park owners and others to get there.

Deputy Denis Naughten: To address an issue raised by Deputies Dooley and Stanley, next year we will support the public sector and commercial fleet trials of electric vehicles and car sharing.

Turning to Deputy Dooley's point, technology has moved on. For the majority of people, the daily commute is far shorter than the car's charge. Among Nordic countries, for example, Nissan is discussing using excess electricity in car batteries. When people drive to their workplaces, electricity will go from their batteries and rejoin the network when it is in high demand. We are examining that idea.

Deputy Timmy Dooley: Grid access is needed for that.

Deputy Denis Naughten: While we need to roll out infrastructure, we also need to upgrade existing infrastructure. This is all part of the process started by budget 2018. Range anxiety is beginning to disappear. For many people, a 200 km range is adequate to meet their daily commuting needs. Any household that has two cars should, on the purchase of a new car, convert one of them into an electric vehicle. We are installing charge points at home for people who are purchasing second-hand cars. We are also considering issues of technology, range anxiety and putting infrastructure in place for those travelling longer distances.

Written Answers are published on the Oireachtas website.

Business of Dáil

An Leas-Cheann Comhairle: Before we move on to the Topical Issue debate, I call the Minister of State, Deputy McHugh, who has an announcement to make.

Minister of State at the Department of the Taoiseach (Deputy Joe McHugh): Bhí cruinniú dhearfach ag an Choiste Gnó ag 4.04 p.m. agus fuairamar comhaontú ag an deireadh. Gabhaim m'aitheantas le mo chuid chomhghleacaithe ar an choiste agus, go háirithe, na daoine a bhí ag fanacht leathuair anseo.

It is proposed, notwithstanding anything in Standing Orders, that business shall be interrupted at 8 p.m. to take No. 33a, statement by An Tánaiste re justice issues. The statement by An Tánaiste shall not exceed ten minutes, following which each party or group in opposition shall have six minutes, which shall consist of alternating questions and answers, each of which shall not exceed one minute. An Tánaiste shall have five minutes for a statement on conclusion, and the opening statement, questions and answers and the concluding statement shall not exceed 57 minutes in total. Private Members' business shall take place following An Tánaiste's

concluding reply for two hours and the Dáil shall adjourn on the conclusion of that business.

An Leas-Cheann Comhairle: Is that agreed? Agreed. This is a recommendation from the Business Committee. I thank the committee and its Chair.

Topical Issue Debate

Pensions Legislation

Deputy Clare Daly: I welcome the opportunity to discuss this important issue. The Minister will agree that what we are dealing with is an injustice - where a defined benefit pension scheme is wound up and, as a result of the manner in which our pension and taxation laws are levied, its existing pensioners are given no option but to purchase an expensive annuity that does not do them or their families any good and just makes the insurance companies a great deal of money. The purpose of this debate is to examine the source of the problem and determine what we can do to rectify it.

The situation was aptly summed up by the situation of the supplementary Aer Lingus pension scheme that the House discussed previously. The trustees wrote to existing pensioners and made the point that, in order to protect those people's funds, the trustees would approach insurance companies in the market and get an annuity. No other option would be entertained, just an annuity. In one instance that brings the point home, a woman was told that the cost of that annuity for one person would be €300,000. That money was being taken from the wound-up scheme to buy her annuity.

We inquired of an Irish insurance company this morning and received a quote for a joint life annuity that allowed for annual inflation of 1.4%. The quote was €5,000 per year. If this person lived for 40 years and got €5,000 per year, which would not happen in a pension scenario, the insurance company would benefit to the tune of €100,000 for nothing. On top of that, the company would get €6,000, or 2% of the purchase annuity price, in fees. If a recipient died, his or her spouse would get nothing, which is unlike the case with an approved retirement fund, ARF, but that option is not available to the people in question. It would have allowed them to get a greater yield in their retirement years and their families, spouses or children to benefit from some of that income later on.

A product that is bad value for money is being imposed on members of pension schemes under the excuse that this is just the way the legislation is. This legislation might not be within the remit of just the Minister's Department, but also the Department of Finance. Frankly, though, I do not care. It is every Deputy's responsibility to address the situation immediately.

I put it to the Minister that, interestingly, the then Minister for Finance altered the rules in 2011 to allow pre-retirement bonds to invest in ARFs because of the outrageous cost of annuities at the time. However, he did not extend that option to defined benefit schemes. Last year, the rules were again altered to allow defined benefit scheme members access to ARFs. Guess what? This could only be done in cases where the members were classified as directors of a company. Rich people can benefit from this arrangement but the pensioners who pay into a de-

financed benefit scheme for all of their working lives cannot. They are frogmarched into an annuity where the pension industry takes the excess cash and charges a large price for the privilege. Only really wealthy people would benefit.

I appeal to the Minister. We need to address the weaknesses in the legislation urgently because this issue is affecting people's livelihoods in their retirement years.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): I will ask the Deputy to humour me because I must read this bit out before I can get to the part for which she is waiting. I thank her for raising this matter. I know why she has done so. Scheme trustees have duties and responsibilities under trust law, other relevant legislation and the Pensions Act 1990, as amended. The duties of a pension scheme trustee include administering a scheme in trust in accordance with the law and the terms of the trust deed and rules.

Consequently, any decision made by corporate or individual trustees of an occupational pension scheme are governed by the relevant legislation and rules set out in the trust deed and the rules of the particular scheme. Scheme trustees must always act in the best interests of scheme members.

Usually the options available to members for taking benefits will be set out in the trust rules. In some cases, the benefit structure may be inflexible, leaving the member little or no choice as to the form his or her benefits will take. This is something I recently brought to the attention of Deputy Daly and she kindly helped me with it, although we could not provide any help.

Where a member of the pension scheme reaches retirement age, a pension is immediately payable. Part of the pension may be taken in cash, and once the entire pension is not taken up by this, the trustees then have a liability to pay a pension income to the member.

6 o'clock The trustees then either pay a pension income regularly out of the fund or they buy an annuity to secure the future liability to pay a pension. On wind-up, where the pension is being paid out of the fund, the trustees normally purchase annuities for the existing pensioners.

Section 48 of the Pensions Act sets out the priorities on winding up a scheme. It sets out the order in which the liabilities must be discharged and how they may be discharged for members. When a scheme winds up, section 48(3)(b) provides that the trustees may, notwithstanding anything contained in the rules of the scheme and without the consent of the member concerned, discharge the liability for benefits payable in respect of any member by one of the following: transferring the benefits of each member into a new pension scheme; purchasing an approved assurance policy with a company or insurance agency that sells life insurance; or transferring the benefits into another arrangement for the provision of retirement benefits such as, for example, a PRSA or a buyout bond.

It must be noted that this discretionary provision and the trustees are not compelled to discharge the liability in this way. The wind-up options in section 48(3)(b) are contingent on the requirement that the scheme's policies or contracts are approved by the Revenue Commissioners under the Taxes Consolidation Act 1997, as amended. The Act sets out the circumstances in which retirement benefit schemes are approved by the Revenue Commissioners for tax purposes. In other words, transfers from the scheme being wound up must be made into schemes or products approved by the Revenue Commissioners and which, therefore, comply

with Revenue rules.

Section 772 of the Taxes Consolidation Act allows for flexible options on retirement, that is, the approved retirement fund, ARF, option. The purchase of an ARF is not available to members of defined benefit schemes, subject to certain exceptions. Legislation and policy on taxes and access to ARFs are a matter for the Department of Finance, as Deputy Daly said. I know why Deputy Daly is raising this matter. I agree with her.

I have asked my Department to refer this particular issue to the Department of Finance. Given that within the next couple of weeks we will launch a public consultation on what will probably be the most far-reaching reform of the private and public pensions industry, it is probably timely that the Department of Finance considers this issue, and that is the effort I will try to bring to bear during the coming weeks.

Deputy Clare Daly: I thank the Minister. The tackling of this issue is beyond overdue and it is not the responsibility of any one Department or Member of the House. We all have to get our act together in terms of pensions. Given that they are structured in a manner which makes them incredibly cumbersome to understand and mind-numbingly boring, people hear the term “pensions” and switch off. Sadly, they wake up in their retirement years to find that something into which they have paid all their lives is not worth what they thought it would be. Their families are impoverished at a time when they should be enjoying a better standard of living.

No matter what laws are involved, be it the Taxes Consolidation Act or pension legislation, the reality is that the restriction exists. As the Minister said, it appears as though there is a choice. However, in the case of the winding-up of a defined benefit scheme, there is no choice and people do not have access to an approved retirement fund which would be much better for them. That is the nugget that we have to fix quickly.

Public consultation processes can take a very long time. It is to be hoped that the one announced by the Minister will be completed expeditiously. There should be a fix in the Act similar to a previous change. It was recognised what bad value for money annuities are and the rules were changed by the Department of Finance in previous years via various statutory instruments and Revenue briefings which allowed the situation to be altered for the benefit of pensioners. That could be done immediately, pending the necessary review of the scheme. I appreciate that the Department of Employment Affairs and Social Protection will liaise with the Department of Finance and we can all expedite this issue as quickly as possible.

Deputy Regina Doherty: It is not about shirking my responsibility. The two Acts which need to be changed do not come under my Department but rather the Department of Finance, and that is why I will refer the matter to the Minister for Finance. In my reply I mentioned that exceptions are made in exceptional circumstances. That does not appear to happen in reality because the Deputy knows the exceptional circumstances to which I referred and there are no exemptions for them. I do not know how it works in practice.

It is clear to me that the existing measures do not suit all of the people the legislation is supposed to cover. It is exceptionally restrictive in respect of those people who just need a weekly income and do not need to wait on the never-never for a magic gold pot which they might never get to.

The public consultation I hope to launch in the next couple of weeks will not take any longer than three months because otherwise it is not worth doing. We need to move together on this

issue to make sure we make the necessary changes not only to the State pension but also to private pension funds which need to be responsible for looking after people. I give the Deputy my word that I will take immediate action. I will talk to the Minister for Finance, Deputy Donohoe, and try to include it in the public consultation process.

Fodder Crisis

Deputy Charlie McConalogue: I thank the Minister for Agriculture, Food and the Marine, Deputy Creed, and the Minister of State, Deputy Doyle, for taking this matter. The reason eight Fianna Fáil Deputies have tabled this Topical Issue matter in a joint fashion is because we are extremely concerned about what is happening across different parts of the country, in particular along the west coast, with regard to an emerging fodder shortage. The Minister and Minister of State will be well aware of the unprecedented weather we have experienced since late August and into September and October. In my part of the country there was an unprecedented flood on 22 August.

Bad weather has also affected many other parts of the country. As a result, livestock have been housed from a very early stage. Second crop silage and fodder has not been saved. For the first time ever that I can recall there is unsaved fodder and second cut silage sitting in fields. It is leading to a severe situation which requires urgent action on the part of the Government to assist farmers who are facing a fodder shortage.

Deputy Niall Collins: I want to impress upon the Minister the seriousness of this issue for my constituency. Coming from the southern part of the country, the Minister will appreciate that County Limerick has a large number of farming families. The Golden Vale has not been impacted, but many small farmers in the west of the county have marginal land, much of which is in areas of natural constraint, and some face other challenges such as the hen harrier designation, which is an issue yet to be resolved.

The farmers and farm families have told me they will experience a fodder crisis in the spring. The period from July to October has been the wettest since 2009, which has impacted on the second cut of silage. The price of hay, silage and straw has almost doubled in recent weeks and months. A crisis is looming. We need a crisis fodder aid fund to be put in place for farm families in Limerick who have been impacted. I would like the Minister to address that in his reply.

Deputy Bobby Aylward: Today eight Fianna Fáil Deputies are raising the issue of the ongoing fodder crisis. Many other Members have raised this matter over the past week or so. We cannot have another delayed response to the unfolding fodder crisis, as happened in 2012. There is an urgent need for swift action to be taken by the Government to assist farmers in affected areas and we have called for the establishment of a crisis fodder aid fund.

The cost of straw, hay and silage has doubled since the harvest as farmers struggle to secure fodder supplies in the north west and the Border. Delivery charges for wheat and straw have increased to €65 for some bales, with the price hitting €40 for other bales in certain places. The cost of good quality hay has also increased sharply, with prices of more than €40 for 4x4 bales. According to feed traders, supplies of half dried barley straw and feed quality wheat straw are very difficult to get. At the very least an immediate survey needs to be carried out by the Department and Teagasc to assess which farmers are in need of assistance. I ask the Minister to

take this on board before crisis hits in the second part of the winter.

Deputy Jackie Cahill: Prompt action must be taken now as it will be no good once fodder runs out on farms next February or March. Decisions are being taken now on farms on whether breeding stock will be offloaded. If a farmer takes the option of selling breeding stock, it will have implications on that farmer's viability for a number of years to come. In 2012, we had another fodder crisis and a nut was designed at that stage to allow maintenance of the animal with a roughage aspect as well. That is what must be subsidised now. Farmers on the ground must get practical advice on how best to feed their animals economically for the next couple of months. They also need a subsidy on the nut designed in 2012. It should be freely available. The economic reasons are more than evident that it should be subsidised. Teagasc has a major role to play but the action must be taken now.

Deputy Dara Calleary: I thank the Ceann Comhairle for allowing this Topical Issue. Met Éireann figures for this year indicate fewer dry days between July and October than there have been in a number of previous years. The top ten Met Éireann stations for rainfall are all along the west coast and one of the highest was in Newport in my county of Mayo. Land is sodden and cattle have been housed long before they should really be. Fodder has been depleted and, as Deputy Aylward mentioned, its price has escalated if one can get it or have it transported to the west coast. By waiting, the Minister is denying the fact that we have a problem and he will force farmers to sell stock at a time they can least afford to do so. He will force them from having an income beyond January. We need to act now, as to do so will avert not just a farm crisis but an animal welfare crisis. That will come not in 2018 but later this year. What we need now is not an informal chat with Teagasc but a co-ordinated approach from the Department to tackle the problem in Mayo and along the west coast.

Deputy Brendan Smith: The importance of this matter has been demonstrated by so many of us seeking a special Topical Issue debate. I am glad the Minister and the Minister of State are here. As my colleagues have said, there is a need to implement measures now to deal with a looming fodder crisis. Deputy Niall Collins mentioned a possible crisis in spring but I spoke with some farmers over the weekend who told me they will be out of fodder before 1 January 2018, unfortunately. These farmers would normally have adequate supplies for their own needs at all times.

As the Minister is aware, I represent Cavan and Monaghan, which is an area with the highest rainfall as recorded at the station in Ballyhaise. Some good farmers have had cattle housed at night since the end of July and early August and already stocks are depleted. Many other farmers are buying feedstuff at additional cost, making their farms less viable and profitable. This is a time to implement measures now to ensure farmers can plan and will not have to sell stock that they need for farming purposes if they are to make their holdings viable at all.

Deputy Anne Rabbitte: No differently from the comments of my colleagues, I know farmers in east Galway also face a fodder crisis. Urgent action must be taken by the Government to assist farmers in the affected areas as the severe weather conditions since August have left many farmers facing chronic fodder shortages. I can give an example. Just the other day I was speaking with a farmer from around Tuam and normally at this time of year he would have approximately 150 or 160 bales for his cattle to get him through to the spring; he only has 60 bales left as he had to bring in the animals so early. I am looking forward to the Minister's answer and we seriously need a fund immediately. We cannot have a case of kicking the can down the road, as we did last year when it took ten months to address the tillage crisis fund. If that emerges as

the case, we will have animals dying because farmers will not be able to afford to feed them.

Deputy Eamon Scanlon: Much has been said about the difficulties being faced by farmers now. In Sligo, Leitrim, north Roscommon and south Donegal, it is no different from the rest of the country as described by the others who have spoken. We have farmers who have had cattle in since the end of August and early September, as was said earlier. The cut of silage at the beginning of the year was quite good but what was got after that is absolutely useless.

I suggest that some response should come about. Funding should be put in place for this as if that does not come about, not alone will there be an animal welfare problem, there will be a human health problem because people are out of their minds now wondering how they will get through the winter and feed their stock. There are two climates in this country. I listened to one of my colleagues in this House speaking on 29 January this year about dairy farmers wondering if they could let out the cows at that time. They had plenty of grass but the concern was that rain would come. In our area, we are lucky to get cows out on 1 May and they are back in again in September.

Minister for Agriculture, Food and the Marine (Deputy Michael Creed): As I know we are all aware, weather conditions over much of this recent autumn, especially early on in the season, were quite challenging. These conditions created difficulties for farmers, particularly in parts of the west on heavier land types. On the other hand, grass growth rates through the autumn and most of the year were ahead of last year. However, due to the higher than average rainfall in many parts of the country late on in the year land remained too wet to support grazing. This resulted in cattle being housed earlier than normal in some areas, particularly on the heavier soils that retained water and were slower to drain. For the same reason, as land remained wet over a prolonged period, it lost its ability to support machinery and so silage harvesting, particularly that of late cut silage, was affected.

At my request, my colleague, the Minister of State, Deputy Andrew Doyle, met the president of the Irish Farmers' Association, Mr. Joe Healy, and some local farmers in Leitrim to see first-hand the challenges on the ground. I recognise there are undoubtedly issues in certain areas with regard to adequate winter fodder but it appears there are supplies of fodder in the form of silage and hay available across the country as a whole for those farmers who may require it to supplement their own fodder supply.

I have been very conscious throughout these last few months of the difficult weather conditions and their effect on the agriculture sector. I acknowledge the point made by a number of previous speakers on having an assessment of the position on the ground and for this reason I asked Teagasc to work locally with affected farmers in areas with fodder difficulties to help them manage their particular farming position and to provide support on fodder budgeting for the winter ahead. It is important to emphasise that my Department operates an emergency helpline for animal welfare cases. I urge any farmers facing an emergency animal welfare situation and who may be in need of support to contact the helpline for advice and, if needs be, emergency assistance.

Last month the European Commission agreed to my request for an advance payment of the 2017 basic payment scheme. I took this action in response to the poor weather conditions we are discussing here this evening and also in response to market difficulties caused by currency fluctuations, among other issues. This advance translates into an increase from 50% to 70% in the rate for the basic payment scheme to those farmers whose applications were confirmed

fully clear. Issuing of these payments commenced as early as possible, or in this case after 15 October, and balancing payments will be made with effect from early December. There will also be an increase permitted to the advance for Pillar II rural development schemes.

I conclude for the moment by saying these payments and the payments under the areas of natural constraints scheme have already injected over €800 million into the Irish rural economy. They are providing a very welcome boost for Irish farm families and will help to finance fodder purchase where necessary. However, be assured that my Department and I, in conjunction with Teagasc, will continue to monitor the fodder position closely throughout the coming winter months.

Deputy Charlie McConalogue: I thank the Minister. I am afraid the approach of the Department to emergencies facing the farming community has been very poor in the past and, unfortunately, the Minister seems to be following the same path on this occasion. With the tillage crisis of late 2016, the Minister was exceptionally slow to respond and only in the past few months did he start accepting applications for compensation payments. Farmers are still awaiting payments for that. Three months on from the Inishowen flooding, farmers are still awaiting any payment to address the damage and losses they incurred. Tonight, Deputies from our party right across the country have come together to demonstrate urgency in this matter but the Minister's approach is again to continue as normal, with the idea there is no real difficulty. The Minister needs to grasp this issue now. As we learned in 2012, it is at this stage of the year that the crisis needs to be averted, not in the springtime. Farmers need supports now. What is required is a fund which would allow them to manage the fodder crisis that is affecting them. It is not good enough simply to stall on this. We need action immediately.

Deputy Niall Collins: I am not sure if the farmers I represent will take any comfort from the Minister's initial response. I do not believe that they will get the sense that he shares their concerns. If we look at the Minister's track record, the rural development programme 2014 to 2020 did not include a measure to compensate farmers who suffered losses from severe or adverse weather conditions. The farming community would like to hear, in the Minister's final reply, if he will take concrete measures and ask his Department to carry out a survey of all areas that are potentially impacted. The Minister should remember that the constituencies and counties we represent are those that will feel the hardest impact from Brexit, and have been feeling the impact already. These farmers are on marginal land and are the most vulnerable. We are speaking up for the smaller farmers, and it behoves the Minister and the rest of us to have a response ready and in place to avert this crisis if and when it hits.

Deputy Bobby Aylward: The Minister mentioned animal welfare. I am an active farmer myself. For any farmer worth his salt, animal welfare is the most important thing. It means maintaining animals and feeding them to keep the business going. That is what animal welfare is about. People, particularly those in the west, the north west and the Border, are going to run out of fodder. The Minister is correct to mention that there is a lot of fodder in the country. In the south east, where I come from, there was good sunshine and grass growth this year. I believe there is enough fodder in the whole country to supply our fellow farmers in the affected areas. I am asking the Minister to bring in an aid scheme that will bring the fodder from where it is available to the people further north who might not be able to afford it because they have their cattle in since August, in some cases, and have run out of fodder and money. We need to help them by getting the fodder from where it is available up to where it is needed.

Deputy Jackie Cahill: I have to disagree with Deputy Aylward. I am not sure that there is

enough fodder in the country. The weather has been bad everywhere for the past six weeks and stock has been in everywhere that bit earlier. We are discussing animal welfare, but we should also talk about the pressure that the farmers are under and the mental strain they are experiencing. Stock has now been housed for a number of months. The weather has been clammy, and it has been difficult trying to keep the animals healthy and to avoid viruses when the stock has been in instead of out in the fields.

Another issue which will cause huge pressure is slurry. We have a ghost period now for a number of months which will last well into January in these areas. Tanks are full under these cattle. When the farmer goes out in the morning to look at his stock and knows that he is going to run out of fodder, it causes mental strain and pressure. We need a practical solution to this, and these men need financial help.

Deputy Dara Calleary: The Minister's response was incredibly disappointing. There was no acknowledgement of the urgency of the situation and of the impending damage to agricultural stock and the health of farmers. The Minister says that there is fodder in the country. If there is, and I would agree with Deputy Cahill when he says that there is not, people are being charged enormous prices at the moment. They are being charged enormous prices to get it and to have it transported around the country. These people are getting no assistance to support that.

The Minister mentioned that the Minister of State at the Department, Deputy Doyle, met the IFA last week. I understand that the IFA invited the Minister to meet it in Claremorris on 1 December. I encourage the Minister to take up that invitation and to hear directly from farmers in County Mayo and in the west who are affected. A similar meeting is being organised by the Irish Natura and Hill Farmers Association, INHFA. I ask that the Minister put a scheme in place before 1 December and to deal with this issue before it becomes an animal welfare and stock crisis. He got great kudos two weeks ago for banning wild animals from circuses. He should do something now for the animals on Irish farms.

Deputy Brendan Smith: I sincerely hope that we can read something into the first sentence of the Minister's concluding paragraph, where he states, "I conclude for the moment". I hope that means that he, along with the Minister of State, Deputy Doyle, and the Department are working on introducing a fodder aid scheme and that he cannot give us details of it this evening.

I hope that the Minister and my colleague, Deputy Aylward, are correct and that there is enough fodder in the country. It is strange that fodder has already become so expensive at this time of the year if there are such adequate supplies. I saw people cutting grass - in vain, I think - on the last day of October. I was travelling extensively throughout Cavan, Monaghan and Fermanagh that day. There were a few dryish days at the end of October, and people were cutting grass, but they were bringing in as much muck as grass. I do not know what benefit there was in people trying to make silage from that particular grass. I hope it is of some benefit, but many farmers would say that it is not worth the cost of the diesel.

If there are supplies available, I appeal to the Minister to ensure that a transport subsidy at least is put in place to transport fodder from the wealthier parts of the country to the south of Ulster and to Connacht. There is an urgency about this.

Deputy Anne Rabbitte: I am not surprised by the Minister's answer. I was here this time last year when we discussed tillage, and the answer is exactly as I expected. Farming families feel very let down by the Government due to the fact that €106 million was returned unspent

earlier this year. They feel let down due to the length of time it took the Government to address the tillage crisis. They feel let down by the Government because the perception is that it has to be brought kicking and screaming to the table all the time. They feel that the Government is reactive and proactive.

Eight members across the House are telling the Minister this evening where we are standing and what we are facing into. We are asking the Minister to come to the table with a real remedial solution. There have been great suggestions this evening. The Minister could take them on board. Some of them do not cost much money at all.

Deputy Eamon Scanlon: I spoke last night to a person who has drawn hay and straw from the south for 30 years. He told me that it costs €40 for one bale at the moment. Farmers cannot afford that. I know that the Minister said that he front-loaded payments to help these people, but all that money is already spoken for. At the moment the man is having difficulty getting this hay because some of the people who have this are holding out for the springtime. This is a major problem. There was an underspend of €33 million on the rural development programme in 2014, and it was the same in 2015 and 2016. I suggest that some of that money could be used to help these people. It should be a grant payment. We should not repeat what was done before, when hay was imported from England and France which was pure junk. The animals starved. Much of that fodder was not eaten and it was wasted.

Deputy Michael Creed: I thank the Deputies for raising the matter. Deputy Collins is probably familiar with my constituency, as I am with his. He would know that there is a lot of heavy ground, especially in western Duhallow and up to the Limerick border. I acknowledge the difficulties faced by any farmer who has been farming on heavy ground in a year in which there has been exceptionally high rainfall.

I am not going to get into the difference of opinion about whether there is sufficient fodder in the country, but the Teagasc assessment on the pasture sward is that 2017 was in fact a record year for grass growth and that there is sufficient fodder in the country. The problem is, as Deputy Aylward opined, that we have surplus in certain areas and a deficit in other areas. It is not the case that my Department has not been proactive on this issue. A number of weeks ago, long before any of the Deputies stood to raise the issue, I asked Teagasc to go out into the farmyards in the regions where they are and find out what the situation is on the ground. Deputy Smith referred to the critical point in the reply. If there is to be a scheme it has to be one that is based on the evidence on the ground from the Department officials and Teagasc which is in the farmyards in the regions concerned. That process is under way. I am satisfied that there is sufficient fodder.

There are problems at the moment about escalating prices for fodder being demanded. We need to be conscious of how we fuel that by the expectation that the State's chequebook may be opened in this area. We need to be conscious of how we progress this matter. We are doing it in a logical fashion. I take Deputy Cahill's point about the mental health problems caused when farmers who have more animals than they can cater for beyond St. Patrick's Day 2018 see a diminishing supply of fodder. The Department is obliged to be rational about it and accumulate the evidence as best it can and then make a decision. That is under way. I acknowledge that for example Teagasc, in conjunction with Aurivo co-operative, is helping farmers to navigate the system and give them advice on how to budget whatever fodder resources they have. We are progressing the matter satisfactorily. I keep an open mind on the matter but I am conscious that our commentary is fuelling fodder prices when there is no need for that escalation in price.

Deputy Seán Crowe: On Monday, 13 November, 22 EU defence ministers signed the permanent structured co-operation agreement, PESCO. Ireland was not one of the 22 to sign up immediately. However, after the meeting, the Minister for Foreign Affairs and Trade, Deputy Coveney, signalled his support for Irish participation calling Irish involvement a good thing.

PESCO is part of a renewed drive towards a standing EU army and the militarisation of the EU project. Irish involvement would completely violate Irish neutrality. PESCO is a realisation of the defence articles in the Lisbon treaty. During the debate on that treaty Sinn Féin and many others pointed out that ratification of the treaty would facilitate the creation of an EU army. We were told we were scaremongering and exaggerating but sadly we have been proved right. During the debate the Government's official statement was that the Lisbon treaty did not affect or prejudice Ireland's traditional policy of military neutrality. Now we know this was entirely bogus and events and actions have proved us correct. Not only is the EU sprinting ahead with the creation of an EU army but we know that the Minister for Foreign Affairs and Trade and the Taoiseach want Ireland to be the front and centre of this army. It has taken a few years but Articles 42 and 46 of the Lisbon treaty are now starting to go live.

PESCO is not some benign humanitarian force: its mandate, as outlined in the Lisbon treaty, includes the requirement for the participating states to make troops available for deployment as part of PESCO missions. Does the Minister not agree that PESCO presents a fundamental threat to our neutrality and that Ireland should remain completely outside it?

Deputy Aengus Ó Snodaigh: Does the Minister of State have any understanding of what neutrality is and how positive or active neutrality works? Does he even understand that every change in terms has seen an erosion of this State's neutral position? I will list some but not all of these changes: the Partnership for Peace, the rapid reaction force, the European Defence Agency, the battle groups, and here we are talking about another substantial change in respect of Ireland's role in the EU army, which is totally at odds with our Constitution. Does he agree with the Minister for Foreign Affairs and Trade in the first instance and if he does has he sought legal advice as to the position *vis-à-vis* the Constitution? Has the Minister of State, his line Minister or the Minister for Foreign Affairs and Trade thought out the consequences of this, engaging Irish troops in EU wars? Does he know what he is signing up to?

Currently Irish defence spending is between 0.6% and 0.7%. The Minister of State is committing this State to increasing that to at least 2% annually and possibly much more given that most of the countries involved are North Atlantic Treaty Organization, NATO, countries which are now committing to what Donald Trump is demanding, a 6% expenditure of all our moneys. By signing up to PESCO the Minister of State is giving a commitment to allowing the EU to monitor and interfere with the defence spending in this State. When we raised this during the debate on the Lisbon treaty it was suggested that we were scaremongers.

Minister of State at the Department of Defence (Deputy Paul Kehoe): I welcome the opportunity to address the House on the important issue of PESCO. I am happy to inform the House that the Government earlier today approved for the formal notification by Ireland of our intention to participate, subject to Dáil Éireann's approval of same. I will bring this issue to the House shortly. All of us here are fully aware that threats to international peace and security are complex, multidimensional, interrelated and transnational in nature. The ever-changing complex and intertwined nature of threats to our citizens, individual states and to international

peace and security must be acknowledged. As I have stated many times in this House, no country acting alone can address such challenges. The best approach for Ireland continues to be to ensure that the countries on the borders of the EU and beyond the European neighbourhood are stable, secure and prosperous.

Our continuing membership of the European Union and the United Nations allows Ireland to deepen and sustain democracy, rule of law and respect for human rights through, among other things, participating in overseas peacekeeping and peace enforcement missions, which in turn will make Ireland more safe and secure. As the Members of this House are aware, PESCO provides a treaty based framework designed to improve the means by which EU member states can participate jointly in projects to develop capabilities that will enhance contributions to crisis management and peacekeeping operations undertaken by the EU under the common security and defence policy, CSDP. Participation in any PESCO project is entirely voluntary and it is a matter for each member state to decide for itself whether or not to participate on a case-by-case basis. Ireland has always strongly supported the development of CSDP and of EU capacity to respond to international crises in support of the UN and has participated in all aspects of CSDP since it was established. Ireland has also been one of the leading contributors to CSDP operations deployed under UN mandates or with the support of the UN.

PESCO is a further initiative in strengthening the Union's capacity in this regard and developments in CSDP have been supported by the UN Under-Secretary-General as potentially providing additional capabilities for UN mandated operations. The PESCO notification explicitly recalls "the commitment of the European Union and its Member States to the promotion of a rules-based global order with multilateralism as its key principle and the United Nations at its core". PESCO can contribute to improve the capacity of the EU and member states to support international peace and security, both as EU and as troop contributors on UN mandated missions. It is also a means of enhancing interoperability and, working with EU partners, ensuring that our troops are equipped with the latest and best equipment and training.

A key challenge to the European Union's capacity to mount crisis management operations has been a lack of essential capabilities and the political will from member states to commit the required capabilities for CSDP operations. PESCO has been designed to address this challenge, enhancing the political commitment of member states to both develop and deliver capabilities in support of CSDP.

Participation in PESCO, which is provided for in the treaty of the European Union, Articles 42.6, 46 and Protocol 10, was introduced under the Lisbon treaty and has no implications for Ireland's policy of military neutrality, for the triple-lock or the crucial roles we play in crisis management and peacekeeping operations. The participation criteria expressly stipulate that PESCO will be undertaken in full compliance with the Treaty on European Union and the associated protocols and will respect the member states' constitutional provisions. Participation in each project is on an opt-in basis and is therefore entirely voluntary. Three other neutral EU member states, Finland, Sweden and Austria, have already committed to joining PESCO.

It is important to remind this House that PESCO was comprehensively discussed in the context of the Lisbon treaty and was approved by the Irish people when they voted for the treaty in October 2009. PESCO was specifically referenced in the Lisbon treaty protocol to address the concerns of the Irish people and Ireland's declaration and that the legislation setting down Ireland's approval process for PESCO was published in advance of that vote and enacted in November 2009.

An Leas-Cheann Comhairle: The Minister of State will have to try to incorporate the rest of his response into later comments. I gave him five minutes.

Deputy Seán Crowe: It is an understatement to say that I am disappointed. The Minister of State says that he is happy to announce this. I do not know if the Government had any plan to announce it at all. Ireland's deeper integration into the EU's military system is completely unacceptable and unwanted by the vast majority of Irish people.

Does the Minister of State accept that there are many people working within the EU structure who wish to build a military structure to complement NATO and clean up its mess under the guise of peace building? This is what PESCO is about. We are told there are no spare funds to go to positive social and economic programmes in areas such as youth unemployment projects, community regeneration, and improving public services such as health care, but it has already been announced that €1.5 billion will be spent annually on aggressive military projects which ultimately will facilitate a standing EU army. Any EU policy which aims to increase EU militarisation is a potential threat to Irish neutrality and the Government should veto these plans. Today's announcement is hugely disappointing. There has been no conversation or discussion in the House on the matter, just an off-the-cuff remark. It is lucky that we put this question down for the Topical Issue debate or the Minister of State would have barrelled ahead without any debate in the Dáil whatever, just as he usually does.

Deputy Aengus Ó Snodaigh: This is an absolute scandal. So much for the supposed support of the Ministers of State, Deputies Finian McGrath and Halligan, and the Minister, Deputy Ross, for Ireland's neutrality. It will be interesting to see how their supporters react to this and how they can justify such a move. The Minister of State has just said that the Government accepts this and that ties these three Ministers or Ministers of State, who have given their support for neutrality in this Chamber, to this move. This is a scandal. The aim of PESCO is to develop defence capabilities jointly and make them available for EU military operations. That is at odds with Irish neutrality. Our capabilities should be available to the UN and the UN only. The Minister of State should bear in mind that it also allows for the EU to act alone. It is not obliged to act with UN support. It can also be used to support NATO operations. When we raised this during the debate on the Lisbon treaty, we were told that we were scaremongering. Here we are a few years later and we have been proven right. Ultimately, the Minister of State is talking about going to war.

Deputy Paul Kehoe: I want to tell this House, as I told the Seanad earlier today, that there is no possibility of our position on neutrality being questioned in any way as a consequence of PESCO. Contrary to Deputy Crowe's statement, this has not been hidden away. It has been discussed in the open at EU level for years at every-----

Deputy Seán Crowe: Why did the Minister of State not discuss it in the House?

Deputy Paul Kehoe: I have spoken about it here in recent months in response to parliamentary questions and at committees. I have hidden nothing. I do not want Deputies to leave the Chamber saying that our neutrality has been brought into question. The situation could not be further from the truth. The final PESCO document reflects the position of neutral countries, of which we are not the only one. Other neutral countries have already signed up to PESCO.

Deputy Aengus Ó Snodaigh: The Minister of State has to ask this neutral country.

Deputy Paul Kehoe: Yes, because I respect the triple lock. I respect what I have to do here.

21 November 2017

I could have signed up to this last Monday without a problem but I have respect for the Government and the need to have it passed by the Cabinet and then the Dáil.

Deputy Aengus Ó Snodaigh: The Minister of State has no choice but to come here. He has no choice.

An Leas-Cheann Comhairle: Deputy Ó Snodaigh, please.

Deputy Paul Kehoe: Only then, if it is passed by the Dáil, will I sign up. I will sign up when it is the wish of the Parliament. This passed at Cabinet earlier. I will bring it before the Oireachtas next week or the week after. If I secure a majority of this House to vote for PESCO, I will sign up to it. If I do not get a majority of the Parliament to vote for it, then I will not. It is the right thing to do.

An Leas-Cheann Comhairle: The Minister of State will conclude his remarks.

Deputy Paul Kehoe: Projects such as this are something our military people want to partake in. They see it as the right thing to do.

An Leas-Cheann Comhairle: The Minister of State will conclude his remarks. I have been very lenient on time.

Deputy Paul Kehoe: I will bring it to the House within the next two weeks to seek its approval.

Legal Metrology (Measuring Instruments) Bill 2017: From the Seanad

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

Seanad amendment No. 1:

Section 1: In page 3, to delete line 15 and substitute the following:

“ “Minister” means the Minister for Business, Enterprise and Innovation;”.

Seanad amendment agreed to.

Seanad amendment reported.

An Leas-Cheann Comhairle: A message will be sent to the Seanad acquainting it accordingly.

Finance Bill 2017: Order for Report Stage

Minister of State at the Department of Finance (Deputy Michael D’Arcy): I move: “That Report Stage be taken now.”

Question put and agreed to.

Finance Bill 2017: Report Stage

An Leas-Cheann Comhairle: Amendment No. 1 is out of order.

Amendment No. 1 not moved.

Deputy Richard Boyd Barrett: I move amendment No. 2:

In page 8, between lines 16 and 17, to insert the following:

“3. The Minister shall, within 6 months of the passing of this Act, bring a report on the cost and implications of abolishing the Universal Social Charge for everyone earning less than €90,000 per annum.”.

This amendment seeks a report on abolishing the universal social charge for everyone earning less than €90,000 annually. It is a policy which was in the Solidarity-People Before Profit pre-budget proposal. It is coupled with amendment No. 3 which we will discuss in a moment which is to pay for the abolition of the USC by imposing new tax bands on the highest incomes. There is often a debate over whether, as the Government suggested, there ought to be some reductions in the tax burden on those who earn low and middle incomes or more generally.

Alternatively, although the Government sort of abandoned the policy, the debate is whether we should progressively move towards the abolition of the USC. Then there are those who say we should not do that but should spend whatever fiscal space is available on public services and infrastructure.

Solidarity-People Before Profit rejects the false choice that we can either have money for public services and infrastructure or money to reduce the tax burden on hard-pressed working people. We think it is possible to do both. However, to do both, it is necessary to be honest with people, which is where the Government fails. When it is criticised about the small €5 a week tax reductions it is proposing in this budget over the need to spend in other areas, it is open to that criticism and that is because we are fighting over crumbs. That is what we have in the budget. Do we have crumbs of €5 a week in tax breaks for workers or do we have crumbs of additional expenditure in public services such as health, education and the arts? We would have characterised the budget as a budget of crumbs. There were a few crumbs for the workers and a few crumbs for public services. However, it did not address the low levels of pay and the high tax burden, whether direct or indirect, on ordinary workers. It did not in any real sense tackle the massive shortfall in investment in public services, particularly areas such as housing, which is a disastrous situation, and health.

To do both justice, it is necessary to find other sources of revenue. That is the point to both of the reports referred to in amendments Nos. 2 and 3. It is to look for other sources of revenue. We have a series of other amendments seeking reports in other areas where we believe significant revenues could be raised. However, for the most part the Government does not want to talk about these revenues, which include taxing those on very high incomes of in excess of €100,000 a year. When we make such suggestions, the Government states that it is necessary to

reward work and that it does not want to impose higher levels of tax on high earners because it disincentivises work. However, if we are to be concerned about punishing people for working, we should be more concerned about punishing those on low and middle incomes who have suffered pay cuts and the USC and feel disproportionately the impact of regressive indirect taxes, whether they are bin charges, hospital charges, parking charges or any other of the array of stealth taxes which reduce the real income of low and middle income people but mean nothing to high earners. A person on €150,000 a year is not bothered about paying bin charges, water charges, parking charges or increased public transport costs. For those on €25,000 to €45,000 a year, however, these charges really hurt and they hurt them disproportionately. The USC disproportionately hurts them and the pension levy hurts public sector workers as do the pay cuts they suffered during the austerity period. In proposing the abolition of the hated universal social charge for those earning less than €90,000, we believe it, and a hell of a lot more, can be paid for by imposing higher taxes on those on higher incomes as well as on wealth and profits and other sources of untapped revenue. That is the basic proposal and we think it is fair.

The concept of wealth distribution is missing in the economic debate; however, it needs to be debated. It was often spoken of in the 1960s and 1970s but it is now gone from political discourse. We end up fighting over things called fiscal space. As I said, we are arguing about the crumbs but we do not talk about the redistribution of wealth and using the tax system as the main mechanism to do it. The reason we should talk about it is that the inequalities in the distribution of income and wealth are growing all the time. That is what these two related proposals in amendments Nos. 2 and 3 are trying to address: the redistribution of wealth from the have-a-lots to the have-very-littles.

Deputy Michael McGrath: On Report Stage we are not speaking to the sections so I will speak to this issue through amendment No. 2. The reductions in the USC brought about in this budget, although modest, will make a difference when combined, in particular, with the raising of the entry point to the marginal rate of tax. To reaffirm the situation, from our party's perspective the provisions of the confidence and supply agreement provide for gradual reductions in the universal social charge, with an emphasis on low and middle-income levels. We had a discussion on Committee Stage with regard to the Government's plans for an amalgamation of PRSI and USC and it is evident from what the Minister said at the select committee that the project, if it goes ahead, will take some years. I think the Minister said it would take five years or so. It is clear, therefore, that it will be an issue at the next general election and parties will have to put forward their respective positions on taxation. From our perspective, the priority is that gradual reductions are continued in a sustainable and progressive way.

An Leas-Cheann Comhairle: Are any other Deputies offering? I call Deputy Joan Burton.

Deputy Joan Burton: Thank you, a Leas-Cheann Comhairle. I understand the Leas-Cheann Comhairle has no involvement in it but I fail to understand how my amendment, which had at its heart the merits of requesting a standing or permanent tax commission as its first task to advise and report on the best means of amalgamating USC and PRSI, was ruled out of order when other amendments on the same topic have been allowed. It is inherently unfair. I do not know who did it. As I said, I do not think the Leas-Cheann Comhairle himself was involved but I want to object.

An Leas-Cheann Comhairle: If the Deputy allows me to explain, in normal circumstances, had her amendment been moved on Committee Stage, it would have been in order. However, her amendment was not moved on Committee Stage and therefore does not arise out of com-

mittee proceedings. It is very simple.

Deputy Joan Burton: I was given a time which was different. I was just outside the door.

An Leas-Cheann Comhairle: No. Hold on.

Deputy Joan Burton: Also, when I came in, the Leas-Cheann Comhairle told me it was out of order.

An Leas-Cheann Comhairle: Let me explain.

Deputy Joan Burton: You told me it was out of order.

An Leas-Cheann Comhairle: It is out of order. Let me explain why it is out of order.

Deputy Joan Burton: That is not what you said then but I accept your ruling now.

An Leas-Cheann Comhairle: Let there be no ambiguity about it because this is very clear. An amendment which does not arise out of committee proceedings is out of order. The Deputy's amendment was not moved at committee and that is the only reason. If it was moved at committee, it may have been in order here. That is a long-standing tradition.

Deputy Joan Burton: I thank the Leas-Cheann Comhairle for the explanation now. It sounded rather different when he was speaking to me earlier.

An Leas-Cheann Comhairle: It went out in a letter which I signed before 1 p.m. today.

Deputy Joan Burton: Unfortunately, it did not reach me-----

An Leas-Cheann Comhairle: I do not deliver them.

Deputy Joan Burton: -----but I am sure it will in due course.

An Leas-Cheann Comhairle: Okay.

Deputy Joan Burton: On reforms and the amendments before the House, Ireland as a country is now in a very difficult position.

We face an extremely uncertain Brexit and, at the same time, we are caught in the eye of an international storm concerning not only Irish tax practices but also the global tax practices of a number of companies that have significant operations in Ireland and achieve what might seem clever to many people, namely, the capacity to generate absolutely enormous revenue on a global scale and, by the utilisation around the globe of various tax stratagems and structures, to pay little or no tax, including in this country.

The essence of reform has to involve both individuals and companies paying their appropriate share of tax. Another speaker suggested it is possible to relieve practically everybody in the country of all forms of taxation. This is simply not possible. If, however, the State were to examine the various elements of its tax code, including PRSI, the USC, corporation taxes and employers' contributions in respect of PRSI, it could, I have no doubt, come up with solutions over time that would enable us to achieve a fair system of taxation and not a system of zero taxation for particular people, as suggested by the previous speaker. I propose a fairer system of taxation that would allow people on incomes in Ireland, as earned by nurses, teachers, doctors and politicians, to contribute in a fair way and to make provision for their pensions, the

health services they require and the education services their children require, be it at preschool, primary, secondary or third level. In that way, we would be able to provide for continuous growth in this economy that would be fair and balanced, with resources distributed in a way that would benefit the whole population. We have to be honest about this and state this means most people at work do have to contribute in taxation. They also contribute through indirect taxes and through taxation at other points in their lives.

What we have at present is a taxation system that has gone out of kilter. I have made a certain suggestion to the Minister on a number of occasions. I do not know whether he would have the courage to do what I propose, namely, establish a permanent standing commission on taxation, operating like the Law Reform Commission. It would review and examine loopholes, anomalies and instances of unfairness that arise in all tax codes from time to time. As we speak, I am sure there are some people at junior level in legal, tax and accountancy offices who have been delegated to listen to this debate, examine the Finance Act that arises from our deliberations and set to work, as in a game of chess, to create loopholes, backdoors, side doors, tunnels and alleyways in order that people will not have to pay their fair share of tax.

Last year at this time, I proposed to the Minister a review of people with offshore bank accounts, just as I proposed this to his predecessor, Deputy Noonan. In fairness to the current Minister, he agreed to have such a review. As with all of these trawls of evasion mechanisms, loopholes or tax planning arrangements, the investigation carried out produced, without very much difficulty, approximately €84 million on a first trawl. That was without examining all the accounts.

With regard to PRSI and the USC, when the ESRI first produced its proposals quite a few years ago — just before the crash, if my memory serves me correctly — it proposed a universal social benefit tax that would result in enhancements in pensions and would provide for people who might not have private company pensions or public service pensions. It would provide an income in addition to the public service pension paid by the Department of Employment Affairs and Social Protection. The crash came after Fianna Fáil collapsed the economy and the then Minister, Brian Lenihan, decided he would change the tax from a benefit tax to a universal social charge.

Deputy Michael McGrath: Could the Acting Chairman clarify whether there are time limits?

Acting Chairman (Deputy Bernard J. Durkan): The Deputy is a minute and a half over time.

Deputy Joan Burton: I will finish shortly. The consequence has been that while the USC has been a heavy lifter in providing tax revenue for the Government, it is very flawed in terms of what it pays to the people who contribute. It provides for the recovery of the State but as the recovery period has now come to an end, it is time to examine how the charge might be used to provide real benefits, particularly retirement benefits, to people who are dependent on the State retirement pension or on very small private pensions. In that context, I support a review of the USC to make it more effective in providing benefits that workers need, particularly in their later years.

Deputy Pearse Doherty: I do not support amendment No. 2 for the reasons I have outlined

on numerous occasions. I recognise that the Deputies putting forward the amendment have others that would see revenue coming in. They are not just suggesting a massive tax cut but the amendment is not well thought out. The USC is paid on single incomes. The amendment refers to a threshold of €90,000. This would mean the top 15% of earners would fall into the gap. The sum is nearly three times the average income. I am not sure whether everybody earning less than €90,000 would be exempt or whether somebody earning €91,000 would have a tax liability based on the €1,000 in excess of the threshold or whether she would be paying on the entire €91,000. Either way, one would fall into the trap set by the Government. In the last election campaign, it promised to abolish the USC. The proposers of this amendment, the members of People Before Profit, are arguing for a threshold of €90,000 in respect of the abolition. Fianna Fáil and the Labour Party are stating €80,000 and €70,000. I have made the point time and again that we cannot afford to do this. It is quite interesting that we are actually paying less tax now on all of these incomes than just before the USC was introduced. This is because the USC replaced two other forms of tax, the income levy and the health levy. If they were still in place and if we had just carried that through, we would actually be paying more tax on our income today than we are. I recognise the Deputies proposing the amendment have tabled others to raise additional revenue but we need to be maintaining and protecting the tax base. We need to be investing the proceeds in areas of social need, such as in housing, health and child care.

Minister for Finance (Deputy Paschal Donohoe): We dealt with this matter on Committee Stage. I just want to make a few points on the amendment put forward by Deputy Richard Boyd Barrett. I will explain why we will not be accepting it. The Deputy criticised the last budget when we delivered, through a series of changes to the USC and by increasing the entry point to the higher rate of income tax, a set of gains of around €5 per week for people who tend to be on lower and middle incomes. During Deputy Boyd Barrett's contributions on the budget and in his contribution earlier today, he criticised us for tax cuts. He criticised us for saying that we are putting in place any form of tax reform or reduction at a time when we should be investing in public services. On the one hand he is saying we cut taxes too much in the last budget and in this amendment he is proposing a tax change that would mean that anybody earning up to €1,731 per week would pay no USC at all. During the debate on the last budget he said we cut taxes too much and now he is saying we should put in place a tax reduction on income which is many multiples ahead of what we did in the last budget.

I know Deputy Boyd Barrett will go on to say that he would seek to introduce a number of other measures that would raise revenue in other ways. He can expect that my response will be to say that raising revenue in those other ways would narrow our tax base even further or create difficulties that would undermine the competitiveness of the economy. If Deputy Boyd Barrett goes back to the exchange we had on Committee Stage, I understand he envisaged that increased income tax rates of between 50% and 65% on income above €100,000 would be used to off-set the USC reduction. However, as the Deputy is aware, we are already at the point where in 2018 the top 1% of income earners will pay 25% of all income tax and USC. It is for all of those reasons that I believe to put in place such a measure would really concentrate the risk that the State has in relation to the collection of tax revenues. As I indicated on budget day, I believe that we should have a threshold into USC, that we do not change in the years to come because if we were to do that it would undermine the breadth of the tax base which we will need even more in the coming years with all of the challenges that could lie ahead. For those reasons I will not accept Deputy Boyd Barrett's amendment.

Deputy Richard Boyd Barrett: I understand the Minister's confusion about the criticism

of the tax reductions because different things are being said by different people in this House. To clarify, we did not criticise the Government at any point for proposing tax changes to low and middle earners. Sinn Féin and the Labour Party did, as did others, and they are entitled to do so. Our criticism was that those tax reductions were crumbs and we equally rejected the Hobson's choice of whether we have small tax reductions for workers or if we spend all the money on public services. We reject that choice. That is the point we are making, and we are unique in this House in making that point.

It is not correct for the Labour Party to mischaracterise our position but I understand why it is doing it, namely because it stood over the USC, which is hated by working people and is one of the reasons-----

Deputy Joan Burton: Deputy Boyd Barrett is a true Leninist.

Deputy Richard Boyd Barrett: But it is true.

Acting Chairman (Deputy Bernard J. Durkan): Could we have one voice please?

Deputy Richard Boyd Barrett: I did not interrupt Deputy Burton.

Acting Chairman (Deputy Bernard J. Durkan): Deputy Boyd Barrett is correct.

Deputy Joan Burton: I apologise, but he is an extraordinarily true Leninist.

Deputy Richard Boyd Barrett: The Labour Party stood over the USC but working people hate the USC. We are not proposing that working people should not pay, as they do, the 20% tax on the first €30,000 or €40,000 of their income and then 40% over and above that but we are saying they should not pay the USC, which was an austerity tax. We are saying that getting rid of that for people earning less than €90,000 can be paid for by introducing new tax bands of 50%, 55%, 60% and 65% on earnings over €100,000 up to more than €250,000. I will not go through all the details of the bands.

I remind Deputy Burton that those were the policies of the Labour Party in the 1960s and 1970s but they have abandoned them now.

Deputy Joan Burton: No, they were not.

Deputy Richard Boyd Barrett: We hold on to those policies.

Deputy Joan Burton: Deputy Boyd Barrett should stop reading-----

Acting Chairman (Deputy Bernard J. Durkan): I thank Deputy Boyd Barrett.

Deputy Joan Burton: -----and he should read history.

Deputy Paschal Donohoe: I think that is the difficulty, namely, that they were the tax policies of the 1960s and 1970s and the tax code, especially for a small open economy such as Ireland's, has very different needs. We must have a resilient tax base. If we were to take the course of action recommended by Deputy Boyd Barrett it would undermine the strength of the tax base and I believe instead what we should be doing is concentrating the funding that is available to reduce marginal rates of taxation while still asking anybody above a certain level of income to make a contribution to the funding of public services either through USC or through income tax.

With regard to the proposals put by Deputy Boyd Barrett in relation to what he would do from an income tax point of view, if we were to go ahead and do it, that would mean the top 1% of taxpayers, who would earn 12% of income, would pay 34% of income tax. That may well be the objective Deputy Boyd Barrett is seeking to deliver but it would mean that the risk in relation to the breadth of our tax base would be highly concentrated and concentrated at a very high level of income. Given all the difficulties and misery we have had in recent years that was partially caused by the fact that we had a way of collecting taxes and a tax code that ultimately proved not to be fit for purpose, this is not an amendment I will accept. I believe it would create the kind of risk that I for one do not want to see recurring again in how we collect taxes in the State.

Deputy Richard Boyd Barrett: What is not discussed anymore, which I mentioned in my initial contribution, is wealth and income redistribution. We can argue from budget to budget about marginal moves this way or that way and in so doing not see the wood for the trees. By that I mean a staggering growth in the gap between rich and poor and a staggering growth in the differential between the highest earners and the lowest earners. Anybody on the left should recognise that. It is not just we who are saying it; this is what people like Thomas Piketty have done forensic analysis of, and to be honest, the jury has come in on that debate. There has been spectacular growth in the gap between the rich and poor and that is accelerating every few years. That is going to continue unless one has a radical policy of income and wealth redistribution. When one asks whether the top 5% or 10% should pay a disproportionate amount of income tax, as we propose, I am pleased that the Minister at least understands it because some of our critics do not. That is exactly what we are proposing and unless that happens we will not close the gap that is widening all the time. If one goes back to the 1950s and 1960s, the highest earners might have earned seven or eight times that of the average earner but now the highest earners are earning 20, 30 and 40 times that of the average earner. The Minister has said the top 10% pay 40% of all the tax, which is the case, but they also have 40% of all the income, and rising, and they have 50% of all the wealth, and rising. We need a tax system that addresses such inequality.

Deputy Paschal Donohoe: For good or ill, I read *Capital in the Twenty-First Century* and it goes through the point Deputy Boyd Barrett made in great detail, but the majority of the book is about the inequality in the distribution of wealth and the causes of it.

Deputy Richard Boyd Barrett: We will move on to that later.

Deputy Paschal Donohoe: Yes, we will move on to that later, whereas what we are focusing on here relates to the distribution of income. In that context it is worth making the point that the latest data available to the OECD showed we had the largest absolute reduction in the Gini coefficient between market and disposable income for any OECD country for which data were available. We do have a way of intervening in terms of the allocation of income within the country, which is a combination of a redistributive social welfare policy and a progressive tax code. That means we do handle those matters and make progress on them in a better way than Deputy Boyd Barrett acknowledges. There will be many other ideas in terms of a wealth tax and other issues proposed by Piketty to which Deputy Boyd Barrett will return in the Finance Bill. As I have said, I cannot accept the amendment.

Amendment put and declared lost.

Deputy Richard Boyd Barrett: I move amendment No. 3:

In page 9, between lines 11 and 12, to insert the following:

“4. The Minister shall, within 6 months of the passing of this Act, bring a report on the additional revenue that could be raised by introducing new tax bands for earnings over €100,000 as follows:

- (a) earnings between €100,000 and €140,000 - 50 per cent,
- (b) earnings between €140,000 and €180,000 - 55 per cent,
- (c) earnings between €180,000 and €250,000 - 60 per cent,
- (d) earnings over €250,000 - 65 per cent.”.

I will be more brief this time because I have made most of the points. In response to the Minister’s last point, the inequality in the distribution of income leads directly to the inequality in the distribution of wealth that Piketty has identified. In fact, all the studies of the two show as much. Once a person has higher income or surplus income over and above what he or she needs to pay the mortgage, survive and pay day-to-day costs, he or she can then begin to develop capital. The person can start to make money out of money. That is the problem with the system. Once a person reaches over a certain threshold of income, the surplus available can start to self-expand. One can invest in property, shares and all manner of things that allow one to start to make money for doing nothing.

We imagine that is fair and legitimate. However, the problem is that when one person makes money, it does not come out of thin air. The person is taking it from someone else. If a person invests in property and is making money out of money because he or she has invested in property, who is losing out? It is the person who is paying the rent he or she cannot afford. That is how one thing leads to another. The inequality in the distribution of income leads to the inequality in the distribution of wealth.

Unless that is addressed, we will continue to see the gap grow, and it is growing. The Minister says our social transfers somewhat ameliorate the inequality. It is true that the Irish social welfare system somewhat ameliorates the inequality of income and wealth distribution but it only slows the growth in the gap. It is not stopping the growth in the gap. It somewhat slows the gap compared with jurisdictions that have no social welfare system. Everywhere in the western world the gap is growing. It is growing all the time at an exponential and obscene rate.

We need policies of radical redistribution using the tax system. I do not accept the Minister’s suggestion that somehow this is an unsustainable narrowing of the tax base. The problem is that low and middle-income people are not only hit with the ordinary tax bands and the universal social charge, they are also hit disproportionately by myriad indirect taxes. People are now paying taxes for things that they used to get because they paid tax. Consequently, they are paying twice. We used to get our bins paid for because we paid our tax. Now, we pay €5, €10, €15, €20 or €25 per month. That is a new tax. The Minister can call it a charge if he wishes, but in reality for low and middle-income people that is a new tax. When a motorist has to pay God knows how much in parking charges every day to get to work, something he did not have to pay for previously, it is a tax. Public transport costs are rising constantly and public transport is seen as something that has to be commercially feasible and profitable rather than something that we need to make the economy and society function. In reality, the increases in public transport costs are hidden taxes. Moreover, they disproportionately hit the less well-off. We can go

through the list of public service obligation taxes and so on, all of which disproportionately hit people on low and middle incomes.

Of course we must look at the whole package in the whole. Anyway, these amendments propose to make a radical move in the direction of redistributing income. Anything less will simply see the continual increase in the gap between the haves and the have-nots that has reached obscene and unacceptable levels.

Deputy Michael McGrath: I do not agree with the amendment. Those who advocate higher personal tax rates often say that what really matters are the effective rates and not the marginal rates of tax. Effective rates matter, but marginal rates matter as well. The landmark level of income has become €100,000. While someone at that level is paying a marginal rate of 52%, the budget day booklet indicates such a person is paying an effective rate of 39%.

When we are considering the amendment, we should bear in mind what is actually being suggested. I assume that when the Deputy refers to new tax bands and he puts a percentage next to them, the percentages are replacing the income tax rate of 40%. Therefore, the rate of 40% will become 50%, 55%, 60% and 65%. Deputy Boyd Barrett is advocating that the existing marginal rate of 52% would rise to somewhere between 62% and 77%, plus an additional 3% for the self-employed. That is what has been proposed.

I do not believe that someone on high levels of income is going to decide not to work because his tax goes up. However, I do not believe that such a measure would be without consequence either. There would be consequences not only in terms of the take-home pay of the people concerned but in respect of investment decisions and other employment decisions. The notion that we can tax to the hilt people on higher incomes without any consequence for people earning less than those levels is not one to which I subscribe. This is because the investment environment, tax environment and employment environment are all connected.

I take it seriously when representatives from organisations like IDA Ireland, which is selling Ireland, make the point that personal taxation rates matter. I believe they matter and I think what is being suggested goes too far. Certainly, it is not something we could support.

Deputy Pearse Doherty: Ní bheidh mé ag tabhairt tacaíochta don leasú seo ach oiread. Tá na rátaí atá á maíomh agus á moladh anseo i bhfad ró-ard. Ní aontaím leis an Teachta McGrath nach cuirfidh ardú cáin isteach ar dhaoine. Ní chuirfidh sé isteach ar dhaoine má tá an t-ardú réasúnta, ach creidim go pearsanta go bhfuil an t-ardú cáin atá á moladh ag na Teachtaí anseo ró-ard. It is altogether disproportionate. I made the point previously about marginal tax rates. We continue to discuss myths in the House. I recognise what Deputy McGrath has said. He referred to what IDA Ireland representatives have told him and all of us about tax rates. They have made that claim and that much is without doubt. That is fair enough and certainly IDA Ireland deals with large multinational companies and so on.

There is no evidence, however, to suggest that high marginal tax rates of the type that we have are a distraction or a problem in terms of employment. Indeed, ESRI representatives told those of us on the finance committee that child care is probably a greater barrier to employment than our current tax rates. The point I made on Committee Stage was that there is a tipping point and we are on a curve. It is incorrect to suggest there is no relationship between marginal tax rates and employment; of course there is. Let us suppose we put marginal tax rates up to a high level. Different people will have different definitions of what constitutes a high level.

Anyway, if we put the rates up to too high a level, as I believe is the case in this amendment, then of course it will have a consequence.

I look forward to engaging with Revenue representatives to try to get them to drill down into more granular detail in terms of incomes. One of the ways to increase taxes - the effective tax rate is the big issue - on those earning above €100,000 is to start to get rid of their tax credits or to have a tapering off of tax credits. We have articulated this policy for many years. We cannot put it forward because it cannot be costed. Anyway, I hope that in the coming 12 months, we will be able to get the costings when the budgetary committee carries out some work with the Revenue.

This policy exists in Britain, for example once a person's income hits a certain level. Above £120,000, a person's tax credits start to go and the person begins to lose the benefit of the tax credit. This raises the effective tax rate but does not increase the marginal tax rate. We can each fight our corner in this argument. I speak about effective tax rates whereas the Minister of State speaks about marginal rates. We need to get real on this issue. It is possible to increase taxes at the high end without increasing tax rates. Under the current system, people have many ways to reduce their effective tax rate. These include pension reliefs and other reliefs which are not captured in the budget because they are individualised. It is interesting to note in the data for all taxpayers that the effective tax rate is relatively low in all cases. I will not support the amendment because it is disproportionate.

Deputy Joan Burton: I, too, oppose the amendment. I believe Deputy Boyd Barrett described people earning €90,000 per annum as poor.

Deputy Richard Boyd Barrett: I did not say that. The Deputy should not make things up.

Deputy Joan Burton: I would have thought €90,000, which is slightly more than what a Deputy earns, was an attractive salary. I note the proposed changes would apply to salaries of more than €100,000. I presume the Deputy was referring to those who earn less than €100,000 when he spoke of people being much poorer.

From the 1960s until the 1980s, Ireland had very high levels of income tax. This was the reason for some of the bugs which have since plagued the tax system, specifically, the ability of very wealthy people to avoid their liabilities by moving offshore, as we have seen in recent times, and employing accountants and experts to mitigate their tax. This means that people who do not have sufficient income to employ accountants are placed at a serious disadvantage and end up paying proportionately much more of their income in tax than those who can afford to pay for tax advice. While, on the face of it, proposing to increase income tax to 50%, 55% and 60% may seem reasonable, a public servant would also pay PRSI at 4.5% and approximately 6% of salary as a pension contribution. Automatically, therefore, we must add approximately 10% to the rate stated in the amendment to arrive at the effective rate. Given that we parcel out additional charges - some we allocate to PRSI for particular reasons while we allocate others to areas such as pension contributions for people in retirement - these are exceptionally high rates and I do not know how people could be persuaded to accept them.

The amendment has been tabled for propaganda purposes. It is not intended for any real purpose. Members of the trade unions marched *en masse* against very high marginal tax rates in the 1980s because people on relatively low incomes, including public servants on average salaries, inevitably ended up paying the bulk of tax. While it may have been the intention to catch

only the very wealthy, in practice many wealthy people were able to avoid tax offshore while those who lived and worked here and contributed to the economy could not do so. In some ways, the drafters of the amendment should be careful what they wish for because while they may be sufficiently well off to be able to avoid these tax rates, others may not be able to do so.

While this is a difficult statement to make, we must also recognise that we live in a highly globalised economy. The impact of this is that people look across the water to the United Kingdom, the United States and many other countries and compare the average tax rates and contributions people pay here with those that they might pay if they were to move elsewhere. People make economic choices in a globalised world based on information about how Ireland compares with other countries. The OECD makes a number of points in this regard. It has noted for some time, for example, that the social welfare system lifts more people out of the risk of poverty than almost any other European Union member state. Ireland's tax code is also dysfunctional in one area which presents a growing difficulty, namely, the element which makes it possible to pay no tax in certain corporate structures. This applies to companies rather than individuals. We must address this issue and introduce fair and efficient taxes which treat people in roughly the same manner. We must enable companies to generate employment while requiring them to make a fair contribution. We must seek fairness, efficiency and effectiveness in the tax system to ensure we raise enough money to do what citizens want to be done in the areas of health, education, social services and public services in general. We must have a debate and reach an agreement on what are the approximate and fair levels of tax.

When one adds the other taxes and levies that people have to pay to the tax rates proposed in the amendment, the figure approaches the confiscatory. The people with the types of salaries listed in the amendment would avoid paying these rates in any case, which means the burden would fall back on people on middle incomes, particularly those who work in public services because all of their income is accounted for and they do not have loopholes that allow them to avoid paying tax. Incidentally, I am not aware of anyone in the public service who is clamouring for such loopholes. We have, by and large, a social contract in which people are willing to pay a fair share of tax, if not an excessive amount, that would allow us to create the type of society we want. Those are Labour Party principles which I stand by because they make sense. Based on these principles, people approaching retirement age will have been able to provide for their retirement and their employers will also, I hope, have made a contribution to that.

Minister of State at the Department of Finance (Deputy Michael D'Arcy): Deputy Boyd Barrett appears to be on his own on this one.

Deputy Richard Boyd Barrett: I have my comrades.

Deputy Michael D'Arcy: The other speakers may be on the left but not on this occasion. While I do not wish to go over old ground, I will place a couple of facts on record. The amendment would expand the current two-rate income tax system to a five or six-rate system. This would be in addition to the universal social charge system, under which five separate rates are applied, and a PRSI system which has further distinct features. To place the proposed increases in context, they would result in a marginal tax rate of between 62% and 65% for employees and self-employed persons on incomes of more than €100,000. Rates would continue to increase with income, reaching a marginal tax rate of 77% for employees and 80% for self-employed persons. This proposal is not a runner as the damage it would cause and its unintended consequences would be catastrophic.

To respond to Deputy Doherty's point on IDA Ireland, my role includes international financial services and I meet many foreign direct investment, FDI, companies backed by IDA Ireland. Not everyone employed by these companies is earning a fortune. The first issue consistently raised with me is not the higher rate of tax but the low entry point for the higher rate, which stood at €33,800 until it was increased in the budget to allow people to earn a little more. Our objective is to increase that in order that people can earn more and pay at a further point along the earning thresholds.

It is always raised with me by companies which want to come here. It is always the first issue raised. A point I like to make to people is that just because it is an FDI company does not mean that everybody is on a fortune. On the figures Deputy Boyd Barrett is talking about, €100,000 is two people earning €50,000. I do not believe two people earning €50,000 are particularly wealthy. One could have two civil servants earning €60,000 getting caught with these thresholds, similar to the points raised by Deputy Burton. This is not the 1970s or the 1980s. It is coming towards the second decade of this century. It would be a hugely regressive step in the wrong direction.

Deputy Richard Boyd Barrett: I wish to clarify that while there is obvious disagreement on all this, it is on individual earners. It is not on the joint cumulative earnings of a couple. The Minister of State's assertion is not the case.

Our big problem in this country is we do not have enough teachers and nurses and young people coming out of university who could be doing these jobs. I refer also to occupational therapists, speech and language therapists or construction workers. These are workers earning under €90,000. Were the USC to be abolished, all those people would be much more likely either to stay in this country or, if they are abroad, to come back.

If the Minister of State states he is hearing about the entry point in to the tax system, he is talking to people who are very different to those to whom I am talking. Workers to whom I am talking have been talking about how much they hate the USC since it came in. They ask me to look at their pay cheque stating that is what was imposed on them because of the economic crash where they were made pick up the can for the bankers and all the rest of it. It is a huge chunk out of their earnings which has significantly added to the burden of ordinary workers and it is now an active disincentive for ordinary workers who we need to stay in this country or to come back from Britain, Canada or Australia.

We propose to take that burden, which was imposed because of the economic crimes of bankers, off the backs of workers and to pay for it by increasing the tax rates for people once they start to earn over €100,000. Incidentally, for the information of the former Tánaiste and Minister for Social Protection, Deputy Burton, in case there is any confusion, those between €90,000 and €100,000 will continue to pay USC. Once one earns more than €100,000 one would pay a higher tax rate, once one earns more than €140,000 one would pay a higher tax rate again, once over €180,000 one would pay a higher tax rate again, and once over €250,000, a higher rate again. To my mind, that is completely just. Frankly, nobody should be earning over €250,000 a year. It is obscene.

I am not in the least worried about how those earning €250,000 or €180,000 will feel about this but I am extremely worried about the teachers, the nurses, the construction workers and the care workers we need in all sorts of areas of the economy leaving this country or being unwilling to come back when we need them desperately.

Deputy Michael D’Arcy: To put it in context, Deputy Boyd Barrett spoke earlier about wealth redistribution. In 2011, when the income tax take was €11 billion, the social protection budget the then Minister, Deputy Burton, was handling was €21 billion. That was massive wealth distribution and we did not have the money. We had to borrow it. While Deputy Boyd Barrett is quick to talk about what the banks cost over the period of the crisis, nobody wants to hear that we had to borrow €15 billion or €16 billion a year for ten years in order that we could keep the rates of old age pension and children’s allowance, and those about whom the Deputy is talking, the teachers and the public servants, at the rates they were at during that era.

Deputy Boyd Barrett states he does not care about the person earning €150,000 or €200,000-

Deputy Richard Boyd Barrett: I do not care how they feel about these tax changes.

Deputy Michael D’Arcy: That is fine. However, the unintended consequence would be to drive them out of the country and along with them would go other jobs. Then Deputy Boyd Barrett would care, when the income tax take would collapse.

Deputy Pearse Doherty: It is incredible for the junior Minister for Finance to state that the first question the companies which come here ask him - all of them, I think he said - is the entry threshold to the 40% tax rate. It is also incredible and non-factual to state that we were borrowing €15 billion for ten years to pay social welfare recipients.

Deputy Michael D’Arcy: I did not say that.

Deputy Pearse Doherty: I think Deputy D’Arcy did.

Deputy Michael D’Arcy: I did not say that. What I said was the national debt increased on average by €14 billion to €15 billion a year for ten years. It went from €40 billion to €210 billion, but the reason was to keep the country trading.

Whether Deputy Pearse Doherty believes it or not, the first question I am asked on every occasion I meet financial service companies is the threshold at which people pay the higher rate of tax. It does not matter whether the Deputy believes it. I am telling him it is the first question on every occasion.

Amendment put and declared lost.

Deputy Pearse Doherty: I move amendment No. 4:

In page 9, to delete lines 24 to 35, and in page 10, to delete lines 1 to 5 and substitute the following:

“(a) in subsection (1)(a) by substituting the following for the definition of “qualifying interest”:

“ ‘qualifying interest’, in relation to an individual and a year of assessment, means—

(i) as respects a year of assessment before 2018, the amount of interest paid by the individual in respect of a qualifying loan,

(ii) as respects the year of assessment 2018, 100 per cent of the amount of

interest paid by the individual in respect of a qualifying loan,

(iii) as respects the year of assessment 2019, 75 per cent of the amount of interest paid by the individual in respect of a qualifying loan,

(iv) as respects the year of assessment 2020, 50 per cent of the amount of interest paid by the individual in respect of a qualifying loan, and

(v) as respects the year of assessment 2021, 25 per cent of the amount of interest paid by the individual in respect of a qualifying loan;”

(b) in subsection (1A)(b) by substituting “2021” for “2017”,

(c) in subsection (2)(a)(ii) by substituting “2021” for “2017”, and”.

Baineann an leasú seo le daoine atá ag díol úis ar a gcuid morgáistí. Mar atá a fhios againn, sa Bhille atá os ár gcomhair anocht ní bhfaighidh siad ach faoiseamh de 75% fá choinne 2018 ach sa leasú atá curtha síos agamsa gheobhaidh siad faoiseamh de 100%. Tá an leasú curtha síos agam sa dóigh is nach gcaillfeadh aon cheann de na teaghlaigh amach ar an fhaoiseamh atá siad ag fáil ó thaobh an úis atá siad ag díol. Tá a fhios agam go bhfuil go leor teaghlaigh go fóill i gcruachás. Tá níos mó ná 80,000 teaghlach amuigh ansin nach bhfuil ábalta a gcuid morgáistí a dhíol bliain i ndiaidh mbliana agus mí i ndiaidh míosa agus tá sé seo go trom ar a gcuid guailí. Mar atá a fhios againn, tá 292,000 teaghlach ag baint úsáid as an fhaoiseamh úis seo agus tá sé tábhachtach go mbeadh an faoiseamh sin ann go dtí, ar a laghad, go bhfuil an fhadhb mhór atá againn ó thaobh morgáistí réitithe.

Given that the mortgage crisis is still very much alive and raging with over 80,000 families in mortgage distress and many families each week losing their homes, I note that 292,000 families benefit from mortgage interest relief. While this Bill will restrict that mortgage interest relief next year to 75%, this amendment will ensure that in 2018, all those families will be able to get 100% relief if entitled to it. Caps already are in place to prevent anybody from benefitting excessively. I commend this amendment to the House.

Deputy Michael McGrath: To be clear, the current position is that mortgage interest relief is to end for all existing recipients at the end of this year. The reason it is being retained in any form is that the confidence and supply agreement provided that it would be retained on a tapered basis. I would love to see it retained at 100% of the existing rate next year but this was the best we could achieve in the negotiations.

It was my party which brought it to the table. While it certainly is the case that mortgage interest relief was retained within the base, that was only done following the election early last year and the negotiations on the confidence and supply agreement when the officials became aware that this had become an issue and took the conservative view of keeping the mortgage interest relief in the base. That is why the reduction in the rate of relief, from 100% to 75% next year, is showing up as a yield for the Exchequer. It is because of that decision.

We should be clear on the existing legal position. Mortgage interest relief was to be abolished completely for everyone overnight from 1 January next year. As Deputy Doherty stated, that would have had serious consequences for up to 300,000 mortgageholders. I would love to see it kept at 100% but this was the best we could have achieved as part of the negotiations into which we entered.

Deputy Paschal Donohoe: Deputies will be aware that the process of phasing out mortgage interest relief from home owners has been under way since 2009. Relief has expired for qualifying mortgages taken out prior to 2004 and the relief was abolished for new borrowers for mortgages taken out after 31 December 2013. Therefore, only qualifying borrowings taken out between 2004 and 2012 remain in receipt of the relief.

I am aware of the financial pressures that individuals continue to face and of the fact that without any action in this Finance Bill, the remaining recipients of mortgage interest relief would have faced a cliff whereby their relief would cease entirely in January 2018. Therefore, the programme for Government committed to a tapered extension of the relief and it was stated last year in budget 2017 that the extension would run to the end of 2020. The Bill legislates for that extension, providing for the gradual tapered removal of the relief between January 2018 and December 2020, to allow the remaining recipients a phased period of adjustment to the cessation of the relief.

The amendment proposed by Deputy Doherty would defer one part of the taper for a year, thereby extending the tapered withdrawal of mortgage interest relief out from three to four years. However, given that the cessation of the relief has been provided for since 2010, I do not believe such a further extension would be appropriate. It must be remembered that this relief has ceased for home owners who purchased before 2004 and those who purchased their homes from 2013 onwards have never benefitted from this relief. In my view, a three year extension which meets the commitment given last year strikes a balance between supporting those current recipients while extending fairness to home owners who have never benefitted from the relief. Therefore, I cannot accept the Deputy's amendment.

Deputy Pearse Doherty: This relief is widely available. As I said earlier, 292,000 families benefit from it. This amendment puts a freeze on it. One could freeze the local property tax or do other things but this has a direct benefit, particularly for those who are struggling to pay their mortgages at this point in time. Some of those who are having difficulties keeping a roof over their heads are benefitting from mortgage interest relief. As we parliamentarians cast our vote here, what we will be doing is potentially cutting what could have been 100% relief to 75%. This is the decision that we have to make. The Bill before us provides for 75% relief but I want to see that at 100%. I think we should provide the additional support, namely the current level of support that those families are receiving, which is why this amendment will be pressed to a vote. I am asking Members to reconsider their position on this, to support these families and to make sure they do not face higher mortgage payments next year as a result of voting down this amendment. All this amendment would do is make sure their mortgage payments will remain at the same level, instead of cutting the relief down to 75% which would mean they would have additional pressure in terms of keeping a roof over their heads.

Deputy Michael McGrath: Deputy Doherty knows the truth of this matter. Fianna Fáil was the only party to campaign in the election last year for the retention of mortgage interest relief. If we had not entered into a confidence and supply agreement and negotiated to the best of our ability, 100% of the relief would be lost at the end of this year. I agree with the Deputy about the consequences that would have for more than 290,000 mortgage accounts, which would almost certainly represent more than 400,000 mortgageholders. What we are seeking to do and what we have achieved is an abolition that is gradual. We would love to see the relief retained but what we are seeing here is a political manoeuvre by Sinn Féin. It did not prioritise this issue in the election campaign last year but Fianna Fáil did. We entered into political negotiations and got the best deal that we could. Sinn Féin has come to the table very late on this issue.

Deputy Paschal Donohoe: All Deputies will know that regardless of the composition of this Government, by the time a budget was being forged and a change introduced that could have had an immediate and significant effect on 400,000 citizens, steps would have been taken to moderate the effect of that change, to make sure that it was introduced in as fair a manner as possible and over as long a period as possible. That is what the budget aims to do and it is part of the agreement we have with Fianna Fáil. The proposal that is implemented in this budget is the fairest way of striking a balance between winding out a relief that was indicated to be wound out a number of years ago but doing it in such a way as to make it as affordable as possible for many families who already have many bills and difficulties. As Deputy Doherty will be aware, there are also many mortgageholders and home owners who do not have access to a scheme like this or to any form of relief and we must be conscious of them too when we make a decision relating to our tax code.

Deputy Pearse Doherty: Obviously a wide range of people and families avail of this relief. Some of them are in mortgage distress while others are not in such distress. Similarly, some people who are in mortgage distress are not getting the benefit of this relief. All of that is taken into account.

We have what appears to be a ramping up of evictions and I expect that to continue over the next period of time as banks are asked to de-leverage and to deal with the remainder of those in mortgage distress. We need to give every support we can. This support is multifaceted and cuts across a number of different Departments, particularly the Department of Justice and Equality. There are certain things we have to do and this is one of them.

I hear Deputy McGrath and understand he is under pressure. I believe he is genuine in saying he wants to support the 292,000 families but -----

Deputy Michael McGrath: What I said is true.

Deputy Pearse Doherty: -----this is why we are elected. It is in this House that we decide whether we are cutting or increasing taxes. The vote before Members is very simple. It is to keep, for 2018, 100% mortgage interest relief and for anybody who claims he or she would love to bring that about, it is very simple. He or she just has to press the right button. Anybody who wants to cut the relief to 75% can side with the Government and do that. Given that there is still a mortgage arrears crisis, this could have a tipping-point effect on many families. In that context, we make no apologies for arguing for the retention of mortgage interest relief. I do not think it should be retained indefinitely but until we get to grips with the fact that we have tens of thousands of households in mortgage arrears, we should not cut the supports from them.

Amendment put:

<i>The Dáil divided: Tá, 28; Níl, 52; Staon, 35.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Adams, Gerry.</i>	<i>Bailey, Maria.</i>	<i>Aylward, Bobby.</i>
<i>Boyd Barrett, Richard.</i>	<i>Barrett, Seán.</i>	<i>Breathnach, Declan.</i>
<i>Brady, John.</i>	<i>Breen, Pat.</i>	<i>Butler, Mary.</i>
<i>Broughan, Thomas P.</i>	<i>Brophy, Colm.</i>	<i>Byrne, Thomas.</i>
<i>Buckley, Pat.</i>	<i>Burke, Peter.</i>	<i>Cahill, Jackie.</i>
<i>Collins, Michael.</i>	<i>Byrne, Catherine.</i>	<i>Calleary, Dara.</i>

Dáil Éireann

<i>Connolly, Catherine.</i>	<i>Canney, Seán.</i>	<i>Casey, Pat.</i>
<i>Crowe, Seán.</i>	<i>Carey, Joe.</i>	<i>Cassells, Shane.</i>
<i>Daly, Clare.</i>	<i>Corcoran Kennedy, Marcella.</i>	<i>Chambers, Lisa.</i>
<i>Doherty, Pearse.</i>	<i>Coveney, Simon.</i>	<i>Collins, Niall.</i>
<i>Funchion, Kathleen.</i>	<i>Creed, Michael.</i>	<i>Cowen, Barry.</i>
<i>Howlin, Brendan.</i>	<i>D'Arcy, Michael.</i>	<i>Curran, John.</i>
<i>Kelly, Alan.</i>	<i>Daly, Jim.</i>	<i>Haughey, Seán.</i>
<i>Kenny, Martin.</i>	<i>Deering, Pat.</i>	<i>Healy-Rae, Danny.</i>
<i>Mitchell, Denise.</i>	<i>Doherty, Regina.</i>	<i>Healy-Rae, Michael.</i>
<i>Munster, Imelda.</i>	<i>Donohoe, Paschal.</i>	<i>Kelleher, Billy.</i>
<i>Murphy, Catherine.</i>	<i>Doyle, Andrew.</i>	<i>Lahart, John.</i>
<i>Murphy, Paul.</i>	<i>Durkan, Bernard J.</i>	<i>Lawless, James.</i>
<i>Nolan, Carol.</i>	<i>English, Damien.</i>	<i>MacSharry, Marc.</i>
<i>Ó Broin, Eoin.</i>	<i>Farrell, Alan.</i>	<i>McConalogue, Charlie.</i>
<i>Ó Caoláin, Caoimhghín.</i>	<i>Fitzgerald, Frances.</i>	<i>McGrath, Mattie.</i>
<i>Ó Laoghaire, Donnchadh.</i>	<i>Fitzpatrick, Peter.</i>	<i>McGrath, Michael.</i>
<i>Ó Snodaigh, Aengus.</i>	<i>Flanagan, Charles.</i>	<i>McGuinness, John.</i>
<i>O'Brien, Jonathan.</i>	<i>Griffin, Brendan.</i>	<i>Moynihan, Aindrias.</i>
<i>Ryan, Brendan.</i>	<i>Harris, Simon.</i>	<i>Moynihan, Michael.</i>
<i>Shortall, Róisín.</i>	<i>Harty, Michael.</i>	<i>Murphy O'Mahony, Margaret.</i>
<i>Stanley, Brian.</i>	<i>Heydon, Martin.</i>	<i>O'Brien, Darragh.</i>
<i>Wallace, Mick.</i>	<i>Humphreys, Heather.</i>	<i>O'Callaghan, Jim.</i>
	<i>Kehoe, Paul.</i>	<i>O'Loughlin, Fiona.</i>
	<i>Kenny, Enda.</i>	<i>O'Rourke, Frank.</i>
	<i>Kyne, Seán.</i>	<i>Rabbitte, Anne.</i>
	<i>Lowry, Michael.</i>	<i>Scanlon, Eamon.</i>
	<i>McEntee, Helen.</i>	<i>Smith, Brendan.</i>
	<i>McGrath, Finian.</i>	<i>Smyth, Niamh.</i>
	<i>McHugh, Joe.</i>	<i>Troy, Robert.</i>
	<i>McLoughlin, Tony.</i>	
	<i>Madigan, Josepha.</i>	
	<i>Mitchell O'Connor, Mary.</i>	
	<i>Moran, Kevin Boxer.</i>	
	<i>Murphy, Eoghan.</i>	
	<i>Naughten, Denis.</i>	
	<i>Naughton, Hildegarde.</i>	
	<i>Neville, Tom.</i>	
	<i>Noonan, Michael.</i>	
	<i>O'Connell, Kate.</i>	
	<i>O'Donovan, Patrick.</i>	
	<i>O'Dowd, Fergus.</i>	

21 November 2017

	<i>Phelan, John Paul.</i>	
	<i>Ring, Michael.</i>	
	<i>Rock, Noel.</i>	
	<i>Stanton, David.</i>	
	<i>Zappone, Katherine.</i>	

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

Amendment declared lost.

Debate adjourned.

Justice Issues: Statements

An Leas-Cheann Comhairle: This business, which was proposed by the Business Committee and adopted by the House, is the statement by the Tánaiste on justice issues. The Tánaiste will have ten minutes for an opening statement. Each of the groups will then have six minutes in total, three for a spokesperson and three for the Tánaiste, who will take one minute each at a time. I will be strict on that.

Let us set down the guidelines, which I referred to earlier today. Questioning as to the level of knowledge that the Minister was given by her Department, what she told the Taoiseach she knew and when she knew it is not technically *sub judice*, so it does not fall within the terms of reference of the tribunal because it does not involve communications between the Minister and the then Commissioner. However, I cannot allow questions regarding communications involving the Commissioner, as these are covered by the tribunal's terms of reference and would be *sub judice*. I am sure that this is quite clear to all.

8 o'clock

I call the Tánaiste, who has ten minutes.

Tánaiste and Minister for Business, Enterprise and Innovation (Deputy Frances Fitzgerald): I welcome this opportunity to put on the record of the House certain matters that have been raised in the Chamber and in the media in recent days. I am circulating separately the email that has been the subject of discussion. My objective is to put as much information as I can into the public domain while respecting the work of the Charleton tribunal.

For the benefit of all Members of the House, I again wish to put on record that there is a tribunal of inquiry, chaired by Mr. Justice Charleton, that is continuing to carry out its work. It is a judicial body, with wide terms of reference agreed by this House after thorough consultation by me, and its work should be respected.

Standing Order 59(3) of this House states, "a matter shall not be raised in such an overt manner so that it appears to be an attempt by the Dáil to encroach on the functions of the Courts or a Judicial Tribunal". I would ask Members of the House to consider the tribunal's current work and its wide terms of reference before coming to conclusions. All of us must be circumspect when commenting on matters before a tribunal and, as parliamentarians, we want to be respon-

sible in making public comment on matters covered by a sitting tribunal.

The terms of reference clearly mandate the tribunal to consider a wide range of questions, including the then Commissioner's legal strategy. Among its 16 separate terms of reference are to investigate contacts between members of An Garda Síochána and the media and broadcasting personnel, members of the Government, Tusla, the HSE, any other State entity or any relevant person as the sole member may deem necessary to carry out his work relevant to the matters set out, and to investigate whether the false allegations of sexual abuse or any other unjustified grounds were inappropriately relied upon by Commissioner O'Sullivan to discredit Sergeant Maurice McCabe at the Commission of Investigation (Certain Matters Relative to the Cavan/Monaghan Division of An Garda Síochána) under the chairmanship of Mr. Justice Kevin O'Higgins. Members will have to agree these are very broad terms of reference which were, as I said, agreed after a lot of consultation with all Members of the Opposition. They were accepted on the night in the House. Members will have to agree that the consultation took place and that is why we have such comprehensive terms of reference.

I will endeavour this evening to shed as much light as possible on what I and the Department of Justice and Equality knew, and at what time. I can only speak about my personal experience and knowledge and I must be careful not to say anything that would undermine or interfere with the work of the disclosures tribunal. Last Monday week, I confirmed to the Taoiseach that neither I nor the Department of Justice and Equality had any hand, act or part in the legal strategy of the former Commissioner. In that phone conversation, I also confirmed to the Taoiseach that I only became aware of the broad details dealt with in the commission when they came into the public domain in May 2016.

Last Thursday, the Department of Justice and Equality informed me that an email had been located. It had been sent to me late in the afternoon of 15 May 2015. It outlined a conversation between an official in the Department of Justice and Equality and an official from the Office of the Attorney General, highlighting a disagreement that had arisen between the two legal teams at the commission, that is, the legal teams representing An Garda Síochána and Sergeant Maurice McCabe. The email indicated that counsel for An Garda Síochána had raised, during the hearings, an allegation of a serious criminal complaint against Sergeant Maurice McCabe which had previously been made.

It is important to state that the email said that Sergeant McCabe had always denied this allegation. Counsel for Sergeant McCabe objected to this issue being raised and asked whether the Garda Commissioner had authorised this approach. The Garda Commissioner's authorisation was confirmed, although it was understood separately that that might be subject to further legal advice. It should be noted that this matter was extensively referenced on the public record in the opening days of the disclosures tribunal earlier this year - all of that is on the website. The email also references the fact that the independent review mechanism found that an investigation file on the case had been submitted to the Director of Public Prosecutions, DPP, which had directed no prosecution.

The concluding point in the email sent to me advised that neither the Attorney General nor the Minister had a function relating to the evidence a party to a commission of investigation may present. I could have no role whatsoever in questioning or in any way seeking to influence the evidence another party gave to a commission of investigation or any legal argument made by such a person. I might add that this is all the more so in circumstances where the Department of Justice and Equality was appearing before the commission and had separate legal representa-

tion, all of which is carefully documented in the final report of the O'Higgins commission.

As I said to the Taoiseach, I had no knowledge of the details which later emerged in May 2016. I learned of the details in May 2016 through media reports like everyone else. At that time, I was asked to comment on leaked transcripts. I said at the time that it would be utterly inappropriate and unfair of me to comment on such leaks. That remains the case today. I addressed this comprehensively when I spoke on the O'Higgins commission in this House and outlined the various follow-up actions that I felt were necessary because of what the O'Higgins commission had found. We entrusted a commission of investigation to look into all these matters and that is exactly what the commission did. That commission was held in private session. That protection of witnesses is pivotal to the effective operation of commissions of inquiry.

As Minister for Justice and Equality, I strongly encouraged Garda management to put in place comprehensive policies and procedures for whistleblowers, including, for example, bringing Transparency International on board to advise on best practice in regard to whistleblowers. I established the Policing Authority, one of the most fundamental reforms of An Garda Síochána in the history of the State, and at all times sought to support and protect whistleblowers. I never did anything other than protect whistleblowers and make sure they were being dealt with properly within An Garda Síochána. At every opportunity I had, that was the clear point I made to Garda management.

Following the report of Mr. Justice O'Higgins, I used the powers available to me under the legislation establishing the Policing Authority to ask it to conduct a detailed examination of the procedures and policies around whistleblowing in An Garda Síochána and to prepare a report on the matter, including any recommendations necessary to ensure those arrangements operated to the very best practice. I also used the legal powers available to me to ask the Garda Síochána Ombudsman Commission, GSOC, to investigate matters alleged to have occurred regarding a meeting in Mullingar involving certain officers. This emerged at a later stage. I established the Mr. Justice O'Neill review which arose in regard to protected disclosures I received as Minister.

My record speaks for itself, as does my commitment to deal with these issues in a comprehensive, committed and fair manner. As Minister for Justice and Equality, I paid tribute to the work that Sergeant Maurice McCabe had done and I met him and his wife, Lorraine, early in my tenure as Minister for Justice and Equality. In welcoming the publication of the O'Higgins commission report last year, I pointed out that Mr. Justice O'Higgins described Sergeant McCabe as a man of integrity who has performed a genuine public service at considerable personal cost. He is due the gratitude not only of the public but also of An Garda Síochána and of this House.

We set up tribunals of inquiry to look at all of the evidence, hear all sides and establish the truth. Above all, everyone is entitled to basic, fair procedures enshrined in our Constitution. We need to let the tribunal of inquiry get on with the work we tasked it with doing. It is incumbent on us all to let it carry out that work.

I have sent the email around and I hope Members have received it. They will receive it very shortly. I am arranging for it to be circulated. The Taoiseach has also spoken to Sergeant McCabe in the past two hours and had a conversation with him about some of the issues in the email.

An Leas-Cheann Comhairle: I thank the Minister for observing the time.

Deputy Paul Murphy: Could we wait until we get the emails? That would help everybody.

An Leas-Cheann Comhairle: No. I am not aware of any emails.

Deputy Brendan Howlin: The Minister will circulate the email.

An Leas-Cheann Comhairle: We are awaiting hard copies.

Deputy Thomas Byrne: She said the email will be circulated.

An Leas-Cheann Comhairle: Perhaps those posing questions could get copies of the email first.

Deputy Michael McGrath: Will the email be circulated to Members in the House or is it being emailed to us?

An Leas-Cheann Comhairle: It will be distributed here and spokespersons will get it first.

Deputy Thomas Byrne: Deputy Jim O'Callaghan will need time to read it.

Deputy Paul Murphy: Should we suspend for a few minutes?

An Leas-Cheann Comhairle: The Deputy will have time to read it. The only person who needs a bit of time will be the first to speak, who is Deputy O'Callaghan. The email has only three paragraphs. Rather than suspending we will allow Deputy O'Callaghan to read it.

Deputy Jim O'Callaghan: We learned today for the first time that the Tánaiste received an email from an official in her Department dated 15 May 2015. It is not the email we have been given but rather a transcript from that email. We know the email clearly highlighted that a confrontational approach was being adopted by counsel for the Garda Commissioner against Sergeant McCabe in the O'Higgins commission of investigation. We can also agree it is highly unusual that an email such as this, involving a hearing concerning the Garda Commissioner, would be sent directly to a Minister for Justice and Equality. The Tánaiste told the country earlier today that she cannot remember whether she read the email. Does she agree that a conscientious and competent Minister for Justice and Equality would have read the email and would have been aware from reading the email that a very confrontational approach was being adopted towards Sergeant McCabe at the commission of investigation?

Deputy Frances Fitzgerald: What is very clear from the email is that an official in the Office of the Attorney General decided, having heard from the Chief State Solicitor, I understand, to contact an official in the Department of Justice and Equality and relay to that official the fact that an issue had arisen in the tribunal. Subsequent to that, the official put this in an email, stating that it had arisen and the counsel for Sergeant McCabe had objected to it. It was stated that it was very much in the context of the work of the O'Higgins commission, which was ongoing, and the email made it absolutely clear that I had no role relating to the evidence put forward. In fact, it states it was "for information".

Deputy Jim O'Callaghan: Shortly after the Tánaiste was appointed as Minister for Justice and Equality, she spoke in this House in response to the Guerin report. She stated the following in respect of Sergeant McCabe on 15 May 2014, "I acknowledge the very difficult experience Sergeant McCabe has had and the critical role he played in bringing these issues forward." She also indicated the highest levels of legal support and protection would be given to Garda whis-

tleblowers. When this email was brought to the Tánaiste's attention, was she not astonished by the fact that an aggressive approach was being adopted to Sergeant McCabe in the commission of investigation, which was completely contrary to what she said would be the policy of the State when she spoke in the House the year before?

Deputy Frances Fitzgerald: When he came to the House, the Taoiseach stated I had no hand, act or part in the strategy of the Garda Commissioner and, to this day, we do not know what that strategy was. It is being examined by the disclosures commission that is currently sitting. It is very clear that this was in the context of a commission. I stand by what I said with respect to whistleblowers and supports. I made it clear any time this was discussed with Garda management that Sergeant Maurice McCabe should get every support. After my meeting with Maurice and Lorraine McCabe, he had asked that he could be more involved with some of the reform that was ongoing in An Garda Síochána. I discussed that matter. I have always supported Sergeant McCabe and insisted that whistleblowers are both protected and supported. The Deputy knows very well as a lawyer that it is not my role to get involved with evidence being given before a tribunal. It would be a criminal act, as the Deputy knows.

Deputy Jim O'Callaghan: I know it is the Tánaiste's responsibility to answer questions in this House; I have asked her two questions and she has not answered either of them. At the heart of this allegation lies the fact that the Tánaiste publicly gave the impression that she was supportive of Sergeant McCabe and would oppose any strategy to be confrontational with him in the tribunal of inquiry. When did the Tánaiste first become aware of an allegation of a criminal charge against Sergeant McCabe? Is she telling us the first time she became aware of this was in May 2015, when this email arrived, or was she also aware of it from whisperings made to others?

Deputy Frances Fitzgerald: The Deputy's leader raised the matter and gave a series of files to the then Taoiseach, Deputy Enda Kenny, when Ms D was not satisfied with the way a criminal charge had been investigated. The independent review mechanism, IRM, had investigated this and therefore I would have been aware of it at that time. It was being appropriately handled. I have never discussed the details of the 300 cases before the IRM and I do not intend to now.

Deputy Donnchadh Ó Laoghaire: The Taoiseach told us earlier today that he received the email the Tánaiste discussed today on the radio at 11.30 p.m. last night for the first time. Why did the Tánaiste not hand over the email to the Taoiseach when it surfaced on Thursday? Why did it take journalists like Ms Katie Hannon to make inquiries for this to surface? The Tánaiste essentially withheld this information from the Taoiseach, and according to the record, he had to find out about this last night. Essentially, is it not the case that the Tánaiste was aware the Taoiseach had misinformed the House? Surely, she was aware of the controversy that was happening. Was she happy for the record to remain uncorrected with regard to this matter until the media started poking around and making inquiries?

Deputy Frances Fitzgerald: No, that is not accurate. I was informed by the Department of Justice and Equality last Thursday that this email had surfaced. The Department informed me it was continuing to search its systems to see if there was any other material it felt could be relevant. It was also getting some legal advice on the matter. I asked that I would be informed as soon as the information was available. I was waiting to see if other information would emerge that was relevant and what the legal advice from the Department was. The Taoiseach was travelling on Friday, as I was. I spoke to him on Monday and had a discussion about the

email with him.

Deputy Donnchadh Ó Laoghaire: In the context of the Taoiseach going on record saying the Tánaiste had no prior knowledge of this and first became aware of it in May 2016, it is scarcely credible that she would allow him to mislead the House in that way.

We heard earlier a reference to the scoping exercise carried out by Mr. Justice Iarfhlaith O'Neill for putting together the Charleton tribunal's terms of reference. A parliamentary reply to Deputy Alan Kelly goes on at length, indicating ultimately, on appointment, Mr. Justice O'Neill was provided with all relevant documentation necessary to undertake his review. In the context of a scoping exercise of that kind and if the Charleton tribunal requested discovery of documentation, surely there would have been a deep scouring of all the files in the Department, including emails? How is it credible that an email of this nature and sensitivity relating to criminal charges of this kind did not surface and was not provided to Mr. Justice O'Neill for the scoping exercise? Was the Tánaiste made aware in May 2015 of the nature of the criminal charges being alleged against Sergeant McCabe?

Deputy Frances Fitzgerald: There is no reference in the email to what the criminal charges were. I will repeat that the independent review mechanism was under way.

Deputy Donnchadh Ó Laoghaire: Was the Tánaiste aware?

Deputy Frances Fitzgerald: It was under way, and of course I had information on the various cases that were under that independent review mechanism, but that was a completely different issue. Those were the files that were handed over by Deputy Martin to the former Taoiseach, Deputy Enda Kenny, at that point.

Deputy Pearse Doherty: The Tánaiste was aware in 2014, when Deputy Martin handed over the file from the individual who met with him which related to allegations of sexual abuse against Sergeant Maurice McCabe. The file was examined by the DPP which issued no prosecution. The Tánaiste was aware of that because she was the Minister who had to pass that on to the independent review mechanism. When she saw this email in May 2015 she was aware that the Garda Commissioner was instructing her legal team to put those accusations which had been dismissed by the DPP and the independent review commission to the sergeant. Allegations of sexual misconduct were put to him, and the Tánaiste was aware of that. All the evidence points to that. The Tánaiste decided to do nothing, and she denies seeing that email. How can that stand up to any test of credibility, given that this person was a central figure in the resignation of a Minister for Justice and Equality and two Secretaries General? How can the Tánaiste credibly tell us that, as parliamentarians, given that she knew that the issue referred to in this email was the same issue levelled against that same garda? This was being orchestrated by the Commissioner at that time.

Deputy Frances Fitzgerald: The Deputy is making many assumptions and allegations about the behaviour at the tribunal. What I had in this email - which I did not remember when I spoke to the Taoiseach - was the fact that an allegation had been raised against Sergeant McCabe and that it was a serious criminal complaint, which he had always denied. The allegation was that it had not been properly investigated. That allegation came from Ms D, which we know from the Charleton tribunal. We are talking about a particular issue that arose at the commission of investigation, in which I had no role. I am clear that I had no role in the evidence that was being given at a commission of inquiry.

Deputy Brendan Howlin: Today's speaking points for the Tánaiste and the Taoiseach have relied on refuting a straw man, namely, the allegation that the Tánaiste designed or influenced the legal strategy deployed against Maurice McCabe. None of us has suggested that. We have suggested that when the Tánaiste received an email making her aware of it, even in a general sense, she should have acted on it. Of course she should not have intervened with the commission of investigation, but surely she should have intervened with the Garda Commissioner. The Garda Síochána Act says that the Garda Commissioner is accountable to the Minister for the performance of the Commissioner's functions and those of An Garda Síochána. Does the Tánaiste not accept that the email that she received should have acted as a red flag and that she should have held the Commissioner to account for the actions she was taking, because she is legally accountable to the Minister for Justice and Equality? Rather than hold anybody to account the Tánaiste simply forgot the email.

Deputy Frances Fitzgerald: Some people were actually saying that I or the Government were in some way colluding with the legal strategy of the Garda Commissioner. That was said. I am glad that the Deputy realises now that that was not the case.

Deputy Brendan Howlin: I did not hear anybody in this House say that.

Deputy Frances Fitzgerald: It was certainly out there as an innuendo about the approach that we were taking. The Deputy asked if I held the Garda Commissioner accountable on whistleblowing. I absolutely did, all of the time. The strategy is still under investigation by the Charleton tribunal, as the Deputy is aware. The issue of what precisely the strategy was is being examined by the tribunal right now. The email said that a serious criminal complaint had been raised. It was not a description of an overall strategy. I did hold the Garda Commissioner accountable on the issue of whistleblowers and how they were being dealt with.

Deputy Brendan Howlin: The Garda Commissioner was represented at the O'Higgins commission by lawyers from the Chief State Solicitor's office and the Office of the Attorney General. The Tánaiste and the Taoiseach are both on record as stating that the Department was only aware of the legal strategy deployed against Maurice McCabe after the fact. Can the Tánaiste clarify whether there was a management team within An Garda Síochána dealing with the O'Higgins commission, as had existed previously, and if so can she clarify whether her Department at the time was represented on that group or received any briefings from it?

Deputy Frances Fitzgerald: The Commissioner was receiving her own advice. The Department was represented separately at the O'Higgins commission. The idea that the Department, or indeed myself as Minister, would be part of discussions about a legal strategy for any party appearing before the commission would be absolutely wrong, and I have no information that anybody from the Department was involved in such a management team.

Deputy Brendan Howlin: Last Thursday it came to light in the Department of Justice and Equality that an email had been sent to the Tánaiste to inform her of what had happened in the O'Higgins commission in May 2015. Was there a deep trawl in the Department to find materials requested via parliamentary questions and requested by the tribunal itself? Is the Tánaiste now satisfied that all documentation and records have been located and communicated to the tribunal? Why was this only made public yesterday in response to press queries when it was found last week? Why was it brought to the Taoiseach's attention only at 11.30 p.m. last night? Most baffling of all, why was it only sent to the tribunal today?

Deputy Frances Fitzgerald: I am not the Minister in that Department now, but my understanding from the information that I have sought is that there was a deep trawl done to make sure that everything that was in any way relevant to this issue had been found. I have explained what happened on Thursday and the Department's response at that time, when it reminded me about that email. No one else in the Department and in the team that I discussed it with remembered that email. I was waiting to see what the legal advice was and to hear back from the Department. Certain events took place yesterday which I discussed with the Taoiseach. I have now circulated the email.

Deputy Paul Murphy: Exactly one year after the email was sent to the Tánaiste, the Taoiseach told the Dáil, "I spoke to the Tánaiste, who told me she had no hand, act or part in that decision and that she was not aware of it until after the fact, around the time it entered the public domain." Is that what the Tánaiste told the Taoiseach? If that is accurate, was it accurate in terms of what the truth was from the Tánaiste's point of view? Is it actually the case that the Tánaiste is saying that not only did she forget the email but that she never read the email? Did the Tánaiste read the email at the time? If she did not read the email how was that possible, given that such an email should be in flashing lights given its contents referred to Maurice McCabe, who she had previously met?

Deputy Frances Fitzgerald: I do not understand the last part of the Deputy's question. Can he repeat it please?

Deputy Paul Murphy: Did the Tánaiste read the email previously and then forget about it?

Deputy Frances Fitzgerald: When the Department told me about this email last Thursday I did not remember it. I tend to read all of the emails that come to me. I can only assume that I did read it but I did not remember it when I was speaking to the Taoiseach. I said to the Taoiseach that I did not know about any legal strategy in advance, that I was not part of any legal strategy, I had no hand, act or part in a legal strategy and was only aware of all the details that came out one year later, in May 2016. That is what I said to the Taoiseach. That is what I was referring to when I spoke to him. When he spoke here in the Dáil he was obviously repeating that. What I was referring to was the information that came out in May 2016 which was widely reported in the media, about tapes, Mullingar and other Garda witnesses but I had no information about that and that is what I said to the Taoiseach when I spoke to him. The email was then brought to my attention.

Deputy Paul Murphy: Let us remember what lay beneath this, namely, a disgusting attempt to destroy and blacken the name of Maurice McCabe, to completely discredit him because of his whistleblowing. How could the Minister possibly receive such an email and read it and forget that she read it? In the interview on the RTÉ "News at One" today she seemed to suggest that she forgot it because she did not have any role in this. That is simply not credible. That does not result in forgetting it. It might result in not doing anything about it but at the very least the Minister could have picked up the phone and requested more information.

Deputy Frances Fitzgerald: If someone gets an email and the email explicitly states that the person has no role or function because it is a matter for a tribunal and there is due process at that tribunal and evidence is being given, that actually makes it more understandable that I might not remember it because it says I have no function in relation to it.

I do understand that a tribunal of inquiry or commission of investigation is under way and

evidence is being given at it, including by officials in the Department on the various issues that were thrown up by the Guerin inquiry and which the O'Higgins commission examined. I am very clear that I did not have a role in that. I think that does make it more understandable that I did not remember it.

Deputy Paul Murphy: I do not agree that it makes it understandable, not given the Minister's previous comments and the supposed approach of the Government to whistleblowers. Maurice McCabe is adamant that the criminal charges that the Minister referred to on the radio and that are referred to in the email were not raised at the O'Higgins commission. He is adamant that what was raised at the O'Higgins commission related to his supposedly seeking access to information about the Director of Public Prosecution's decision, which was false, and not criminal charges. He is adamant that the email is inaccurate. That begs a very serious question. I trust that this is the email. If it is the case, and if the transcript proves it to be the case that these were not issues raised at the O'Higgins commission, does it not raise more serious questions if a campaign of slander, etc., was continuing and being filtered through phone calls and then emails?

Deputy Frances Fitzgerald: When this email is read it can be seen that it referred to a call from a senior official in the Office of the Attorney General. The Deputy is saying that Sergeant Maurice McCabe is saying that what is in the email is incorrect. I can only tell him what was in the email. I have absolutely no reason to believe that either a senior official from the Office of the Attorney General or a senior official in the Department would record what is here incorrectly or as part of any campaign.

Deputy Paul Murphy: That could be where it is coming from.

Deputy Frances Fitzgerald: That would be quite an extraordinary allegation to make about a senior official in the Office of the Attorney General. If the Deputy is saying there is a discrepancy between Sergeant McCabe's view of it and what is in this email we will just have to see what he has to say about it. The Taoiseach had a conversation with him earlier.

Deputy Mick Wallace: On the second day of the O'Higgins commission investigation, the Garda Commissioner's legal team introduced the notion that Maurice McCabe had a grudge. Chief Superintendent Colm Rooney said that Maurice was angry and vicious and he wanted the Director of Public Prosecutions to overturn the directions on the Ms D file, not realising that Maurice had already seen them and they favoured him so he would not have been looking to have them overturned.

There was the issue of the Mullingar meeting where Superintendent Noel Cunningham and Sergeant Yvonne Martin alleged also that Maurice had a grudge and was driven by that. When that was put to them the counsel for Maurice McCabe, Senator McDowell, asked for evidence to be produced. There were no written documents so there could only be oral evidence and it was put together over that weekend. A meeting had to be held. Does the Minister know who attended that meeting or does she know anything about the meeting?

Deputy Frances Fitzgerald: I do not know who attended that meeting. I do know regarding this allegation that Sergeant McCabe, as the Deputy will be aware, at the Charleton tribunal, the disclosures tribunal, said, "It did not happen, it did not happen, [it's a] horrendous allegation to make and it did not happen." We are very clear about his view on this issue that arose.

I am not going to try to re-run the tribunal here or different elements of it. There is a very

detailed report on the web of the disclosures tribunal about these issues. It is in the public domain. When I spoke earlier I said that I can speak about what I know personally but I cannot begin to speculate about the details which were raised.

Deputy Mick Wallace: Can the Minister confirm that a meeting did take place, if she does not know who attended it? Does she know if a meeting took place that weekend in preparation for the Monday when the Chief State Solicitor's office produced a five-page document which outlined the allegations against Maurice McCabe? When Maurice's legal team saw this he was able to contradict it with a transcript and a tape which took some time to put together showing that in fact these gentlemen were being seriously economical with the truth. Does the Minister know if that meeting took place that weekend? When did she ever find out that the evidence being brought forward by these people was totally contradicted by the tapes?

Deputy Frances Fitzgerald: I have already said that I had no role in the legal strategy adopted by An Garda Síochána. How would I possibly know whether there had been a meeting on what the Deputy has outlined? I had no role. I do not have any role. I did not have any role in respect of the legal strategy. If the Deputy has information and queries, the place for them is to be laid before the tribunal which is sitting. It is investigating all of these issues in great detail under Mr. Justice Charleton.

I met with the Deputy and Deputy Clare Daly, and discussed the terms of reference for that tribunal and the Deputy knows that the very points he raised are all encompassed in the work of the tribunal.

Deputy Mick Wallace: I am not questioning the terms of reference. I know we met about them and, as the Minister knows, we insisted on communications with the Department and the Minister being included in them. We are not querying that. I am within my rights to ask the Minister the simple question and she has asked how could she possibly know about the meeting. I am asking did she know whether a meeting took place, "Yes" or "No". When did she first find out that the information put forward by Chief Superintendent Rooney and Superintendent Noel Cunningham turned out to be lies? When did she first find that out?

Deputy Frances Fitzgerald: The answer to the first question is "No" and the answer to the second is that until the material emerged in May 2016, which was in the media, in respect of the various issues, that was the first time that I knew.

As I told the Taoiseach, that was the first time that I knew about any of those issues.

An Leas-Cheann Comhairle: That completes the question and answer session for Independents4Change. Deputy Mattie McGrath now has one minute.

Deputy Mattie McGrath: Will the Tánaiste tell the House how many times she met Sergeant McCabe and if he spoke to her about the serious efforts he believed were being undertaken by the then-Commissioner of An Garda Síochána to discredit him?

Deputy Frances Fitzgerald: I met Sergeant McCabe on one occasion. I had a very good conversation with him and his wife, Lorraine. I do not have notes of the conversation with me, but from recollection it was primarily about his experiences, how difficult he had found things, some of his ideas about reform, and I think we may have also discussed the situation on penalty points. He spoke about how he would like to have a future role in An Garda Síochána. We had

quite a long conversation which was attended by the Secretary General of my Department. It was on one occasion.

Deputy Mattie McGrath: There was only one meeting. Counsel for An Garda Síochána were raising serious matters, false allegations, against Sergeant McCabe at the time in an effort to discredit him, and his motivations for revealing serious misconduct within An Garda Síochána. Everyone was aware of this at the time from media reports and his own statements and also from meeting Sergeant McCabe himself. Did the Tánaiste express concern at the time about that situation continuing?

Deputy Frances Fitzgerald: Could Deputy McGrath repeat that question because I have not grasped what he is asking?

Deputy Mattie McGrath: The many of us who met Sergeant McCabe were aware that counsel for An Garda Síochána were raising serious matters of false allegations against Sergeant McCabe, which are in the public domain, in an effort to discredit his position in An Garda Síochána.

Deputy Frances Fitzgerald: The only information is that which was in this email, which I was reminded of last week. The matter raised in that email is that the allegation had been that a serious criminal complaint against Sergeant McCabe, which he had always denied, had been raised by counsel for An Garda Síochána. Counsel for Maurice McCabe objected to it and that is the only information in regard to allegations that I had in my possession, other than the information through the independent review mechanism, which looked at this issue because it had been referred to in the files which Deputy Mícheál Martin had given to the then Taoiseach, Deputy Kenny. It had already been investigated and the DPP had recommended no further action.

Deputy Mattie McGrath: This infamous email was sent on the afternoon of 15 May 2015. That was the very day that the O'Higgins commission adjourned for half an hour in order that the barrister for the Garda Commissioner could get instructions as to whether he was to continue this aggressive line of attacking Sergeant McCabe. Was the Tánaiste told about this and did she object to the strategy taken by the counsel for the Garda Commissioner and ask him to desist from the very aggressive line of questioning?

Deputy Frances Fitzgerald: To ask me that question is to completely misunderstand the way a tribunal or commission of investigation works. It would be absolutely inappropriate. As I said, it would be criminal for me as Minister for Justice and Equality to begin to interfere with evidence given before a tribunal. That would be a criminal act.

Deputy Mattie McGrath: I am not suggesting that.

Deputy Frances Fitzgerald: It is prohibited to interfere with the evidence which a witness gives before a tribunal or for me, as Minister for Justice and Equality, to get involved in any way with something like that. When my Department was represented at the O'Higgins commission it would have been wholly inappropriate for me to try to influence or change the legal approach of a witness to a tribunal.

An Leas-Cheann Comhairle: We will move on to questions from the Social Democrats and the Green Party. I call Deputy Róisín Shortall.

Deputy Róisín Shortall: What was the chain of communication that led to this email being written? Who wrote it and who was it addressed to? How did the Tánaiste receive it?

Deputy Frances Fitzgerald: The chain appears to be that the Chief State Solicitor had some contact with the Office of the Attorney General, a senior official from the Office of the Attorney General made a phone call to a senior official in the Department of Justice and Equality, the senior official in the Department of Justice and Equality summarised the call, and that was the email which was sent to me and a number of others in the Department of Justice and Equality on that date. I have already described how I was reminded of that last Thursday and knew the detail of it then.

An Leas-Cheann Comhairle: Second question.

Deputy Róisín Shortall: Who wrote it and who was it addressed to?

Deputy Frances Fitzgerald: It was written by the official in the Department of Justice and Equality and it was sent to my parliamentary secretary.

An Leas-Cheann Comhairle: Final question.

Deputy Róisín Shortall: Sorry, that was the first question.

An Leas-Cheann Comhairle: I know, but the time is there.

Deputy Róisín Shortall: I have only taken one minute, for goodness sake.

An Leas-Cheann Comhairle: The Deputy has asked two questions.

Deputy Alan Kelly: That was the same question.

Deputy Róisín Shortall: The Tánaiste did not say how she received it. The Tánaiste is aware of the scurrilous accusations that were circulating about Maurice McCabe regarding a serious criminal complaint and that the complaint had been rejected by the DPP. This campaign to denigrate Maurice McCabe provided the backdrop to the resignation of the previous Garda Commissioner, and the Minister for Justice and Equality. It was very big, hot news. The Minister received an email shortly afterwards telling her that the new Commissioner was using the same kind of tactics against Maurice McCabe. What was her reaction to this? Was she shocked to hear that the new Commissioner was continuing on from where her predecessor had left off? That is startling news. How could she fail to be shocked?

Deputy Frances Fitzgerald: I want to correct something, it was an email sent to my private secretary who forwarded the correspondence to me.

Deputy Paul Murphy: Was that a personal email account?

An Leas-Cheann Comhairle: Sorry, allow the Tánaiste please.

Deputy Frances Fitzgerald: No, it was departmental. Sorry, the Deputy's question was

Deputy Róisín Shortall: In light of -----

Deputy Frances Fitzgerald: Yes, I will clarify that. When I was reminded of it last week, what struck me about it, and as I have already explained to Deputy Murphy, was that it was

a matter that was currently under way before the commission of investigation. It was letting me know that an allegation had been made against Sergeant McCabe. Since reading the email again the other day, it says that I have no function relating to evidence of a party to a commission. I want to make it clear that in all my contact with the Garda Commissioner, and all my work in the Department of Justice and Equality, I took a series of initiatives and made continual efforts to ensure that whistleblowers were being dealt with properly. Where any allegations were raised in the Dáil I would have always asked that the Department would follow them up and ensure that whistleblowers were dealt with properly. I always acted in the interests of whistleblowers, ensuring that they would be protected.

Deputy Róisín Shortall: I do not think that the evidence bears that out. The Tánaiste is relying a lot on the final paragraph to say that she did not have a legal role in it. It is the two paragraphs prior to that which are relevant. This is a situation where her predecessor had been forced to resign, the Garda Commissioner had been forced to resign as a result of the campaign to denigrate Sergeant McCabe, yet this email told the Tánaiste that the new Commissioner is continuing that campaign to denigrate whistleblowers. The Tánaiste states that she has done everything she can to protect whistleblowers, yet the new Garda Commissioner was denigrating a whistleblower and authorised a legal strategy to raise that issue again when the Tánaiste knew it was not true. What action, if any, did the Tánaiste take on foot of it?

Deputy Frances Fitzgerald: I do not agree with the Deputy. I outlined in my opening statement the various actions that I took. I also spoke of the continuous discussions I had with An Garda Síochána and the priority I gave to ensuring that whistleblowers-----

Deputy Róisín Shortall: My question related to the action the Tánaiste took in relation to the Garda Commissioner.

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Frances Fitzgerald: In every discussion I ever had within the Department of Justice and Equality and with members of An Garda Síochána, I was always intent to ensure that whistleblowers were being dealt with properly.

Deputy Pearse Doherty: The Tánaiste repeatedly expressed confidence in her.

Deputy Róisín Shortall: You forgot-----

An Leas-Cheann Comhairle: Deputies, please.

Deputy Frances Fitzgerald: Let me just say, Deputy Shortall, that the commission of investigation is doing its work.

Deputy Brendan Howlin: Your job.

Deputy Frances Fitzgerald: When the O'Higgins report came out-----

Deputy Pearse Doherty: The Tánaiste supported her.

Deputy Frances Fitzgerald: -----I addressed many of these issues in the House and followed up the recommendations and the O'Higgins commission as well.

Deputy Brendan Howlin: It was the Tánaiste's job to hold the Commissioner to account.

Deputy Pearse Doherty: The Tánaiste expressed confidence in her knowing that.

An Leas-Cheann Comhairle: That completes-----

Deputy Róisín Shortall: The Tánaiste forgot about what the new Commissioner was doing. No one believes that.

An Leas-Cheann Comhairle: Sorry, Deputy Shortall. That completes the questions and answers from the seven groups. There is provision for the Tánaiste to have five minutes to make a final response now. A maximum of five minutes is available to her.

Deputy Frances Fitzgerald: I repeat that what the Taoiseach put on the record of the House the other day in relation to the fact that I had neither hand, act or part in the legal strategy of the Garda Commissioner is absolutely accurate. When I spoke to the Taoiseach about the other information, I became aware of that one year later, the same as everyone else, when it was put in the public domain. That is what I was referring to when the Taoiseach said that I did not know the details. Clearly, I was not aware of this strategy and I was just informed last Thursday about this email. I have circulated the email and I have tried to explain to the House tonight, as is the right of the House to know, that I had no part in the strategy and that I constantly protected whistleblowers in all of the actions I took.

Deputy Róisín Shortall: The Tánaiste allowed the Commissioner-----

An Leas-Cheann Comhairle: The Tánaiste, without interruption.

Deputy Frances Fitzgerald: The email said that I did not have any function in relation to this. What possible advantage would it be to me if I had remembered that email to say to the Taoiseach that I did not? There would be absolutely no possible advantage. Clearly, it was there in the files, as has emerged.

The other question I wish to pose is why would I set up a commission of investigation and then purposefully work with someone to advance a particular legal strategy. I certainly did not do that. I had no hand, act or part in it. I was made aware of the issues after the fact. The tribunal and the commission are both independent and these matters are currently before the Charleton tribunal, where they will be analysed in great detail, given the broad terms of reference that were agreed in this House.

Rural Crime: Motion

Acting Chairman (Deputy Bernard J. Durkan): I call Deputy Jim O'Callaghan.

Deputy Jim O'Callaghan: I believe I have three minutes, a Chathaoirligh. Is that correct? I am sharing time with colleagues.

Acting Chairman (Deputy Bernard J. Durkan): Yes. There is a very limited number of minutes and a long list.

Deputy Jim O'Callaghan: I move:

“That Dáil Éireann:

notes:

— the fear that exists in local communities posed by the threat of crime to people and their property;

— the failure of the Government to respond to the need for extra, and more visible, Gardaí on the ground in local communities;

— the increased ability of criminal gangs to access rural areas because of the improved motorway network;

— the absence of any Garda stations in large areas of rural communities; and

— the growing intolerance of local communities to organised acts of criminal violence and burglary;

recognises:

— the success of An Garda Síochána in fighting certain types of crime provided they are given political priority by the Government;

— the support that exists in local communities for an Garda Síochána and the fight against crime;

— the organized and repeated criminal activity being carried out by criminal gangs; and

— that the closure of many rural Garda stations has made many rural communities more vulnerable to criminal activity; and

calls for:

— an increase of the number of Gardaí on the ground in local communities;

— the reopening of Garda stations in rural areas that are vulnerable to criminal activity and without a nearby 24 hour Garda presence;

— the increase in funding and support for Garda controlled CCTV that can be used by An Garda Síochána to detect and deter criminal activity;

— the encouragement and promotion of GPS tracking and location devices to help protect against the robbery of farming machinery and equipment;

— the amendment of our bail laws to make electronic monitoring a condition of bail, where an application for bail is made by a person who has been convicted of a serious offence in the ten years prior to the application, or where the person is alleged to have committed the offence whilst on bail for a separate offence; and

— the introduction of a mechanism whereby the cost of the legal aid granted can be recouped from a person charged and convicted of an offence if that person’s financial means substantially change.”

I welcome the opportunity to raise the issue of rural crime and the fear that people are exposed to in rural communities due to the threat posed by crime. Since I have been justice spokesperson for Fianna Fáil, I have been very aware and conscious of the level of fear that exists among communities, particularly but not exclusively rural communities, due to the threat posed to them by crime. The particular crime which is most prevalent and causes most fear is that of burglary or aggravated burglary. We saw recently a vicious example of it in County Offaly in respect of Richie McKelvey. However, as the House will hear from my colleagues, it is not the case that this just operates in small sections of Ireland. Unfortunately, it is common throughout the country.

We need to recognise that there is an obligation on the State, the Government and the Oireachtas to take steps in response to the threat posed by crime. We have seen before how the State can respond positively and successfully to criminal activity when there is political consensus and the Garda is adequately resourced. We saw that in respect of the Kinahan-Hutch feud, where the Garda has been very successful because of the resourcing it received. We also see it at a lower level in respect of road traffic offences, where the Garda is very effective, notwithstanding recent issues, in terms of observing whether road traffic law is obeyed.

We now need to apply the same enthusiasm and diligence to the issue of burglary and those crimes which are in the middle and do not get as much public attention but which require just as much State support. The motion before the House this evening seeks to do a number of things. We have a number of proposals that we would like the Government to take on board. First and foremost, we believe it is essential that we get more gardaí on our streets. The presence of gardaí on streets acts as a great form of confidence to people in communities, particularly rural communities.

Second, I think that we can agree the decision made by the Government in 2013 to close rural Garda stations was a mistake. The saving that was achieved was minimal but the effect it has had on the confidence of people and local communities has been great. They are living in great fear, particularly when they believe, and they are correct in this regard, that they do not have access to a live, active Garda station unless there is one which could be about 30 or 40 miles away.

We also need to get more innovative in fighting crime. Criminals are using technology and we need to use technology to fight it. The best example of that is CCTV. The Government has rolled out a scheme for local communities. We need to have a system of CCTV schemes operated by the Garda so that it can use the footage gained by CCTV cameras to fight and detect crime.

We also need to look at the bail laws. I have stated previously that 13% of the people who committed crimes in 2016 committed them while out on bail. I can give further examples but I do not want to given the time. However, something needs to be done about it. We will bring forward legislation next week or the week after setting out our proposals to amend the Bail Act.

Deputy Barry Coven: I second the motion. As Deputy O'Callaghan said, the motion is a response to the many burglaries and aggravated burglaries throughout the country and, in particular, the heinous crime carried out on Richie McKelvey at his place of residence. I send our best wishes to him and congratulate the extended community in Coolderry, including the IFA, those involved in the community alert programme, Muintir na Tíre, and everyone who helped to ensure that this issue was brought front and centre as it relates to the national situation. Hav-

ing attended many public meetings, I know that there is a lot of anger, frustration and, most important, fear. In response, I welcome the establishment of a task force in Laois-Offaly. It is long overdue but it is welcome, especially when one considers that in Offaly there is now only 140 gardaí while in 2010, before the recruitment process began, there was 148. That needs to be noted and acted on. There is a pressing need for improved Garda resources in terms of equipment and Garda numbers and, as my colleague said, the reopening of Garda stations. The onus and responsibility to provide security is on the State and this is the first line of that defence. It is incumbent on the Government to act accordingly.

As has been said, we want to assist industry and farming communities with the electronic monitoring of their equipment so that it can be traced. We want to help communities with a more productive method of allowing CCTV, especially off motorways and at the main junctions but also in communities. The onerous methodology that exists at present is proving the need for this. There are associated costs that local communities cannot bear. I hope that under the CLÁR scheme, for example, an effort will be made to accommodate the provision of such facilities in communities to help them.

Repeat offenders on bail should be electronically tagged and monitored, and not allowed to run rampant, as they are doing. Legal aid for repeat offenders should be questioned.

Deputy Niall Collins: I heard late last night that the Minister paid a visit to my constituency. He visited the Garda station in Newcastle West, which is in need of refurbishment works, as he knows. Had I known he was there, I would have come along. I would have pointed out to him that the relatively new Garda station down the road in Abbeyfeale is open for only a small number of hours per day. This station was opened in late 2006 by the then Minister, Michael McDowell. There is a glaring need for that purpose-built Garda station to be open much more to serve the local community in Abbeyfeale.

On the other side of County Limerick, the Bruff district has not had a permanent superintendent for a long period. We have had many fine superintendents passing through the place. Currently, there is a very good acting superintendent. I ask the Minister to direct his efforts towards securing a permanent superintendent for the Bruff district.

There are two other points I want to make. Limerick suffered a catastrophic loss in its number of gardaí during the years of the moratorium. We are still well behind the curve in catching up. We have fared very poorly in terms of the recruitment allocation from Templemore.

My last point is on the provision of CCTV. The scheme administered by the Department is a joke. People who apply are not being awarded grant aid towards the provision of CCTV. The application process is completely complicated and convoluted, as the Minister well knows. We are running a pilot scheme in Limerick throughout our joint policing committee, of which I am a member. It is quite successful. In conjunction with the local authority and the gardaí, we are rolling out the scheme right across the county. I ask the Minister and his Department to partner up with the joint policing committee in Limerick and roll out the scheme in more communities across the county and the rest of the country.

Deputy Lisa Chambers: The issue of rural crime is real but this Government consistently plays down the problem, telling us the figures are actually going down rather than up. What is going down is the reporting of crime, not the crime rate itself. I commend my colleague for bringing this motion to the House. It has three key objectives. The first is to help gardaí.

Two aspects of this are increasing Garda numbers and reopening stations. We need to do this. The second objective is helping communities to help themselves. This comes in the guise of increasing resources to produce CCTV footage, not by putting cameras everywhere but by putting them in key locations where gardaí can obtain information to help find criminals when they carry out crimes.

On the tracking of machinery and parts, we know farms, in particular, are being targeted because they have valuable machinery, plant, livestock and diesel. Sophisticated gangs are targeting farmyards.

We need to address the deficiencies in our legal system. With regard to bail laws, we need to tackle the re-offending by people who are on bail. It must not be allowed to happen. It is reasonable to bring in electronic monitoring to reduce re-offending in this regard.

If people who get legal aid and who are subsequently convicted come into money later, the State should be reimbursed. This is a reasonable suggestion that would be supported across this House. It would let people know that we take crime seriously and are not soft on criminals.

Deputy Frank O'Rourke: I am delighted to have the opportunity to speak on this motion brought forward by my colleague, Deputy Jim O'Callaghan. Crime is a serious issue in all communities, both rural and urban, as the Minister is well aware. I attended a public meeting last Thursday night in Rathcoffey, which is one of many rural communities in my constituency. It was attended by 120 people. The two main issues that arose at the meeting were additional resources on the ground and the bail laws. There is a massive problem when people caught committing an offence are visible in the community within 24 hours. This is very upsetting for the victims and all who suffer as a consequence of the crime.

In Kildare at present, we probably suffer more than most. Kildare is a commuter county on the outskirts of Dublin. It has one garda for every 650 people. Most other counties have perhaps one garda for every 400 people. While we are waiting on resources to come through, perhaps the Garda Commissioner could rebalance resources to help counties such as County Kildare, which is suffering drastically, has very low Garda numbers, is under-resourced and is a target for crime. We need to see the imbalance addressed as a matter of urgency to help people living in both urban and rural communities.

Deputy Brendan Smith: I had the opportunity to meet the Minister and discuss the difficulties in the Cavan-Monaghan Garda division. I highlighted through parliamentary questions in this House and in other debates that, since 2010, our division suffered one of the most severe reductions in Garda numbers. There was a reduction of 28% in Garda numbers in County Monaghan and 20% in County Cavan. I appeal to the Minister again to use his good offices to ensure we get a decent allocation when the next recruits are being assigned to various Garda stations. We lost nine Garda stations in the period in question.

The Cavan-Monaghan Garda division has a land border with counties in another jurisdiction, namely, Fermanagh, Tyrone and Armagh. There are additional policing pressures on the Garda because of the land border with another jurisdiction. As the Minister is well aware, policing is very light north of the Border, to put it mildly. There are criminals who regard it as very easy to get out of our jurisdiction and into another. We have a huge problem with rural crime and the targeting of the farming community. I appeal to the Minister to ensure Garda numbers are restored substantially in the Cavan-Monaghan Garda division because crime in

both counties is on the increase, unfortunately.

Deputy Shane Cassells: No level of crime is acceptable. Trying to tackle it is a difficult job. We have to argue our case with the Commissioner. One cannot go to the table unless one has one's facts and figures. Certainly in Meath, the figures stand out and tell their own story. The Meath chief superintendent, Mr. Fergus Healy, spoke at a public meeting of concerned citizens in Trim last month. I have echoed his words to the Minister before. He stated Meath has the lowest proportion of gardaí *per capita* in the country, with one garda for every 661 persons. In sharp contrast, Sligo-Leitrim has one garda for every 327. The deployment of an additional 22 gardaí in Meath this year is welcome. I welcomed it publicly but the reality is that for the chief superintendent to use them, he is only standing still. There is now no scope for him even to start to tackle the deficiencies in rural areas, such as Oldcastle, Longwood and Enfield, because the big towns are immediately soaking up the resources. We need action of the kind Deputy Frank O'Rourke talked about in rebalancing the force.

Deputy Declan Breathnach: The Garda will tell one that when a small cohort of known criminals is behind bars, the crime rate can drop by as much as 50%. Is it any wonder we have a problem when one in eight is out on bail or re-offending? The figures show us that eight people die every year as a result of people out on bail committing crime. There were 84 cases in the past ten years. All one has to do is read any local newspaper or listen to any provincial radio station to realise this. Headlines in my constituency in recent weeks have referred to kidnap terror, thieves targeting car pools on the motorway, the theft of 14 cattle and a local judge calling for politicians to support the establishment of a special drugs court. That is only a snapshot.

Our role is to offer solutions. I propose, along with others, that the €4 million the Minister has allocated for the community CCTV scheme be rolled out through the Garda Síochána, with the Garda Síochána and others concerned to be data controllers in respect of the local authority.

Deputy Margaret Murphy O'Mahony: I thank my colleague, Deputy Jim O'Callaghan, for tabling this motion and for sharing his time with us. My party is very conscious of rural crime and is willing to do something about it. As usual, we are willing to walk the walk as well as talk the talk, unlike other parties in this Chamber. It is proven that a Garda presence reduces crime and gives locals a sense of security. On the Minister's desk at present, there are applications for the reopening of Garda stations in Ballinspittle and Adrigole in west Cork. I ask him to consider them because we really need to have the stations opened.

Deputy Niamh Smyth: As my colleague, Deputy Brendan Smith, outlined, there is a crisis in Cavan and Monaghan when it comes to rural crime. I spoke to the Minister in respect of this issue last week. As I informed him, 16 homes within an eight-mile radius of Cootehill were broken into. The Garda station there operates on restricted hours. The Minister is aware that the force has been stripped of its resources in recent years. The number of sergeants in the district has almost halved. The Government announced a new Garda station for Bailieborough two years ago but not as much as a brick has been laid in order to provide such a resource to allow the force to do its job. Visibility is crucial in order for communities to have comfort and security.

Deputy Dara Calleary: I thank Deputy Jim O'Callaghan. We need boots on the ground. The extra allocation of gardaí is welcome. In Mayo, we need to take account of the presence of the international airport and to allow extra gardaí to be stationed there. We need to upgrade Swinford Garda station to a 24-hour facility. It is in the middle of the county in east Mayo

where there is no 24-hour station.

In the context of CCTV, I agree that we need community schemes but we also need to invest in mobile CCTV vans that can move between areas and operate in partnership with local authorities in the context of litter prevention. We must get serious about repeat offenders. Why is it that when certain people are released from prison, there is a spike in the number of burglaries? There is a constant pattern in this regard that we must address. We need a sense of ownership of this issue, particularly at this time of year. As a rural Deputy, the Minister has a better understanding of this issue than most of his predecessors.

Deputy Mary Butler: In the aftermath of a number of serious crimes, it is important that those who engage in rampant criminality are sent a strong, clear message that attacks on older and vulnerable people - or any person - will not be tolerated and will attract serious punishment. The reopening of rural Garda stations is essential in terms of delivering a more effective policing service. As a member of my local community alert group, I compliment local communities on fighting back, becoming more aware and working with gardaí to be their eyes and ears on the ground and reporting suspicious activity to them. In a recently solved case in my home town, an elderly gentleman had his house broken into when he was out and about in the town. His life savings were taken. Thankfully, through the excellent work of the Garda, the culprits were apprehended. Unfortunately, because he did not know how much cash he had in the house, we do not know whether he got all of it back.

Deputy Michael Moynihan: In light of the number of Fianna Fáil Deputies who want to contribute to this debate, it could go on for a full day. Members are trying to get their points across in a minute or a minute and a half. That shows the level of frustration and fear that exists across the country, not just in rural areas but also in urban ones. In bringing forward this motion, we want to highlight the issue. We want to send a powerful message that this is one of the top issues. All of the Deputies who will contribute to this debate operate in their communities and their constituents are telling them about their experiences and their fears. Every part of the country has been affected by a spate of burglaries and we need the Government to tune in to this crisis.

Deputy O'Callaghan facilitated a meeting last week and it could have gone on for hours as people outlined their genuine experiences. Young people, old people and everyone else experiences fear because of crime in communities. A clear and strong message must go out to the effect that this is a real crisis that is facing communities.

Deputy Michael Fitzmaurice: I welcome the opportunity to support the motion. Local gardaí have been lost from many areas. Their children grew up in the communities and they held the trust of the community and were respected but we have lost that. Currently, there is approximately one squad car covering a 40-mile radius. Let us be honest, that will not solve the problem.

The bail laws and issues relating to sentencing need to be sorted out. Community groups are willing to help but one can be called a vigilante if one tries to solve a problem. Trackers might be a help but criminals are able to blow them up by crossing wires. We need to make sure that we look at every angle to deal with the issue.

I have said openly - and I repeat now - that people should be able to protect themselves from the scumbags who come into their areas. I am aware of people who lock the front door, the door

going up the stairs and their bedroom doors. I have mooted the use of Tasers and sprays and people have given out about it but when a poll was carried out by the *Irish Independent* 81% of people said we need to do something about it. Teachtaí Dála are messengers to the House. We must ensure that people are helped and that they do not live in fear in their homes.

We must examine the position regarding legal aid. What is going on is crazy. The criminals are laughing at the State and their victims and are running riot in rural areas. That cannot be allowed to happen. We must do whatever is necessary to allow the use of CCTV and introduce whatever other legislative measures are needed. In America, there is a new drone system that can fly at night. It can be used in a particular parish or other specified area to cover everything. The system has night vision. Whatever measures or funding need to be introduced we must do it as we cannot allow the people of this country, especially the elderly, to be victims and to live in their homes in fear while these scumbags are going around the country.

Minister for Justice and Equality (Deputy Charles Flanagan): I move amendment No. 2:

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

“strongly condemns:

— all criminality and reaffirms its strong commitment to upholding law and order; and

— recent violent burglaries and wishes to see the perpetrators of such crimes brought to justice;

recognises:

— that in rural locations there is a particular fear and concern about burglaries; that community policing plays a key part in responding to crime by taking into account and responding to local conditions and needs; and

— the crucial importance of front line policing, noting that the Government has provided for the recruitment of 4,000 civilians by 2021 so that Gardaí can undertake core policing roles;

acknowledges:

— that the closure of the Garda College by a previous Government in 2010 has left a legacy in terms of policing numbers and strongly reaffirms the commitment in A Programme for a Partnership Government to ensure a strong and visible police presence throughout the country in order to maintain and strengthen community engagement, provide reassurance to citizens and deter crime;

— the positive partnerships with community and farming organisations and An Garda Síochána that help enhance safety measures in rural properties;

— the importance of rural dwellers knowing the Eircode for their property which can help An Garda Síochána to locate addresses in an emergency;

— the value of special operations to target organised crime, in particular Operation Thor which has resulted in more than 92,040 targeted checkpoints nationwide and in the region of 6,130 arrests connected to offences including burglary, handling stolen property, possession

of firearms, and drug offences;

— that since Operation Thor was launched in November 2015, burglary figures have been going down – by 30 per cent in quarter four of 2016 compared to the same period in 2015;

— the importance of people resisting the temptation to highlight the existence of check-points on social media, having regard to the fact that such information may be useful to criminals; and

— the constitutional right to criminal legal aid on foot of a means test where serious legal charges are brought;

notes:

— the policing advice that Garda patrols are particularly effective in crime prevention and detection;

— that since the Garda College was re-opened in September 2014, 1,400 new recruits have attested;

— that 200 further new recruits are scheduled to attest next month, bringing Garda numbers up to 13,500 by the end of the year;

— the successful operations carried out by An Garda Síochána nationwide and the recovery of machinery, farm equipment and other stolen property and the importance of marking property with an Eircode to assist the Garda to retrieve stolen property; and

— that on foot of a commitment in A Programme for a Partnership Government, the Garda Síochána Inspectorate, at the request of the Policing Authority, is carrying out a review of the dispersal and use of resources available to An Garda Síochána in the delivery of policing services to local communities;

welcomes and supports:

— the Government's plans to achieve an overall Garda workforce of 21,000 personnel by 2021, comprising 15,000 Garda members, 2,000 Reserve members and 4,000 civilians;

— the introduction of 720 new Garda vehicles since the start of 2015;

— the 3,700 community alert and neighbourhood watch schemes nationwide;

— the Garda text alert scheme as an effective means for gardaí to communicate crime prevention information to local communities, noting that the scheme is now offered in every Garda division and with 164,000 subscribers and counting and in the order of three million text messages sent annually;

— the enactment of the Criminal Justice Act 2017, strengthening the laws on bail and amending provisions on electronic monitoring to facilitate the targeted use of those provisions in bail cases where they will be most effective;

— the enactment of the Criminal Justice (Burglary of Dwellings) Act 2015 which targets repeat burglars who have previous convictions and who are charged with multiple offences

of residential burglary;

— the significant financial supports provided to An Garda Síochána by this Government to tackle rural crime;

— the provision of €100 million in Garda overtime in budget 2018 to ensure a strong policing presence throughout the country;

— the provision of some €330 million, including €205 million under the capital investment plan 2016 – 2021, being invested in Garda ICT infrastructure over the period 2016 to 2021, to enable them to carry out their work in the most efficient manner;

— the provision of €46 million in funding for Garda vehicles as part of the capital investment plan 2016 – 2021; and

— the actions taken by the Garda Commissioner to tackle rural crime, noting in particular, the creation of new task forces;

encourages:

— people to participate in the Garda text alert scheme and the community and neighbourhood watch scheme;

— the public to mark all equipment machinery with an Eircode to assist with the return of stolen property;

— communities to avail of community CCTV schemes, noting the €1 million funding announced earlier this year; and

— qualifying persons to register for the seniors alert scheme; and reaffirms the unwavering support of this House for members of An Garda Síochána and the life-threatening work they do every day on behalf of the Irish people and the unique role of gardaí as guardians of the peace.

I thank Deputy O’Callaghan and his colleagues for providing an opportunity to address the topic of rural crime in this House. I acknowledge the importance of public safety. This is a priority for all Deputies, particularly those with largely rural constituencies. I know Deputy O’Callaghan is an active Dublin Deputy but he has family roots in Kerry in particular. I have carefully considered the motion put forward in his name and those of his colleagues and I have decided that an amendment is appropriate because I cannot support the motion. The amendment approved by Government today is lengthy and detailed and captures the breath of priority we rightly apportion to preserving the safety of communities throughout the State.

I am of the firm belief that all Deputies in this House are striving to achieve the same goal, namely, the elimination of all forms of crime that affect communities. I have listened to the various contributions here tonight and I have taken notes on the positive aspects of what has been said. I look forward to hearing further contributions in the course of the debate before its conclusion. I know the debate will be constructive and I hope there will not be any attempts at political point scoring or the rewriting of history. The reality is that a wide range of Government supports are in place; there are high levels of resourcing; and there are a number of schemes that I hope Deputies will encourage members of the public and local communities to participate in.

As a Minister who has represented a largely rural constituency for almost three decades, I assure the House that I am very much aware of the impact incidents of rural crime have on families and the communities in which they work and reside. Over the years, I have known many victims of crime in both urban and rural settings. Such incidents that are often horrific and vicious in nature cannot be tolerated in society - indeed, we do not tolerate them. They are subject to robust laws and robust policing and the Government will continue to dedicate significant resources to support An Garda Síochána in tackling gangs, including mobile criminal gangs, who specifically target rural areas. The House remains committed to a vigorous and comprehensive response to burglary, theft and other property related crime. This response is adaptable to changing circumstances including changes in the *modus operandi* of the criminal gangs who would target citizens. I am conscious that there have been many references to criminal gangs. I reassure the House that such gangs are relentlessly targeted by An Garda Síochána which continue to monitor the activities of criminal gangs who seek to target all areas of the country. An Garda Síochána is experiencing considerable success in targeting those gangs and implementing strong policing measures to disrupt and dismantle their networks, some to very good effect in recent times. The House will appreciate that the deployment of Garda resources, including personnel, to specific areas is the responsibility of the Garda Commissioner. In taking these decisions, the Commissioner is privy to intelligence that no one in this House can second-guess. The Garda Commissioner assures me that Garda management constantly monitors the distribution of these resources in light of criminal trends and overall policing needs at local level. This applies equally in urban and rural settings.

As the Deputies will be aware, with the implementation of Operation Thor, An Garda Síochána has already mounted a highly effective and determined drive against criminals who seek to prey on vulnerable householders. The scale of Garda activity against burglary and property-related crime under Operation Thor has led to concentrated Garda activity resulting to date in over 92,000 targeted checkpoints and 71,700 crime prevention patrols throughout the country. This concentrated policing activity on the part of the Garda has produced in the region of 6,130 arrests and 6,920 charges covering a range of offences which, in addition to burglary, include handling stolen property, possession of firearms and many drugs offences. Significant resources have been provided to An Garda Síochána, including an overtime allocation of €100 million announced in budget 2018, to support large-scale policing operations, including Operation Thor.

I note that Operation Thor has now entered the winter phase, which will run from 29 October to 1 April next. In addition, Operation Thor has targeted mobile criminal gangs engaged in burglary and related crimes. It is encouraging to note that since the launch of the operation in November 2015 burglary figures have shown a significant downward trend. Deputies will be aware that Central Statistics Office official recorded crime statistics for 2016 show a decrease in burglary offences of 30% when compared to the previous 12-month period in 2015. This reflects the success of the concerted Garda drive against crime being implemented under Operation Thor. It should also be noted that crime prevention officers actively engage with community groups to promote the safer communities campaign and advise residents on a regular basis of ways to increase their personal safety and the security of their property.

Deputy O'Callaghan and others referenced the need for legislative response. As part of the concerted strategy to combat burglary, the Government has made it a priority to secure the enactment of specific legislation to target prolific burglars in the Criminal Justice (Burglary of Dwellings) Act 2015. The provisions are now available to gardaí to support prosecutions arising from Operation Thor. Furthermore, the Criminal Justice (Forensic Evidence and DNA

Database System) Act 2014 introduced the DNA database. This provides gardaí with links of investigation or hits between people and unsolved crimes, including burglaries. It is anticipated that this will further assist in improving detection rates for burglary over the coming months.

The area of bail law has attracted the attention of Deputies opposite. As part of the Government's response to crime, one of our major objectives is to focus on the key area of strengthening the law to get tougher on serious and repeat offenders. In that context, the new Criminal Justice Act 2017, enacted in June, fulfils a commitment in A Programme for a Partnership Government. The Act specifically provides that the courts must have regard to persistent serious offending by an applicant seeking bail. Among its key provisions, the Act expands the factors that a court may take into account in refusing bail to include the extent to which previous convictions for serious offences indicate persistent serious offending as well as the likelihood of any danger to a person or the community that could be caused by the release of the accused on bail. Where bail is granted, the Act increases the range of conditions that may be attached to include prohibiting contact by the accused with the victim or the victim's family and the imposition of curfews in communities. The Act also provides a Garda power of arrest without warrant where a condition of bail is breached and it is necessary to arrest the person immediately to prevent harm to the victim or a witness. Section 7 of the Criminal Justice Act 2017 amends the existing provisions for the electronic monitoring of persons on bail to facilitate the focused and targeted use of monitoring in cases where it is most likely to be effective. The Act provides that electronic monitoring may be imposed as a bail condition if the prosecution applies to the court for such a condition.

To facilitate the implementation of these provisions, my Department is currently chairing a working group comprising officials from the Department of Justice and Equality, the Irish Prison Service, the Probation Service, the Courts Service, An Garda Síochána and the Office of the Director of Public Prosecutions. The group has been tasked with examining a range of issues surrounding the implementation of electronic monitoring in an Irish context. I expect the report to come to me before the end of the year. In recent times I have had talks with the New Zealand Police Commissioner and I observed the operation of electronic monitoring devices. It is clear that targeted use can be effective but that these devices by no means represent a magic bullet and that multiple responses are required.

The programme for Government commits to ensuring a strong and visible police presence throughout the country to maintain and strengthen community engagement, to provide reassurance to citizens and deter crime. The budget will support the continuation of the high level of investment in the Garda workforce and ensure that the overall vision of a workforce of 21,000 by 2021 remains firmly on-track. A further 800 new Garda recruits will enter the Garda College and an additional 500 civilians will also be recruited to fill critical skills gaps throughout the organisation and to facilitate the redeployment of gardaí from technical and administrative duties to front-line operational duties. In addition, there are plans to strengthen the Garda Reserve with new reservists expected to commence training early in 2018.

We must all remain vigilant in the fight against all forms of criminality in our communities. I assure Deputies that the Garda Commissioner and I remain in ongoing contact to counter new and emerging crime trends. Operation Thor has proved successful to date and the Government remains committed to ensuring that An Garda Síochána will have the necessary resources to tackle crime in our communities.

Later, the Minister of State with responsibility for European affairs, Deputy McEntee, and

my constituency colleague, Deputy Marcella Corcoran Kennedy, will address the House on other measures raised, including CCTV, the highly successful community text alert programme, and criminal legal aid, as well as further actions being taken by An Garda Síochána in the fight against rural crime. I urge communities to avail of the range of schemes in place and to work with local gardaí and their local joint policing committee to ensure we win the fight against crime and criminality in our communities.

Acting Chairman (Deputy Bernard J. Durkan): Next we will hear from the Sinn Féin Members. Deputies Donnchadh Ó Laoghaire, Brian Stanley, Martin Kenny and Pat Buckley will share 15 minutes.

Deputy Donnchadh Ó Laoghaire: I gather I have to move an amendment.

Acting Chairman (Deputy Bernard J. Durkan): You cannot do that, Deputy. You have to wait until the other amendment is disposed of.

Deputy Donnchadh Ó Laoghaire: I am still getting used to the procedures. We will be supporting the motion although we have tabled an amendment that we believe improves it.

There is no question but that the issue of rural crime has been significant in recent months and probably for longer. I am aware of several horrific attacks in which people have been terrorised in respect of their property, health, and welfare and safety. This is a cause of great concern.

This has been contributed to by the reduction in cover over many years in the number of gardaí and Garda stations in rural areas. Specifically – this point is addressed in the amendment – a key factor is the proportion of dedicated community gardaí. The number has fallen significantly since 2010 and there is no sign of the position improving. Community gardaí play an important role especially in the co-ordination of community alerts as well as in developing knowledge of the community, the people of the community and improving the local intelligence of the gardaí. We believe they have a significant role to play.

We call for greater powers and scope to be given to the joint policing committees as well as increasing their numbers. As things stand, the county or city-wide joint policing committees are simply policy bodies. A more localised model would allow people to give specific feedback on issues that are happening in their communities. I am aware that some areas operate community policing forums. I believe this should be formalised. There is a role for them in this regard.

We have some reservations in respect of the use of electronic tags without judicial discretion, as proposed in the motion. This does not leave discretion to the judge and the manner in which the motion is worded suggests a person could be tagged without necessarily having been convicted of a prior offence, but merely alleged to have committed an offence. That is a difficulty. I am concerned that the widespread use of electronic tagging would create difficulties. I believe there is a possibility that it would be chosen as an option or alternative form of justice or punishment as opposed to non-custodial or custodial sentences as a form of halfway house. We need to be conscious of this aspect.

The Irish Penal Reform Trust and Irish Council of Civil Liberties have argued that the unjustified and excessive use of pre-trial detention and electronic tagging impacts on the right to liberty and presumption of innocence. Any proposal to introduce electronic tagging should take into account the safeguards recommended by the Council of Europe, including that it should

be proportionate and take account of the impact it would have on families and third parties. In particular, attention should be paid to regulating the use of data collected in the framework of electronic monitoring. In many circumstances, these monitoring systems are operated by private companies, which gives rise to data protection and other issues.

While Sinn Féin has some reservations about the widespread use of electronic tagging, we recognise nonetheless the value of the motion and its intent. It also makes a number of recommendations that would be useful in tackling rural crime.

Deputy Brian Stanley: I welcome the opportunity to speak on the motion. As Deputy Ó Laoghaire said, while we agree with the thrust of the motion, questions arise about some of its elements. Needless to say, rural crime is causing great concern and constant fear. Crimes are being committed on farms and businesses and against ordinary householders. It is not an exaggeration to state that unfortunately many people are living in fear in their homes. This is the first issue to be addressed.

As the Minister will be aware from our constituency, many people in the midlands, including counties Laois, Offaly and south County Kildare, are living in fear. This is horrendous and must change. More gardaí must be deployed to rural areas and all of us, whether members of the Government or Opposition or citizens, must wake up to the need to deal with rural crime. That the problem is widespread and a major issue in County Laois is evident in the local press, which features weekly reports on extensive crime being carried out across my constituency. Unfortunately, some crimes are not reported in the media because they are not reported to the Garda in the first instance.

A couple of weeks ago, the Minister claimed the number of burglaries in County Laois had declined. That statement is incorrect as the figure has increased by 60%. The most recent meeting of the joint policing committee, of which I am member, heard that 67 burglaries were reported in the third quarter of 2016 and the figure for the third quarter of 2017 soared to 106. I make this point to emphasise the need for further work to be done in this area. The 106 burglaries were committed in the period of July, August and September when it is still bright in the evening. If we extrapolate this figure to the entire year, we would have 424 burglaries in the county. It is safe to assume - it is a well known fact - that the number of burglaries tends to increase in the winter months.

Serious crime affects all parts of County Laois. Recently, in an unfortunate incident in Stradbally, 1 km of copper cable belonging to a company providing a service in the community was stolen and telephone wire was stolen in the Tinnahinch area. A stolen jeep being pursued by gardaí crashed in Clonaslee and people would have been killed if anyone had been on the street at the time. In another incident, shots were fired at gardaí by the occupants of a stolen car in Monasterevin. Countless burglaries have also taken place. The list goes on. The Garda is making some inroads, however, including a recent drugs find valued at approximately €1 million. This significant discovery shows the value of having the drugs squad up and running again, as Sinn Féin demanded at the joint policing committee for several years.

Behind all of these statistics, there are victims. The vulnerability experienced by people in rural areas after being burgled cannot be overstated. The invasion of privacy causes anxiety and fear which are impacting on people.

Specialist Garda units are needed. The superintendent in Laois-Offaly reported to us that

one such unit is being re-established in the region. This unit will be highly effective because it will target travelling criminals who move at night from property to property as they target people. We need more specialist units. We have to get back to basics because one cannot beat community gardaí. While I acknowledge that we cannot have a garda at every crossroads, gardaí need to get to know people in their locality and people need to get to know the local gardaí. Close co-operation is needed.

I have seen the benefits of closed circuit television in Borris-in-Ossory and other areas. These systems have helped to solve serious crimes and significant criminals have been put out of business as a result of their effectiveness. The Data Protection Commissioner has raised questions regarding the increased use of CCTV systems. Someone should tell the commissioner to relax a little.

I ask the Minister to consider the use of restorative justice, which has been an effective tool in other countries. Judge Mary Martin was, I understand, involved in a pilot restorative justice project in County Tipperary. Under this model, the perpetrator pays full compensation to the victim over several years. He or she should repay every penny, even if it takes 30 or 40 years to do so. Restorative justice would save the State money because fewer people would be sent to prison and reoffending rates would decline. Another important aspect of restorative justice programmes is that they provide justice to victims and, most important, they force perpetrators to make good the crime they committed and the damage they have done to the victim. I ask the Minister to consider extending the use of restorative justice. I say this constructively because the concept is absent from our justice system. I would also like greater use of the community alert scheme and more co-operation with the Garda.

Deputy Martin Kenny: I support the motion. My constituency of Sligo-Leitrim is rural and sparsely populated. Many people living in rural areas, particularly in isolated farmhouses, are fearful of strangers arriving. This is a widespread phenomenon. It is important to note, however, that rural areas are generally safe places to live. The House should not send out a message that this is solely a bad news story. When incidents occur, they cause widespread fear because a robbery or burglary of a person in a rural parish affects the entire parish and even surrounding parishes because everyone feels vulnerable. Great efforts are made to bring the community together to do something about rural crime. Text alert schemes are up and running in many rural communities, including my local community. This is a response from people who, unfortunately, feel let down because Garda resources are not adequate to provide the type of monitoring and protection they need.

Growing up in the 1980s, I drove an old banger of a car. If I had a bald tyre, I used to be afraid of meeting a garda stopping cars at a crossroads. I could travel the length and breadth of the country today and seldom meet a garda stopping cars at a crossroads. If we still had gardaí performing this role, many of the criminals who travel into rural areas would realise someone was likely to be watching and they would be stopped. This issue needs to be rectified immediately.

The Minister was not especially forthcoming when I raised another issue with him previously. My house was robbed twice and both times the thieves were after cash and jewellery. They broke a window during the day, entered the house, rooted through drawers and took whatever they could. The Garda told me that the thieves bring gold jewellery to cash for gold shops which pay cash instantly. It is scandalous that these shops are not regulated. Burglars do not steal gold rings and watches to wear them but to trade them for cash. Cash for gold shops

should be regulated, including the goods they buy. It would not be difficult to find a means of doing this. This is a genuine suggestion to take a step that would reassure people that the Government was taking action. Moreover, it would not cost anything.

Community policing should be at the forefront of tackling rural crime. I commend gardaí, the foot soldiers who we know and meet daily, because they do most of the work when they are left to it. Unfortunately, the vast majority of gardaí are tied up in barracks doing paperwork, filling forms and ticking boxes when they should be out doing their work. More community policing is needed and greater emphasis must be placed on ensuring we protect rural Ireland.

10 o'clock

Deputy Pat Buckley: My party supports the thrust of the motion. We have tabled an amendment to it and I hope that the Deputies in the House will support that.

Rural crime is on the increase. It is not a fantasy, but a fact. In a recent article dated 15 November 2017, I read that rural people stated that they wanted more resources put into community policing, stiffer sentences for repeat offenders and closer consultation between local authorities and An Garda Síochána.

Only last week, the Minister, Deputy Flanagan, met the Irish Cattle and Sheep Farmers Association, ICSA, president, Mr. Kent. They were discussing the national agricultural crime survey, which revealed alarmingly that 45% of agricroime goes unreported for a variety of reasons. The article included the following quote:

These include little faith that the Gardaí have adequate resources to recover goods or catch the perpetrators and a sense that the justice system is not penalising these criminals sufficiently. We need to see these issues addressed urgently.

A Deputy mentioned earlier the horrific story of a 50 year old man living on his own who was burgled by four men who assaulted him before locking him into his own shed. Imagine the mental trauma that this man suffered. Imagine the mental scaring for all victims of rural crime. The mental trauma of any crime, in particular, rural crime, is sure to last a lot longer than any bruising or scars.

In an article, dated 7 November 2017, headlined, "Poll: Are Gardai under-resourced in the fight against rural crime?", the results were frightening. Some 88% of those surveyed responded, "Yes". These rural crimes are not exclusive to the farming community. Rural crime is in our villages and towns. It is in my own constituency of east Cork because we are not immune to these crimes either.

Sinn Féin has tabled an amendment to the motion which calls for greater powers and scope for joint policing committees as well as an increase in numbers which will ensure greater co-operation between communities and the Garda, and also to reinvest in the policing model, reverse the fall in the numbers of gardaí who assist the communities and play a crucial role assisting the community alert schemes. I would appeal to all Deputies to support our amendment.

Acting Chairman (Deputy Bernard J. Durkan): I now call on the Rural Independent Group - Deputies Michael Collins, Mattie McGrath and Danny Healy-Rae.

Deputy Michael Collins: I am pleased to be able to speak on this important motion and I am glad to see it coming before the Dáil tonight. Coming from a rural area in Cork South-

West, I know too well the fear and worry of rural crime in our communities, and especially for isolated people living alone who may be elderly and vulnerable.

Last week, I spoke about the Government's failure to rural-proof its action. The prolonged closures of rural Garda stations around the country are without doubt the biggest contributor to the fear that exists around this issue. A number of Garda stations in my own constituency, including Ballygurteen, Goleen, Adrigole and Ballinspittle, have faced closure. I might add that the people of Ballinspittle are working tirelessly together as a community to unite to reopen their Garda station. They are urgently awaiting a decision to overturn the closure in that busy town.

I know full well, but for the communities such as Kilbrittain and the Garda station retention committee group that was set up in west Cork, we would have faced further closures of Garda stations in west Cork. Thankfully, we worked hard, and closely together, throughout west Cork and prevented that. If it had happened, it would have led to further crime in rural parts of west Cork.

To tackle rural crime, more resources must be allocated to groups such as Muintir na Tíre so that they can further allocate funding to communities or groups around the country. A scheme needs to be put in place where the elderly can apply for a grant for their homes for sensor lights and CCTV to protect their properties. This scheme should be similar to the successful one for personal alarms that many elderly wear around their neck or wrist, and also the successful text alert systems that are run by Muintir na Tíre that alert communities of crimes or suspicious activity in their neighbourhood.

Immediate funding needs to be put in place to erect CCTV in all rural towns and villages. This is in many of these towns already. One of which I can mention is Schull, as I was involved in the community alert group there. A large number of CCTV have been erected in this popular tourist village and as a result, there has been a significant drop in crime levels.

Schemes such as the Garda youth awards are great initiatives led by the Garda to commend our young people for the good that they do and their vigilance in their communities. Some 99% of our young people are good natured and need to be acknowledged for this.

We are lucky to have a strong number of community alert groups in my own constituency in west Cork which work closely with the Garda to prevent crime. At a recent divisional meeting in Bantry, a large number of people met the local superintendent and other members of the Garda Síochána and Muintir na Tíre. This meeting discussed all possible preventions of rural crime and it was encouraging to see so many taking an interest in this. It is vital that action is taken to allow these groups put in place these prevention measures and stop rural crime altogether around west Cork and the country.

Deputy Mattie McGrath: I compliment Deputy O'Callaghan and his Fianna Fáil colleagues for putting down the motion on this issue.

It is a huge issue and we are playing catch-up all the time after all the cuts over the recent years. Morale in An Garda Síochána - I am speaking for Tipperary - is on the floor because it does not have the necessary resources. It is the same for every officer who goes out there every day and night, and God knows what they are going to meet and the work they do throughout the country.

21 November 2017

I take serious issue with the Department of Justice and Equality trying to get us to do work on the cheap in the communities. I am chairman of the second community alert group ever set up in the country in 1986. I support community alert and I strongly believe that no police force in the world can survive without the support of the public.

We need the support from An Garda Síochána, at the top. When people are going to work in the morning, not all checkpoints out on the roads should be with the Garda's ordinary white cars. We need undercover covert security to take on the marauding gangs that are terrorising our people. I attended a big community alert meeting of 200 people in New Inn, between Cashel and Cahir, last night and I compliment the organisers. I compliment the new superintendent and the gardaí who attended.

However, I am very concerned we in Tipperary are not getting our fair share of numbers of new recruits the Minister referred to. The Minister also mentioned €100 million in overtime in budget 2018. Funding in overtime has fallen back from our division - I ask the Minister to tell me by how much in his response - in the past number of years while gardaí are out there on their own at checkpoints. I have information that I am afraid to put on the record of the Dáil about the scarcity of numbers in Garda stations in some parts of Tipperary. Why have we only six in a unit in Clonmel while Kilkenny, a town equivalent in size, can have 12? There is something badly wrong. We have not got our recruits. I ask the Minister to ask the Chief Superintendent Catherine Kehoe to account for what is happening in Tipperary. Officers' lives are being put in danger because they have no one to back them up. They have no support on radio. There is no one there to answer. We had a situation last Saturday in my own, Cahir, where there was one member working covering a whole district. It is not acceptable. It is desperately bad management, not by the gardaí on the ground but by the very senior managers in Tipperary.

We had the highest fake figures in the drink-driving as well in Tipperary, which is something I am not proud of. Nor am I blaming the officers on the ground for that. There is something badly wrong in senior management and I want the Minister to tell me that he will meet me and an assistant commission to check this. We cannot have this situation continuing in Tipperary.

The people of Tipperary are entitled to justice and to be protected. At that meeting last night, I met a woman whose brother fled into a nursing home after being robbed seven or eight times and died a lonely sad death of a broken heart. People have been terrorised in their homes. A man, an ex-garda, spoke last night at the meeting of going over a bridge on the River Suir in Ballycahill and coming upon 30 to 40 people last week, whether they were hunting otters, fishing or whatever. When he stopped to take note, he was approached by three of them wearing balaclavas indicating a gun sign at him. That is what we are dealing with. We need more RSU. We need more special forces to deal with the marauding thugs.

We have seen so many incidents in Tipperary. We should not be forcing communities to pay 40% for their CCTV; it is too much. We should not be forcing the community alert groups to pay for the text alerts as these are all part of the battle. We must fund them fully. It is costing too much, especially with so much crime. We cannot keep the money paid to groups and they are getting demoralised. Serious action needs to be taken regarding my division. The Garda station in Clonmel is a Dickensian kip and the sooner that is sorted out the better.

Deputy Danny Healy-Rae: The closure of so many Garda stations in 2013 was a serious mistake. These stations dated back to the foundation of the State and they gave confidence to the elderly and all who lived in rural parishes.

A common request I receive is a request for public lighting. People are afraid in dimly lit streets, crossroads and various places. It is a continuous request to have public lighting so that one could see if there was anyone passing or going by in the dark of night.

I will highlight both sides of Kenmare Bay, 33 or 35 miles long on the southern side and nearly 50 miles long on the northern side. There is no garda stationed in Sneem and if there is a robbery or an accident, it takes 40 minutes if a Garda car has to come from Kenmare and an hour if it has to come from Killarney. If a person needs help in places like Ballinskelligs, Portmagee, Waterville or Kilgarvan, there is no Garda station. They are all closed. It costs more, we are told, to keep them closed than it did to keep them open. Both sides of Kenmare bay are very exposed to all sorts of theft, to the importation of drugs and all of the kind of villainy that takes place when places are not being properly policed. Six homes were broken into in mid-summer in the Glenflesk area, in Headfort and in Muckcross and several more in Kenmare. A serious robbery took place in recent days in Killarney. A commercial property was unable to open for a day and a half because so much damage was done to the premises, with cabling and other materials taken out.

People need to be more careful themselves. They should not be putting details of their whereabouts on Facebook, particularly if they have left their homes or gone on holidays. In doing so, they are exposing themselves to these crime boys. As the saying goes, when the cat is out, the mouse can dance.

I concur with Deputy Mattie McGrath on the need for more help for the community alert and text alert groups who are doing great work for their communities. Were it not for such groups, many elderly people would be stranded and lost in their homes. I thank them for their tremendous work. We hear that Stepside is to reopen. I am asking that the Garda stations in rural parishes like Kilgarvan, Sneem, Waterville, Ballinskelligs, Portmagee are also reopened.

Deputy Bobby Aylward: We must ramp up our response to rural crime. The national statistics which show a reduction in burglaries and related offences do not reflect the situation on the ground in rural Ireland. People in rural Ireland are not reporting crime because they know that An Garda Síochána does not have the personnel to respond in a timely manner. I have heard that gardaí have responded to reports of crime two or three days after the event. Furthermore, the high cost of insurance and the potential increase in insurance premiums if they make a claim means that people are ignoring crime or putting up with it and moving on with their lives. That is why the statistics are showing a drop in crime levels. The people of these communities feel isolated and forgotten. It is only a matter of time before we begin to see serious incidents of vigilantism occurring around the country. This is not an exaggeration. We must act urgently to put deterrents in place to immediately halt these criminal gangs in their cake walk around the country.

This motion calls for a tougher response to repeat offenders in communities nationwide, including electronic monitoring being made a condition of bail for repeat offenders. Tougher amendments to current legislation are required to tackle the level of organised crime which is so damaging to communities all over the country. We have seen the success of An Garda Síochána in fighting certain types of crime, provided they are given political priority by the Government. It is time for the Government to prioritise rural crime.

I also want to discuss the failure by the Government to honour the commitment in the programme for Government to erect CCTV cameras at all major junctions on our motorways. To

be clear, I am not talking about the community based CCTV grant aided scheme which was launched last April. I am talking about the roll out of a CCTV based crime fighting system on our motorways, which are being used by criminal gangs to get in and out of the communities that they are terrorising. We have two motorways going through my constituency of Carlow-Kilkenny, the M9 and the M7. Organised gangs are coming from Dublin and other urban areas, including Limerick in particular, targeting businesses and robbing them. What is the status of this commitment in the programme for Government? What is the timescale for the erection of these cameras? In a little village in north Kilkenny called Urlingford, a gang came down from Dublin. They came off the motorway, robbed a premises and were back on the motorway within 20 minutes. This is what CCTV cameras will stop. Vigilantism will happen, especially in the context of incidents like the one that took place in Offaly last week. The Sunday newspapers last weekend reported that people are going to bed armed with whatever they have including hurleys, billhooks, slashers and knives. This is what is happening and there will be serious consequences. If An Garda Síochána and the Government are not going to protect the people, they will fight back themselves and the only way to do that is to protect themselves through their own means. I am asking the Minister to take all of this on board, particularly the issue of the CCTV cameras on the motorways.

Deputy Eamon Scanlon: A lot has been said already on rural crime and I am not going to repeat points already made. There is an understanding that rural people are very vulnerable. I recently attended a number of meetings in relation to the text alert scheme. I must say that the text alert committees are doing great work, of that there is no question. They should be supported in every way possible. There was much discussion at those meetings about CCTV cameras and the fact that local groups can apply for funding for same. However, the funding available is €40,000 which is not sufficient to put these cameras up. This point was made very strongly at the meetings that I attended. These local groups are voluntary and do not have any way of raising substantial funds. They collect a few euro every year just to pay for the running costs of the text alert system. The €40,000 grant is not sufficient. A number of years ago funding was available for the provision of CCTV cameras in towns. The grant was in the region of €100,000 per town which went some way towards dealing with the issue. The running cost of these cameras is approximately €5,000 per annum, which is also beyond the capacity of these local voluntary groups.

My final point is on the people that are carrying out these robberies and in particular, non-national people. We had a case recently where people who were in the country for two days robbed an elderly person. Thankfully, due to CCTV cameras, they were apprehended and sentenced. When those two people get out of jail they should be on a boat out of this country. The same goes for many of those people who come in here, commit crime and murder or very serious crimes. They should be sent out of the country as soon as they get out of jail.

Deputy Jackie Cahill: Crime and the fear of crime is changing the very nature of our society. One knows there is a problem when one calls to a rural home and one is greeted from a window because people are fearful of opening their front door. This cannot be allowed to continue and solutions are available. Garda numbers must be increased and the force must be properly resourced. Strategic rural Garda stations must be reopened and community garda numbers must also be increased. The text alert scheme needs the full backing of An Garda Síochána. Organised mobile gangs must be monitored and hamstrung. CCTV has a part to play and cameras must be installed at all important junctions around the country. Home owners and property owners must be encouraged to use technology to protect their possessions and

trespass laws need to be strengthened. Most importantly, the career criminal must be brought under control. Bail for repeat offenders should be refused in most cases and we need legislation to support this. Career criminals must be tagged and their movements monitored if they refuse to obey the rule of law. Fines imposed on career criminals must be taken from their sources of income. Sentencing must reflect society's wish that it acts as a proper deterrent from future criminal activity. There is an opportunity now to bring the scourge of rural crime under control but this opportunity will not last forever. This Dáil must show the political will to bring about real change. If we do not do it now, it could very well be too late. As legislators, we will rightly be judged harshly if we do not show unity and leadership to resolve this problem.

Deputy Robert Troy: I welcome the opportunity to contribute to this very timely debate. No matter who we listen to in this debate, we hear very clear and graphic examples of how crime, particularly in rural areas, is having a detrimental impact on people's lives. Earlier this evening, I spoke with a businessperson who owns a medium-size business in Glasson outside Athlone. In the past few weeks, his business, which is providing employment for 22 people, was ransacked at 2 a.m. one morning. He complimented the gardaí on the work they have done since he was burgled, but this was his fourth time to be burgled in three years. The business is on the outskirts of an extremely large town and while he complimented the gardaí, the fact is they are under such pressure that they are not able to carry out the monitoring that needs to be carried out every night of the week.

No matter who one speaks to, whether it is a farmer or another person who has been burgled in rural Ireland, the point is made that sanctions are too lenient. It seems the law is coming down on the side of the people carrying out the crime, not the people affected by the crime. A number of years ago I posed a parliamentary question about the number of times someone can avail of free legal aid. There does not seem to be any cap or restriction in terms of the number of times someone can avail of free legal aid. Taxpayers' money is being spent representing repeat offenders, which is very wrong and needs to be tackled.

Our citizens across rural Ireland are living in fear. Whether one picks up a local newspaper like the *Westmeath Examiner*, *Westmeath Topic*, *Westmeath Independent* or the *Longford Leader*, or listens in to Midlands 103 FM - I am sure it is the same for the Minister of State in her constituency - week after week, there is another example of a crime committed, another example of a family left shaking, and another example of how the State is failing in its duty to protect elderly people in their homes and protect businesses that are supplying much-needed employment in our communities. The time for promises is over; the time for delivery is now. We need to see a huge increase in the number of gardaí policing our streets so we can keep people safe in their homes.

Minister of State at the Department of the Taoiseach (Deputy Helen McEntee): There has been an extremely valuable discussion tonight on what is a very important issue. I grew up and continue to live in a rural community in County Meath and I represent for the most part a rural community, so I know well the many issues and challenges people face. It is important that when we are having this debate, we do not add to people's fears, and I am not suggesting this is happening here tonight.

Earlier, the Minister, Deputy Flanagan, outlined a wide range of the Government measures in place to combat crime and Deputy Corcoran Kennedy will elaborate on a number of specific measures. I first wish to respond to some of the issues raised. With regard to legal aid and the general scheme of the criminal justice (legal aid) Bill 2017, there are a number of lawyers on

the benches opposite and I know they must be well aware that the criminal legal aid scheme is in place to protect constitutional rights. The Supreme Court ruled in 1976 that an accused person who faces serious charges and who cannot afford to pay for legal representation has a constitutional right to legal aid. This right is reinforced in the European Convention on Human Rights. However, that is not to suggest the operation of the legal aid system cannot be improved.

In this respect, the Department of Justice and Equality is currently preparing a draft general scheme of a criminal justice (legal aid) Bill 2017. The key purpose of the draft legislation, subject to Government approval, is to transfer the administration of the criminal legal aid scheme from the Department to the Legal Aid Board, with the purpose of ensuring that best practice financial management and control are exercised and to give effect to Government programme commitments on criminal legal aid. Commitments in the general scheme include the introduction of a contribution system, the introduction of more rigorous and effective means testing and provision for increased sanctions for false declarations. Under consideration as part of these measures is the manner and extent to which the cost of legal aid granted can be recovered from a person who has received criminal legal aid, having regard to the assessment of that person's means.

With regard to Garda stations, Garda management is of the clear view that crime prevention and detection is not best done by a garda alone in a rural station in a remote location. Regular patrols, intelligence gathering, special targeted task forces, working through joint policing committees, community CCTV and having gardaí work with communities through schemes such as the text alert scheme are what is effective. Increasing Garda numbers is also effective, and I agree with many Members that Garda numbers have to increase. This has become possible and is happening because of the work of the current Government. This year alone, funding has been provided for 800 Garda recruits and 500 civilians, and I, like others, believe my own county of Meath should get its fair share of those recruits when this happens. Deputy Corcoran Kennedy has spoken about some of these schemes and I urge Members to encourage wide take-up and participation in these schemes. Further, I am sure the Minister, Deputy Ring, would wish me to highlight the seniors alert scheme and encourage take-up of that scheme. Many of these schemes have been taken up in my own county of Meath, where they have been well received among local communities who work with the crime prevention officer, who creates that link with the community and who, in County Meath, was very clear that crime figures are actually down, which is something people need to know.

With further reference to Garda stations, the Government is open to the expert advice of gardaí on policing matters. As Deputies will be aware, the programme for Government commits to a pilot scheme to reopen six Garda stations, both urban and rural, to determine possible positive impacts that such openings will have on criminal activity, with special emphasis on burglaries, theft and public order. In light of this, the Government approved the issuing by the Tánaiste, in her then capacity as Minister for Justice and Equality, of a letter on 30 June 2016 to the Garda Commissioner requesting the Commissioner to identify for reopening six former Garda stations. At its meeting on 13 June 2017, the Government noted the Garda Commissioner's interim report in this regard, which analysed population and crime trends and the availability of stations for possible reuse. The report contained a recommendation that the former Stepside station in County Dublin be reopened on a pilot basis. The report also indicated that, subject to further analysis, the Commissioner is likely to recommend in the final report the inclusion of the former stations at Leighlinbridge, County Carlow, and Donard, County Wicklow,

in the pilot scheme. If a second station is to be reopened in Dublin, the report indicates that the Commissioner is likely, subject to further analysis, to recommend that the former station at Rush, County Dublin, be included in the pilot scheme.

I thank all the Deputies for their contributions on this very important issue. All Garda activities, including community policing, will undoubtedly benefit from the financial resources provided in recent budgets. As well as that, resources coming on stream through the Garda recruitment programme, and the Government's commitment to substantially increase Garda numbers, will ensure that An Garda Síochána has the capacity to address the needs of communities throughout the country, now and into the future. The Government will continue to offer unwavering support to An Garda Síochána in its fight against crime. I remind Deputies of the work of the Policing Authority and the Commission on the Future of Policing in Ireland, and encourage Members to contribute to their work.

Deputy Marcella Corcoran Kennedy: I am grateful for the opportunity to contribute to this important debate on a matter that is a priority for me, as, indeed, it is a priority for the Minister, Deputy Flanagan, and the Government. Under Topical Issues on 18 October in this House, I raised the spate of burglaries being carried out across the counties of Laois and Offaly. Since then, we have had the terrible crime perpetrated on Offaly man, Richie McKelvey, and I send him good wishes and acknowledge his bravery and that of his sister, who has been to the fore in publicly highlighting the vulnerability of rural dwellers to criminal gangs.

The message I have received from public meetings organised in Cloghan, Coolderry and Banagher is that rural dwellers will not tolerate being targets for criminals. They are anxious but they recognise that individual and community co-operation with An Garda Síochána is crucial in order to prevent and to solve crime. Indeed, the type of criminality we have seen in both rural and urban areas is something we will not tolerate as a society. We need to get that strong message out from the House this evening. The people understand that policing is something we all rely on to keep our society functioning properly. As someone who has been a victim of robbery myself, I acknowledge the brilliant members of An Garda Síochána who provide calm reassurance to victims and make every effort to solve the crime.

In order for us to prevent and combat this type of activity, we must all agree that co-operation between our communities, local authorities and members of An Garda Síochána is essential. I acknowledge the community text alert groups that are being established, many as a result of local burglaries. However, I advise local communities not to wait to have such an experience, but to establish one as a preventative measure as there are financial supports available to these invaluable local groups as an important measure in support of crime prevention in rural communities. Many communities in my own home county of Offaly are active in using the system for crime prevention and I commend the excellent work of the people involved in helping to safeguard our local communities.

I know as well as anyone the positive impact that text alert groups are having on rural communities and I am aware of the work being done by groups in Offaly and Laois in tandem with the hard work of local gardaí. An important tool for the fight against crime in rural communities is the programme for Government's commitment to supporting and prioritising community crime prevention, including text alerts. The Garda text alert scheme provides an additional and effective means for gardaí to communicate crime prevention information to local communities. Since it was launched in September 2013, it has grown quickly, with a total of 164,000 subscribers and in the order of 3 million text messages sent annually. Every Garda division, rural

and urban, now offers the text alert service and An Garda Síochána has published guidelines to assist in the establishment and operation of local groups.

In September, the Minister, Deputy Flanagan, announced that an additional €100,000 would be made available to text alert groups registered with An Garda Síochána to provide modest financial assistance with the running costs that they incurred each year. The text alert rebate scheme will be administered by Muintir na Tíre. Even though the cost of running a text alert group is quite modest, it is appropriate that the new rebate scheme provide some contribution towards the costs incurred by community groups that are working with local gardaí to prevent crime and improve public safety.

Gardaí continue to pursue a range of measures to support elderly and more vulnerable people in the community, working closely with Community Alert, Neighbourhood Watch and other community groups. Another policing initiative tackling rural crime is Theft Stop, a partnership between the Garda, the Irish Farmers Association, IFA, and Crimestoppers. Theft Stop is designed to deter criminals from taking and selling farm equipment by ensuring it is clearly marked with a unique ID and then registered on a nationwide database. The clearly visible serial number should act as a deterrent to criminals. Details and serial numbers of stolen equipment can be viewed by would-be buyers online at www.theftstop.ie. I encourage all owners of farming equipment to visit the website and act quickly to help prevent the theft of these expensive items. Furthermore, I also encourage members of the public to mark machinery and other similar items with their own unique Eircodes. This will expedite the retrieval, identification and return of any recovered stolen property to them and act as a further deterrent against theft.

Deputies will be aware that the commitment in A Programme for a Partnership Government is to support investment in CCTV systems at key locations along the road network and in urban centres. This commitment is met by, among other measures, the community CCTV grant aid scheme announced by the Department of Justice and Equality in April. This scheme will supplement the existing network of CCTV systems in operation in the State. For example, there are 35 Garda CCTV schemes, comprising in excess of 500 cameras. There are also some 45 community-based CCTV schemes established under the previous grant aid scheme in operation, providing the Garda with access to 367 cameras. The Garda deploys its own CCTV technology and works with other bodies, such as the National Roads Authority, port authorities, local authorities and private car park operators to access data from their automatic number plate recognition systems as well as CCTV systems operating on the motorway network.

This is all underpinned by significant Government investment under the capital plan of €205 million in additional funding for Garda ICT and €46 million to provide the Garda with high-powered vehicles, marked and unmarked patrol cars, and motorcycles to ensure that the Garda can be mobile, visible and responsive on the roads and in the community in order to prevent and tackle crime.

I want to acknowledge the work of the midlands Muintir na Tíre development office, which works closely with the Garda, and the IFA in respect of its scheme.

An Leas-Cheann Comhairle: I am sorry, but I have given the Deputy an extra minute.

Deputy Anne Rabbitte: I thank my colleague, Deputy O'Callaghan, for tabling this motion. I also thank the Minister of State as well as Deputy Corcoran Kennedy, who gave a comprehensive report. Listening to it was enlightening for the simple reason that she and I share a

boundary at the bridge in Portumna. She referred to the good work and investment that have been seen under the programme for Government. Last night, I attended a divisional meeting in Loughrea that received a briefing from the chief superintendent, Mr. Tom Curley. One of the matters that we discussed related to the need for more CCTV cameras, which is called for in this motion. People pass through provinces when they leave the Deputy's constituency and enter mine. The bridge at Portumna is one site, with the M6 another point that needs more cameras. The M17 M18 motorway - the Tuam to Gort bypass - recently opened. It needs more CCTV cameras. The motorway network is opening up the country making it easier for people to travel. They can enter through the bridge at Portumna, travel to Nenagh or Limerick or go straight to Gort, Tuam and Mayo.

Regrettably, there has not been a significant uptake of the €1 million funding that was announced. I understand that there are only six applications currently. We must encourage more people to make applications. We also need to allay some of the data protection fears, though, as they might be holding some community groups back from applying for funding.

We need to encourage and support our chief superintendents. They know where more cameras are required throughout the motorway network. They know where crimes are happening. I will not lay everything out here, as we do not want criminals to know everything that is being discussed.

Deputy Corcoran Kennedy referred to the programme for Government, Neighbourhood Watch, Muintir na Tíre, text alerts and the fabulous work being done on that front. At last night's meeting in Loughrea, however, the text alert schemes in Laurencetown and Kilconerin stated that they were considering closing. They are small communities and must go door to door asking for €10 at each once per year. The Kilconerin group sent out one text alert a few weeks ago and it cost €236. It went to 460 households. It costs €600 to €700 to run the group's community text alert scheme annually. It is seeking to reduce the text alert charge, which was 33 cent, to 7 cent. As a small group, it worries about not being able to raise funds. An invaluable service that works in tandem with the Garda could be lost.

In the Galway division, 108 community text alert groups have been established, but they are working on a shoestring contribution of €150. That might not be going far enough. There are only six applications for the €1 million. After some of it has been spent on CCTV cameras, I suggest that whatever is left is divvied up between the other community text alert groups so that they can be sustained for another year. This would be a real investment in and endorsement of rural communities.

Some of my colleagues have joined us. I got leeway as I was only supposed to have 90 seconds but I had a good opportunity to speak for longer than would otherwise have been the case. I compliment Deputy O'Callaghan on this motion.

Deputy Éamon Ó Cuív: How long do I have?

An Leas-Cheann Comhairle: There are five and a half minutes left in the Fianna Fáil slot, so the Deputies can decide among themselves.

Deputy Éamon Ó Cuív: This is an important and complex debate because there are different types of rural crime and different areas suffer in different ways. According to the statistics, more isolated rural areas are less prone to crime than those that are more adjacent to urbanised areas and, generally, burglary rates tend to be less in rural areas than urban ones. However, it

is a scary experience no matter where it happens and it is one that we must address. We can prevent it.

High-tech crime is a factor, with organised groups travelling down motorways and so on. Technology plays a large part in eliminating that crime, but what is generally not realised is that there are other parts of the country where most of the crime emanates from within 10 miles or 20 miles of where it takes place. A major mistake has been made where such local break-ins are concerned. The biggest deterrent to local break-ins is a garda resident in the community. Putting people into patrol cars and having them drive around an area now and again is no substitute for the intelligence gathered by somebody living in the community. Time and again we have seen that having a good garda who is resident in a community has a major effect. In more recent times, we have noticed that even when one is lucky enough to have a resident garda, he or she is brought into the main centres of population, away from communities. We are denied the one thing that creates security, facilitates information and intelligence gathering and prevents crimes in communities, particularly those in which certain young people might be tempted not to stay on the straight and narrow. Community gardaí create security for people and get rid of much of the fear factor.

Deputy Kevin O’Keeffe: In light of the time constraints, I will be very brief. I again emphasise the need for more community gardaí and an increased police presence. I know all about opening barracks, but it is important that gardaí are based in communities. We do not need patrol cars operating with only one objective in mind, namely, to ensure that the objectives relating to initiatives created by the Minister for Transport, Tourism and Sport, Deputy Ross - which are important - are met. The Garda has lost focus in rural Ireland. One way to deal with crime in rural areas is to have activity on the roads. A Garda car on the road deters many people. However, such activity has stopped because nobody wants to drive on the roads at night.

The motion is timely. Action is needed, especially for people in rural Ireland. Organised crime is a major issue. Robberies are no longer hit and miss. Criminals can now carry out pre-emptive strikes where they need priority robberies to take place. I ask that the Minister seriously consider reintroducing community gardaí.

Deputy Jim O’Callaghan: I wish to conclude by thanking every Deputy who contributed to this debate. The fact that so many Deputies have spoken indicates what a serious problem this is throughout the country. However, it also indicates that there is great resolve within the House and recognition that if we can provide leadership, we can fight back against rural crime, which is causing so much fear in our communities.

I thank the Ministers of State for their contributions. Unfortunately, I have not yet had an opportunity to consider the amendment put forward by the Government. I propose to call a vote on the motion and I will consider the amendment with my colleagues. We can make a decision on the matter when it comes to a vote on Thursday. I also thank Sinn Féin and Independent Deputies who contributed to the debate. Sinn Féin has put down an amendment which I have not had an opportunity to consider. We will consider it and make a decision on Thursday.

The Minister is correct in stating that Operation Thor has been a success. We know that and have said so previously. However, just because it is a success does not mean that we should not try to continue to think of other measures to ensure that crime is reduced. The Minister referred to the fact that the number of burglary offences was down 30% in 2016 when compared with 2015. Listening to the anecdotal evidence Deputies have provided, I have concerns about

the accuracy of those recorded crime figures. We need to recognise that Deputies have a great insight into what is happening in their communities. There is fear and resolve among communities. People want something to be done and the action starts in this House.

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 23 November 2017.

The Dáil adjourned at 10.45 p.m. until 10.30 a.m. on Wednesday, 22 November 2017.