



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 7 Márta 2018

Wednesday, 7 March 2018

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

Paidir.

Prayer.

Third Interim Report from the Commission of Investigation into Mother and Baby Homes: Statements (Resumed)

An Leas-Cheann Comhairle: Deputy Maureen O’Sullivan was in possession. Deputy O’Sullivan has four minutes remaining.

Deputy Maureen O’Sullivan: I would make the point first that we know the difference the redress schemes have been making to many but there are criticisms of it, for example, the way people are engaged with and addressed and there are particular difficulties also for those living abroad.

I heard the reasons for the extension but it is very frustrating for those who have been waiting so long. The entire process on the industrial schools, the laundries and the mother and baby homes involving all the investigations, reports and commissions, with more to come such as Mr. Shannon’s report, the involvement of the UN special rapporteur, the technical report with the five options and now the collaborative forum and the selection panels, reminds me of the Russian doll gifts we used to get. We think we are getting one but we realise as we open it up that there are more inside. That is like the process we have had with all these particular issues. There does not seem to be an end for the people who have been waiting.

However, I compliment the Minister on the choice of chair, Mr. Gerry Kearney, whom I know from his chairmanship of the Moore Street consultative group. I am aware of his managerial skills, his way of cutting through to the essential points and the way he validated and respected everyone’s contribution. From what I experienced, I believe his approach will be collaborative, inclusive and will get the work done in a timely way. It would be interesting if he could draw everything together at this stage, including all those outstanding issues for some residents such as housing, counselling and access to records, and prevent them from being obliged to take the legal route.

I refer to one particular group of survivors who now are friends. I have met them over the years and continue to be in touch with them. They are the mixed-race survivors. While they

share the issues faced by other survivors, they had the additional issue of colour, which meant even more suffering for them. Their issues have not been specifically addressed in previous reports. Their admittance files to mother and baby homes list their colour under the section, "Defects". Their own research and campaign, and the self-disclosures they have made, record so much abuse towards them, so many awful moments and far fewer adoption opportunities for them. The cruelty towards them in the homes was not just by staff but by other children also because of their colour. I am asking for specific places for them in the selection panel and on the forum. I am reminded of a little mixed-race girl who was murdered by her foster dad in the 1960s. She was described as "a waif and a stray and a coloured one at that". I believe race has to be part of the terms of reference.

The residents are vital, and I have to question the ratio of survivors to academics. The selection process in terms of the academics has to be widespread, well advertised and transparent. I acknowledge the work of Professor Jim Smith, especially regarding the survivors in the United States. The forum and the panels must give advice in terms of the banished babies and the unmarried mothers who emigrated to the US in order that they are part of the collaborative forum and the selection committee. That diaspora survivor community has to be included.

There is a need for space for the survivors from institutions not covered by the commission's 17 institutions, and that means including St. Patrick's Guild and the apparatus associated with it.

I find it incredible that there will be a voting procedure on the five options. In an email I got from one of the groups, a survivor whom I know stated: "Whoever in God's name or anybody's name was there ever a consultation about what to do with human remains. We are distraught." I believe this is a matter for the State, not for the local authority.

When the Minister was speaking she made the point that it is nothing about us without us. That is the point that must be valued here, namely, it is the survivors who play the strong and dominant role in everything that is going on. It is very important to try to draw a conclusion that there be no more commissions and no more investigations. We have had most of them and there is a need now to draw a line under all of that and get into what the survivors need.

An Leas-Cheann Comhairle: We now have a five-minute Government slot. I call Deputy O'Connell.

Deputy Kate O'Connell: When we were children - six of us growing up in rural Ireland in the 1970s, 1980s and 1990s - our mother would threaten us that she would send us to Daingean if we did not behave. We did not know what happened in Daingean, which was about ten miles from my house in the midlands, but we had heard that behind its high stone walls, terrible things happened to bold children. We did not know that Daingean was just for boys or that it had closed in 1973. We knew nothing, but the threat alone was enough. My mother did not even know what happened in Daingean. She was only 25 when it closed, a married mother of two by then and marriage barred since 1970. When her youngest was nine she returned to full paid employment, having spent 26 years rearing children and giving us every opportunity and privilege she never had. As we got older, a spotlight began to shine on the darkest areas of Ireland, peering behind those high stone walls. This particular Commission of Investigation into Mother and Baby Homes, to investigate these matters of significant public concern, cannot report soon enough. I welcomed the third interim report published by the Minister, Deputy Zappone, before Christmas. I am disappointed that the final report is now not due until Febru-

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ary 2019 but I respect that the commission's request for an extension of a year before making its report was approved by the Government. It is, however, disappointing and frustrating for the former residents of these homes that yet more time must elapse before that truth emerges and one cannot but feel that from their perspective, justice delayed is justice denied. Time is running out for those women and children.

Many of these children are now well into their 60s, 70s and 80s and it is important to stress today that any further delays, beyond the one approved in December by the Minister, will be an insult to the commission process and to the former residents of those homes. It was deeply upsetting to read an article by Ellen Coyne in *The Times*, Ireland Edition, which reported well over a month ago that 17 elderly Magdalen laundry survivors with intellectual disabilities are still awaiting compensation from the State and others among their group have died while waiting for redress to be paid to them. I urge the Minister, Deputy Zappone, to ask the Minister for Justice and Equality to pursue a speedy resolution for the women and to enact the assisted capacity legislation as soon as possible.

Of the 14 institutions defined as mother and baby homes listed on the official commission website as "under investigation", five of them are based in my constituency of Dublin Bay South. It is estimated that more than 35,000 women and girls went through the nine major mother and baby homes, and that the Governments of the time paid for those women to be "cared for" while they were purged of the sin of childbirth.

It is important that Members of this House, both past and present, pause on occasion and check their privilege. I am not talking about the privilege and honour that comes from serving as a Deputy; I am talking about the privilege that so many people take for granted and remain utterly blind to, namely, the privilege of being born healthy and able-bodied to parents who either raised them themselves or gave them the opportunity to be raised by others. I am talking about the privilege of being wanted, loved and fed and reared in a safe and secure home. I am also talking about the privilege of being valued in a society that was practically designed for them to participate in as an equal, with the economic safety net of family and friends and with every opportunity available to succeed and grow. I remind all Members to check their privilege from time to time. Some of us may not notice the huge head start afforded to us by virtue of where, when, and to whom we were born.

My mother is 70 now and remains steadfastly unsurprised by the mounting revelations of the past decades. She often talks about girls in rural Ireland who never went to the homes but who had their babies at home. If they did not survive, they buried them quietly at the end of their gardens under an apple tree. The babies that survived home births to young girls were treated totally differently from other children. They were seen as lesser and made to know that too. There was little sign even then of a willingness to "love both", as the girls were judged too. That sexual apartheid was supported by laws and encouraged in an attempt to discipline communities. My mother is not an outlier for her generation. She has many friends her age with similar stories. They tell stories of only daughters, impregnated against their will in order to guarantee inheritance of their father's farm, or teenage girls cycling rattling bikes down dark, narrow roads, who were set upon by men. Those men never paid any price for their crimes while the girls paid dearly.

People might see this as washing our dirty linen in public, but I ask them to think of those 35,000 women who washed our dirty linen in private. People might resent hearing these stories, and they might deny that these things happened but these stories are true and they did happen.

I very much welcome the statement from the Minister for Children and Youth Affairs, Deputy Zappone, and that of the Tánaiste, Deputy Coveney, in whose constituency Bessborough is based, who I hope will work with the Minister and the UN to consider the State's response to the legacy of the former mother and baby homes and to examine the progress being made.

Deputy Catherine Murphy: The front page of today's edition of the *Irish Examiner* details the most recent comments of the tireless campaigner, Catherine Corless, on the discarded remains at the Tuam mother and baby home. Ms Corless, who has spent years doing work at her own expense that really should have been done by the State now finds her work hamstrung by the State, yet again, and this time she says money seems to be the problem. In fact, money has always been the problem when it came to these homes. Money was the whole reason they existed. The State abdicated responsibility for the homes because it would have cost money to take responsibility for all citizens. The State decided that it should outsource responsibility to religious orders or so-called charities to save the State money. That has left a legacy affecting generations. In saving money, it condemned thousands of children to a fate that does not bear thinking about. That desire to save money is what sent young boys to torturous hovels such as Letterfrack and Artane and this penny-pinching is what sent droves of young women, found wanting at some arbitrary moral altar, to the hellish mother and baby homes like Bessborough, Sean Ross Abbey, Bethany and of course Tuam.

In Tuam, the dedicated work of Catherine Corless unearthed the fact that the remains of more than 700 children had been discarded in what was basically a septic tank. They were dumped, thrown away and it was hoped they would be forgotten. But the penny-pinching by the State that led to such horrors, was a false economy. The damage inflicted on the young men and women who managed to survive those institutions has likely cost the State significant sums in various supports to try to help them cope with what they endured. For the want of funds, we are told that it is supposedly not possible to distinguish between the discarded remains in Tuam, to identify the causes of death and ultimately to identify the remains and to try to bring some semblance of closure to surviving family members. I do not accept that it is not possible to carry out the work. I recall that some years ago remains were unearthed during roadworks in Celbridge near the famine cemetery. The remains were brought to a facility in Collins Barracks and there was a tasteful reinterment of the remains. We were told the remains, which were significantly older than the ones in Tuam, were of a 50 year old man and a day old baby. We were also told what they died from and the conditions in which the 50 year old man had lived, including the food he ate. If it was possible to do that I refute the statement that we cannot deal with the very different situation that exists in Tuam.

At the time Catherine Corless made the initial revelations, I called for the scene to be declared a crime scene. If remains are unearthed where they should not be, that is what should happen. There is a need to bring in forensic anthropologists and examiners. That call stands and the work that needs to be done here cannot be neglected simply because the State, once again, is not prepared to uphold its responsibilities to the people left to the mercy of those institutions.

I deal with some women who were in a Magdalen laundry. Whatever torture they were put through, I find similar torture in terms of getting supports for them. It is not enough for the Government to come into the House and make an apology; there must be something to back up the apology in terms of meeting commitments. The reality is falling far short of what was understandably expected. The State must take full responsibility. A lot more must be done to address the situation in Tuam and to help the survivors of the Magdalen laundries and that must

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be done as a matter of urgency because many of those affected are at a point in their lives where they have little time to live out.

Deputy Joe Carey: I welcome this opportunity to contribute to the debate on the Commission of Investigation into Mother and Baby Homes. This is an extremely difficult and disturbing aspect of our country's past and it is important that we get to the truth. At the outset, I want to commend the Minister, Deputy, Zappone, and the Department of Children and Youth Affairs on their work. I welcome last December's publication of the third interim report and I believe the Government's decision to extend the time sought by the commission to be the right one. In my view, the public interest will be best served by allowing additional time for the commission to conclude all relevant lines of inquiry.

It is important that the commission is allowed more time to enable it to provide an opportunity for people who are waiting to share their experiences to do so. The fact that a number of support groups have also sought more time for the commission to complete its work is further evidence in support of extending the time period.

I understand that analysis of all relevant records will not be completed until the middle of 2018. All of the detail which will be uncovered during the investigation will play a vital role in providing a true reflection of the events and experiences of the time. With regard to the issue of extending the terms of reference into any further matters, I agree with the commission and the Minister that this approach would not be in the public interest at this time. It is important that the work currently under way by the commission is completed in order to establish what happened to women and their children in these institutions.

I welcome the Minister's decision to establish a collaborative forum which will directly support and empower former residents who want to actively contribute to decisions on matters which affect their lives. As the Minister said last December and again during her contribution to this debate, the collaborative forum is an innovative participant-centered response to the theme of "Nothing about us without us", which emerged from the facilitated consultations.

I agree with the Minister's recognition of the necessity for sustained engagement with the former residents on a number of key issues pending the completion of the independent commission's work. While separate to the work of the independent commission, a number of tangible measures will be developed and progressed in parallel to the independent investigation. I want to congratulate Mr. Gerry Kearney on his appointment as chair of the collaborative forum and wish him well in his work. I note that it is intended that the 20-member collaborative forum will meet on a monthly basis for a period of at least a year once it has been constituted, as outlined by the Minister.

The Minister previously indicated her commitment to invite the United Nations special rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to come to Ireland and reiterated this view in her contribution to this debate. I share the Minister's belief that the special rapporteur can assist us in our efforts to get to the truth and can help us to map out how best to move forward in dealing with our past. In this regard, I welcome the Minister's confirmation that an invitation has been extended.

I acknowledge the work of the international experts who produced a technical report advising of five options following the tragic findings in Tuam in March 2017. The appointment of such a team was essential to ensure any action taken on the site of the former mother and baby

home was in line with international best practice. The Commission of Investigation into Mother and Baby Homes is performing an essential role in getting to the truth about our tragic past. We as a country and a society have an obligation to get to that truth, and in order to get to that truth we need to allow those who have been affected so traumatically to give their experiences.

In conclusion, once again I commend the Minister, Deputy Zappone, and the commission of investigation on the approach they have taken on this most important issue. I look forward to completion and publication of the final report next year.

Deputy Gino Kenny: Today I speak on behalf of my mother and the many other women who went through mother and baby homes in the dark recesses of our past, a past which cannot be forgotten. Many women today live with that past and have to look to the future in order to get on with their lives.

Five years ago in this House, the then Taoiseach, Deputy Enda Kenny, made a promise to establish a memorial to the women of the Magdalen laundries. After five years, nothing has happened. As for the redress scheme, I note seven women have died without being compensated. Time is of critical importance as many women who went through mother and baby homes are growing older.

I understand a special event for Magdalen survivors will take place on 5 and 6 June in the Mansion House. One of the key recommendations from Mr. Justice Quirke in 2013 was that a gathering should take place. I ask the Minister to comment on whether the Government can contribute to or support the event.

The Justice for Magdalenes research group has expressed deep disappointment at the failure of the Government to contact survivors on its behalf. The research institute has asked the Department of Justice and Equality to contact survivors on its behalf in order to invite them to the event in the Mansion House because the Department is the only body which has all of the names. The 800 survivors will be able to discuss the best way to memorialise the past and deal with their future on 5 and 6 June.

One of the recommendations from survivors is that when a building in Sean McDermott Street is sold, some of the space should be used for public housing. It is a testament to the women who were brutalised by the church and State that their desired legacy is to leave something for the future for the many people who find they cannot get a home in the State today.

Is the Government supporting the event being held on 5 and 6 June? Can it contribute to or cover the costs for the many people who will attend? It is extremely important that it does so, given that in 2013 the then Taoiseach, Deputy Enda Kenny, said he would actively memorialise the survivors of mother and baby homes. Nothing has happened, which is an insult to the women who have survived. I acknowledge there has been a redress scheme but certain people have not received any redress. A memorial is essential because this is a part of the past that cannot be wiped out and which we should address in more ways than one.

Deputy Pat Buckley: I welcome the opportunity to speak. I commend the commission on its work. However, I am very concerned about the delays. Many Members have referred to victims, but in my eyes they are also heroes for standing up and speaking the truth. More importantly, they are heroes for seeking the truth. What sticks in my craw is that there appears to be delay after delay.

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Another Deputy mentioned torture. I can tell Members personal stories. A very good friend of mine was almost nine months pregnant when her job in Bessborough mother and baby home in Cork was cutting the grass at the front of the home on her hands and knees with a scissors. It took her 45 years to find her son. Too much has been covered up. There are problems with obtaining records and so on. One would have a better chance of emptying the Red Sea with a bucket with no ass in it than getting information. There are other issues.

I do not have a lot of time to speak but I strongly recommend that when the final report is published, a redress scheme be put in place.

It has been stated that the issue is one of money. I do not mean any disrespect to the Catholic Church or the Pope but if the Government can cough up €20 million for the Pope's visit, surely it can also look after its own people. What the church and State did to survivors, victims and their families is atrocious. I could use other words to describe this legacy but it would not be appropriate to do so in the Chamber. I cannot stress how tough this is for survivors.

I will give another example of a good friend of mine who was forced to face a wall while breast-feeding her child. She did not know why she was being forced to do so but *11 o'clock* she found out afterwards when the child was taken from her breast. It was then that her 45-year struggle commenced. This was atrocious behaviour. We would not do this to an animal. I appeal to all Deputies to reach a consensus on the need to at least recognise what the victims endured. We must not allow more of them to die. As Deputy Gino Kenny stated, seven more victims have died since the commission of investigation began its work.

Capacity issues are preventing 39 survivors from signing documents. When will the Assisted Decision-Making (Capacity) Act, which was introduced three years ago, be commenced? We are losing time and I find it insulting to have to tell survivors that my gut feeling is that the can is being kicked down the road. We would not do this to our parents or siblings. In that case, why should it be done to the survivors and victims? This makes me extremely angry.

With regard to the sites of former homes, there are rumblings concerning proposed development in certain areas. I am not opposed to development but these proposals should be thoroughly investigated. Three years ago, after attending an annual mass at Bessborough mother and baby home in Cork, I naively commented on lovely pink and blue balloons I saw as we walked towards the graveyard. Someone whispered in my ear that the balloons marked the site of unmarked graves for babies. That incident sticks in my craw.

If Deputies let down the survivors, we will not be fit to serve in this Chamber. Human beings cannot be treated like animals. The actions of the State and church in farming out children were disgusting.

I will refer briefly to another case involving a gentleman who returned to Ireland from Canada two years ago. He thought he was the only person in the world who had been extradited, so to speak, from the country as a child. It was only through social media that he found out about the mother and baby homes. Last year, he was knocked down and is now dead. He, too, was let down by the church, State and Government. Whatever happens, I appeal to the Minister not to allow another person to die.

We will fight this tooth and nail because the survivors have been let down. It is shameful and disgraceful. Next week, I will tell survivors that we hope to have good news. The least we can expect is that they and their families and friends will be treated with the utmost respect and

an acknowledgement will be given that they stood their ground and told the truth. Their story is being kicked down the road and swept under the carpet in the hope that they will disappear. I do not want that to happen.

Deputy Alan Farrell: I appreciate the opportunity to contribute to this important debate. If I may be so bold, I will speak on behalf of members of the Committee on Children and Youth Affairs and the Minister. It is only by chance that the Minister and members of the committee were able to make it to the Chamber for this debate because we had a meeting this morning on the important matter of the Department's Vote. This is wrong because statements in the House are important and the Minister and members of the committee should have been afforded the opportunity to attend for the entire discussion.

I remember following with disbelief the unfolding story of mass graves being found on the grounds of the former mother and baby home in Tuam. It would be remiss of me to make a contribution on such an important and sensitive topic without recognising the work undertaken by many people who strove over the years to give a voice to survivors and victims of acts that took place in the mother and baby homes. I acknowledge, in particular, the work done by Catherine Corless in bringing to light the incredibly callous treatment that has been unearthed at the mother and baby home in Tuam, County Galway. I am aware that Tuam is the home town of my colleague seated beside me, the Minister of State, Deputy Seán Canney. It is difficult to comprehend that so many babies were buried in Tuam and other locations, including those to which Deputy Buckley referred, in a manner that did not afford them even the slightest dignity. It is awful that these babies' graves were unmarked. It is horrific not to memorialise a child or any other person who has passed. That it was done by a religious institution with the knowledge of the State makes it even worse.

The full truth must be brought to light in the interests of justice for every individual who was a resident of or had a connection with the mother and baby home in Tuam. They must have their voices heard and must be given an opportunity to make their views known. In that regard, I welcome the ongoing work of the independent commission of investigation.

Society must not hide from the events that have taken place in this country, whether recently or in the long distant past. We must fully confront the treatment that took place in mother and baby homes under the watchful eye of religious orders and with the full knowledge of the State. The only way in which we can ensure all those affected are afforded protection is to respect them and provide them with the opportunity to have their voices heard.

I prepared extensive notes on the understanding that I would have more speaking time. I will attempt to condense my remarks and be as concise and precise as possible. The former Taoiseach, Deputy Enda Kenny, apologised in this Chamber on behalf of the State to the individuals affected by this issue, both historically and currently. The only institutions that have not apologised in a meaningful way are the religious orders. It is regrettable that the former custodians of morals in this State have not been Christian enough to apologise. Their failure to do so speaks volumes to me and several other Deputies who had the good grace to raise the issue with me this morning.

It is important to acknowledge that many members of the public who have been discussed in the House in the context of mother and baby homes in various locations, not only Tuam, do not want compensation. Some of them are perfectly entitled to compensation and I hope they will receive it but many of them simply want an apology. It is appropriate that the message

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Members of the Oireachtas send to those who are following the debate is that the treatment meted out with the full knowledge of the State was wrong. We must, through the good work of the commission of investigation, reach a conclusion on this matter and take appropriate and timely steps on the mother and baby homes in Tuam and elsewhere in order that the individuals who survived know that somebody cares. I trust the Minister and the Cabinet will do just that.

Minister for Children and Youth Affairs (Deputy Katherine Zappone): I regret that I was unable to attend earlier to listen to previous contributions. Deputy Farrell addressed this issue. I had an opportunity to make a statement when we commenced the debate during which I spoke about my feelings on this issue and identified some of the actions I have taken in response to the horrific findings in respect of the mother and baby home in Tuam and, more generally, the issues that continue to be raised in the context of the work of the Commission of Investigation into Mother and Baby homes.

I will address a few of the points that Deputies raised during the sittings and add to them. Before I do, though, I listened to Deputy Gino Kenny. I acknowledge his mother's story and will reflect on it. In light of those experiences, it must mean much to her that the Deputy is able to be here today and raise the issue not only on his own behalf, but on behalf of his mother and many other Magdalen laundry heroes, to use the language of my colleague. I acknowledge the Deputy's comments about the event on 5 and 6 June. I am generally in favour of, and have spoken at length about, the importance of memorialising the mother and baby homes, which extends to other settings, including the Magdalen laundries. I will discuss the issues the Deputy raised with me with my colleagues.

I acknowledge that people have died since the commission was established and started its important and independent work as well as since my own Ministry started. I feel those deaths, as all of us do. I grieve for them. I am resolved that we will continue doing what we can to respond to the concerns and issues of survivors, heroes or residents of mother and baby homes.

Deputy Buckley expressed a number of stories from his own experiences. I hope that they will be shared with the commission's confidential committee, as it is out of such bearing witness that we will be provided with the best possible assessment of what happened across the board and, therefore, what we as a State have a responsibility to do. From the beginning of my Ministry, and particularly in light of my work with the people of Tuam, I have offered my personal apology for the horrific stories that I have heard from those who were residents in the homes. We know that the commission's findings will be painful. Both as a society and as a group of parliamentarians who want to ensure that justice is done, we need to listen to the full account of the commission's conclusion.

I appreciate the issues that have been raised today and previously about the delay in the turnaround, and not just because people have died. It is taking too long. For that reason and to the extent that I had the power to do so in my Ministry, I initiated a number of additional processes to complement the commission's work. Included in that is another form of facilitation in the form of a collaborative forum, whereby we are pulling together the representatives of people who have been in mother and baby homes and examining various issues. One of the issues that I want the forum to examine first and reach a consensus on is whether people require health and well-being supports and, if so, to make a recommendation to me on what can be done as soon as possible, perhaps even before the findings of the commission. This is one way of responding to some of the delay.

I could say many more things on this subject and I tried to outline a number of them in my opening remarks. Since we are approaching the one-year anniversary of the Tuam findings, I will say that the consultation process is under way and is based on the work of the technical group that I established to determine what options would be possible. There will be a public meeting in Tuam this month. Subsequent to that and the analysis of other forms of consultation, recommendations on what the stakeholders wish to happen will come to me. I hope that we can make decisions on those within the near future.

An Leas-Cheann Comhairle: That concludes statements on the third interim report of the Commission of Investigation into Mother and Baby Homes. Níl obair ar bith eile le déanamh agus dá bhrí sin, tá an Teach ar fionraí go dtí meán lae.

Sitting suspended at 11.15 a.m. and resumed at 12 noon.

Leaders' Questions

An Ceann Comhairle: I wish the Members a happy International Women's Day. We will now take Leaders' Questions under Standing Order 29 and I ask Members to adhere to the time allocations.

Deputy Micheál Martin: Newspapers have been reporting on multiple arrests in recent days in the course of a child abuse investigation in the Limerick-Tipperary area of Munster.

12 o'clock Reports indicate that up to 20 children have been identified as victims of alleged sexual abuse. Concern has also arisen on the urgency of the response of State agencies when allegations first came to light. This could, in itself, lead to an inquiry as to whether every possible measure was taken to ensure the safety of the children immediately at risk when it became known that they were at risk. Apparently, such concerns have been expressed formally by a State employee who works in the welfare sector. There is an enormous level of concern locally about this as well as enormous public concern more generally.

I will not comment on the individual case any further. I raise it in the context of the broader issue of how well-equipped and organised State agencies are to deal with child sexual abuse and exploitation. The Garda Inspectorate report, which was published last week and which I raised on the Order of Business, gives rise to significant concerns as to the general capacity of the State to investigate child sexual abuse cases comprehensively and appropriately. The report benchmarks progress on the issue against an earlier Garda Inspectorate report of 2012 and indicates that only 45% of the recommendations of that earlier report are considered to have been implemented. Overall, the inspectorate is concerned at the limited progress in the implementation of some of the recommendations and at the time taken to progress others, including the introduction of a victims' helpline in 2017, which was approximately five years after the publication of the 2012 report. I just give the Taoiseach a sample.

The lack of implementation is disappointing and, in the opinion of the inspectorate, has had a negative impact on the delivery of services to victims. Child advocacy centres have not been established, notwithstanding that this was a very important recommendation of the 2012 report. Continuing cause for concern is the fact that inexperienced and untrained gardaí are still involved at all stages of child sexual abuse investigations, from taking initial accounts from victims and obtaining victims' and witnesses' statements to dealing with suspects.

An Ceann Comhairle: Does the Deputy have a question?

Deputy Micheál Martin: I do, indeed. There are a range of other issues which I can deal with but the fundamental question is why is it that there has been such poor implementation of the recommendations contained in the Garda Inspectorate report of 2012 in relation to so grave an issue as the exploitation and sexual abuse of children?

The Taoiseach: Crimes of a sexual nature are among the most heinous crimes that can occur and crimes against children are the worst crimes imaginable. I am aware of the arrests of 11 people on Monday by An Garda Síochána. These people have been released and files will be prepared for the Director of Public Prosecutions. These arrests come as part of an intelligence-led investigation by gardaí into alleged sexual exploitation of children who are resident in the Newcastle West Garda district. As the investigation is ongoing, I cannot say any more about its details other than to commend the work of gardaí and Tusla to ensure these arrests took place. The crimes alleged are shocking, abhorrent and truly disgusting.

The Government is fully committed to the protection of children. Divisional protective service units have been established in An Garda Síochána to tackle special crime types, in particular domestic and sexual abuse. The Government will ensure that gardaí are supported in the fight against all forms of child sexual exploitation and abuse. The Criminal Law (Sexual Offences) Act 2017, which this Government brought in, contains significant provisions in Part 2 to deal with and prevent the sexual exploitation of children. These measures strengthen the law in the area of child pornography and create new offences to target child sexual grooming which focus on those who use modern technology to engage with children with the ultimate purpose of sexually exploiting them. The aim of the provisions is to remove any gap in the law which could be exploited by those who prey on children for the purpose of sexually exploiting or corrupting a child. The seriousness of these offences is reflected in the potential penalties which may be imposed of ten to 14 years. These offences came into effect on 27 March 2017.

The specific report mentioned by Deputy Micheál Martin was brought to Cabinet by the Minister for Justice and Equality two weeks ago and we had a detailed discussion on it. We acknowledged that improvements had been made and we have been able to work with An Garda Síochána to support it to improve its capacity in this area. We also acknowledged, however, that there are shortcomings which remain. We will work very hard with An Garda Síochána in the months and years ahead to ensure its members have the resources, technology and training they need to protect our children.

Deputy Micheál Martin: Without question, the scale of what has been alleged in Limerick is shocking and may represent a first in this country. It is important to point out that 60% of all reported sex crimes in Ireland involve a child but only 4% of cases notified to gardaí result in convictions. I asked the Taoiseach specifically about the lack of implementation of the 2012 report. We are great at inquiring into the past, but I am struck by the lethargy and lack of proactivity in implementing the key recommendations. For example, a major gap has been identified in Garda powers to compel the lawful owner of a computer or other device to provide a password to facilitate access. Those new powers should be brought in immediately by the House. If we all agree that it is the most heinous of crimes to sexually abuse children, there should be far greater commitment to implementing the recommendations of a serious report of this kind, in particular given the relationship between Tusla and An Garda Síochána which was again found to be less than optimal in the 2012 report. The lack of co-operation and co-ordination is shocking at this stage.

The Taoiseach: There is total commitment on the part of the Government to the implementation of the report and the Minister and Government will drive those agencies, Tusla and An Garda Síochána, to do so. We will not take a hands-off approach when it comes to requiring these agencies and bodies to implement the report. The Garda Inspectorate's original report of 2012 made 29 recommendations, almost all of which were operational in nature and directed at An Garda Síochána. The recent follow-up review finds that of the 29 recommendations, 13 have been implemented fully, six have been partially implemented, six have not been implemented and four have not been satisfactorily addressed. Ms Caroline Biggs SC has agreed to chair the implementation group. She was called to the Bar in 1997 and to the Inner Bar in 2009 and she is an acknowledged expert in criminal law. She prosecutes and defends criminal cases on a regular basis and has a particular interest in the investigation and prosecution of child sexual abuse. She has made written submissions on the subject to the inspectorate.

Deputy Mary Lou McDonald: The Supreme Court has spoken and its decision is unanimous. Its judgment clears the way to advance the referendum on the repeal of the eighth amendment to the Constitution. I understand the Taoiseach had a correct concern for legal clarity before advancing the legislation and that, correctly, he did not wish to pre-empt or even create an impression of interfering or seeking to interfere with the decisions of the courts. Now, however, matters have been clarified and there is no reason or basis for further delay.

As the Taoiseach knows, the eighth amendment represents a real and ongoing threat to the health and lives of Irish women. Our recent history is marked with so many tragic episodes of that hard reality. The eighth amendment has cast a shadow on medical practice. It places the threat of criminal sanction against doctors for making medical decisions in the best interest of their patients. It has to go. The eighth amendment is a relic of an Ireland of the past, yet it restricts the rights of women in the here and now and profoundly affects our welfare. It should not have been introduced into the Constitution in the first place.

The first piece of the puzzle facing us is the publication of the referendum Bill. Now that we have legal clarity and given the unanimity of the Supreme Court decision, I put it to the Taoiseach that the Cabinet needs to meet the Attorney General on this matter today and the legislation for the referendum ought to be published today. When the Business Committee meets today, it should schedule a debate immediately, starting tomorrow. We should have a full day's sitting on Friday to advance this legislation because time is not on our side.

We all appreciate that we need to create a better Ireland for our sisters, daughters and women. This is an opportunity to ensure that we never again allow women to be faced with the injustice and degradation that generations have gone through. Of course, the referendum is about the whole of Irish society coming together and saying women are entitled to their fundamental right to health care. We have an historic responsibility to establish this right. Respect and compassion for women must prevail. It is time to trust women. It is time to allow doctors to do their job, and it is time for us, as legislators, to do ours.

We have an important responsibility to pass the legislation on the referendum in a timely fashion. Will the Cabinet meet today to discuss the judgment and receive the advice of the Attorney General? Can the referendum Bill be published today? Can we commence the debate tomorrow and have a full day's sitting on Friday?

The Taoiseach: The Supreme Court issued its judgment this morning in Limerick. The Attorney General has asked for the remainder of the day to study that judgment. As Deputy

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McDonald rightly pointed out, it is important that we get this right. As Deputy Micheál Martin pointed out yesterday, it is important that we dot the i's and cross the t's. We do not want to make any unforced errors when it comes to a referendum on changing the Constitution. Therefore, the Attorney General has asked for the remainder of the day to consider the written judgment. I have agreed to that. The Cabinet will meet tomorrow at 11 a.m. to hear his advice. It is our intention to publish the referendum Bill tomorrow, with the possibility of its being discussed in the House tomorrow night or, if not tomorrow night, on Friday. I understand the Business Committee will meet tomorrow after the Cabinet meeting to discuss whether there will be a Friday setting or whether the Bill will be discussed on Thursday night. The publication of the Bill and its introduction in this House will allow us to establish formally a referendum commission for the referendum, which can begin its important work almost immediately. That is certainly what I wish to do.

This is going to be a profoundly deep and difficult debate for many people in this country. It is my strong wish that it be a respectful debate and one that is never personalised. I know everyone in this House will want to show leadership in that regard and ensure the debate is respectful of all sides and opinions because people are entitled to their personal opinions on this deep issue of conscience. Above all, the referendum will be about asking the Irish public to change our Constitution – our basic and most fundamental law – to say that we, as a country, people and state, trust women to make these decisions for themselves and to decide in the early weeks of pregnancy whether they want to be pregnant and whether they are able and willing to be mothers. It is also a question of trusting our doctors to determine later in pregnancy when it is medically appropriate for a termination to occur. That is fundamentally the question we will ask the Irish people to answer, ideally with the co-operation of the House, before the end of May this year.

Deputy Mary Lou McDonald: Like every Member of the Dáil, I am sure, I share the Taoiseach's wish that the debate be measured, informed, respectful and enlightening. That is our wish. For our part, we will do everything to set that tone. I appreciate the Taoiseach's comments in that regard. I appreciate that the Taoiseach does not want to make unforced errors or to rush but I have to put it to him that this subject has been marked in our political history not by urgency or rushing but by delay, prevarication and a lack of willingness to act decisively. We need to turn that corner too. I appreciate that the Attorney General has to do his job in a methodical and thoughtful fashion. I ask the Taoiseach again, however, to consider the timetabling with a sense of purpose and urgency. If the legislation can be published sooner than tomorrow, it should happen. Certainly, the debate ought to commence on Thursday. We need a full day's sitting on Friday.

The Taoiseach: The Deputy is correct that there have been delays and obfuscation regarding this issue down through the years. There were unacceptable delays in legislating for the X case. There were delays in allowing for a referendum and legislation to allow people to have access to information and to underline the right to travel. The Deputy is correct that there have been long-standing delays in dealing with this difficult issue. When I stood up here on my first day as Taoiseach, however, I said this matter would be one of my priorities. I tasked the Minister for Health, Deputy Harris, to bring forward proposals for a referendum. I said there would be a referendum and that it was my intention to have it before the summer of this year.

With regard to my role in this, nobody could accuse me, as Taoiseach, of causing any undue delays on this issue but I do not want to make any mistakes either. When the Attorney General asks for a day to consider the written judgment, the Attorney General will get a day to consider

the written judgment. I agree with the Deputy, however, that if we can have the Bill in the House tomorrow night, we should. If not, we should have a full session on Friday.

Deputy Brendan Howlin: The last few days have been dominated by rows about communication and the ability of the Government to spin. It would be useful if some of those skills could be applied to the Brexit conundrum because there appears to be a unique difficulty communicating with the British Prime Minister. In her speech last Friday, Mrs. May indicated she and the Taoiseach agreed that both our countries would work alongside each other and the European Commission to find a solution on the Border. She appeared to suggest that the Taoiseach had taken a shared responsibility to find a solution. Her exact words were, “the Taoiseach and I agreed when we met recently that our teams and the Commission should now do just that.” Speaking on “Morning Ireland” on Monday, however, the Taoiseach said there would be no three-way negotiations and that Ireland would conduct its talks as part of the EU 27.

It is beyond farcical that, 20 months into negotiations, weeks away from a crucial EU Council summit and little over a year before the UK actually leaves the European Union, the United Kingdom is still deaf to the fact that Ireland is negotiating as part of a bloc of 27, that the problems with the Border are a result of its red lines, and that it is incumbent upon the United Kingdom, as a country that has decided democratically to leave, to come up with solutions. On Monday in Westminster, the British Prime Minister proposed the US–Canada border as an example of a solution. It is a classic hard border. The EU Commission has translated the December agreement into legal terms but immediately the draft was published, the British Prime Minister ruled it out as completely unacceptable and as an agreement that no Prime Minister of Britain could sign up to, yet that is exactly what she had done in December.

The undeniable truth now is that the irreconcilable fudge at the heart of the backstop is that it is not possible for there to be no border on the island of Ireland or between this island and Britain if Britain pulls out of the Single Market and the customs union. To quote Michel Barnier, “The clock is ticking.” The probability of no deal is increasing every day. It appears that even agreements hard negotiated can be resiled from with ease immediately after they are made. Is it not time for this House and the Government to state, in absolutely clear terms, that the backstop position which was formally agreed between the EU and the UK last December cannot be achieved if the UK, as a whole, is not a member of the customs union or does not apply the rules of the Single Market? Is that not the fundamental truth that must be now clearly stated?

The Taoiseach: I have no difficulties communicating with Prime Minister May. We meet periodically and speak on the phone. We will meet again the week after next, following my return from the United States, when we will both attend the EU Council in Brussels. As I said on “Morning Ireland”, the negotiations that occur will do so between European Union, on the one hand, and the United Kingdom, on the other. There will be no negotiations between Britain and Ireland. We negotiate as part of the EU, as one of the 27 member states, led by the Barnier task force and we are stronger for that. The United Kingdom might be starting to understand that negotiating with a bloc ten times bigger than itself is not a strong position in which to be. We will not allow ourselves to be cleaved from the European Union and any negotiations that occur will take place between the European Union and the United Kingdom, with our input into the European Union’s position. Over the past year or so, we have successfully ensured that Irish issues are Europe’s issues and we have the unanimous support of Prime Ministers across the Union for our position. This was demonstrated most recently by Prime Minister Xavier Bettel from Luxembourg who visited Ireland on Monday.

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That is not to say that we cannot talk bilaterally. It makes sense that the Irish Government should talk to the Government of the United Kingdom which, after all, is the Government next door. We discuss things such as the common travel area, for example, a bilateral arrangement that we have and that is recognised by the European Union, which allows us to travel freely, north-south, east-west, between Britain and Ireland. We want to keep talking about that so as to ensure that it is protected. We can discuss with the UK Government options and solutions for avoiding a hard border on the island and any physical infrastructure or any associated customs and checks. It is reasonable that we do this and we have a responsibility to do it. I do not want to be in a situation in a year's time whereby, despite everyone's best efforts, somehow we end up in a chaotic hard Brexit with no agreement. I want to be sure that the Government I lead does everything possible to avoid a hard border on our island. That is why it is appropriate that we should have discussions with the United Kingdom, but talking about solutions and looking at options are not negotiations; the only negotiations can occur bilaterally between the EU and the UK.

I am also very conscious that there are so many people who live north of the Border who are Irish citizens and believe themselves to be Irish. That is why they cannot be left behind ever again and why we will move might and main and do all we can do as a Government to ensure it does not happen.

Deputy Brendan Howlin: The words “moving might and main” are lovely but we have been hearing them for a year. It is an inescapable truth that we are heading towards a hard border. In the past hour, Donald Tusk published what the *Financial Times* has said is a rebuff of Theresa May's vision for trade after Brexit, laying out a narrow view of future relations between the UK and the EU. The negotiating position of the 27 is now, “Divergence in external tariffs and internal rules as well as absence of common institutions and a shared legal system, necessitates checks and controls to uphold the integrity of the EU single market”. Despite all the talk, is it not a fact that we are now heading towards a hard border on the island of Ireland and a border between the island of Ireland and our biggest trading partner, the United Kingdom?

An Ceann Comhairle: I thank the Deputy.

Deputy Brendan Howlin: Is it not time that we actually faced that reality and tried to find a solution before we slip over the edge?

The Taoiseach: It is much more than words. The December joint report is not just words; it is written down in black and white. That is a political agreement and one by which the United Kingdom Government continues to say it abides.

Deputy Brendan Howlin: He said it is impossible to deliver.

The Taoiseach: We have a draft withdrawal agreement, a legal text with an Irish protocol, which achieves what we seek to achieve, namely, ensuring that there is no hard border between Northern Ireland and Ireland.

Deputy Brendan Howlin: The Prime Minister said that it is undoable.

The Taoiseach: We have a solution, namely, option C. The question is whether there might be a better solution and that is what we now need to explore. It is right that we should explore it and that is what the Government will do.

An Ceann Comhairle: I thank the Taoiseach and call Deputy Paul Murphy.

Deputy Paul Murphy: In ten days, on St. Patrick's Day, the Taoiseach is scheduled to experience the vice-like grip of Donald Trump. I take it he has been doing his hand exercises.

Deputy Timmy Dooley: Steady on.

Deputy Paul Murphy: When it seemed safe that Donald Trump would not be elected, the Taoiseach's predecessor, Deputy Enda Kenny, described his comments as racist and dangerous. Over a year later, it is absolutely clear that it is not only his comments but that Donald Trump himself is racist, sexist and dangerous. His big and beautiful wall, which he continues to push as a means to whip up racist sentiment, has been matched with anti-immigrant executive orders which have resulted in families being broken up across the country, with over 100,000 arrested by immigration officials last year. The so-called dreamers, undocumented immigrants who came to America as children, including Irish people, now face the threat of deportation. He has called for National Football League, NFL, bosses to fire American football players such as Colin Kaepernick who take a knee in protest at the killing of black Americans by the police. His response to Charlottesville, a violent protest by far right and fascist forces, which saw the murder of Heather Heyer, was disturbingly revealing. He said there was blame on many sides and went on to describe the anti-fascist protesters as "very, very violent". He is a US President who not only bragged about sexual assault, and has not only been accused by multiple women of sexual assault, but whose policies and appointments reveal a deeply sexist and homophobic outlook. He has opened an attack against Planned Parenthood and implemented a series of anti-LGBT measures, including an attempt to ban transgender people from the military and overturning protections for trans school students.

In January, the doomsday clock for humanity was moved forward by 30 seconds to two minutes to midnight. The scientist responsible wrote:

Never before has the Bulletin decided to advance the clock largely because of the statements of a single person. But when that person is the new president of the United States, his words matter.

Those words include the threat of fire and fury against North Korea. Donald Trump threatens the future of our planet. His withdrawal from the Paris Agreement is matched by rolling back environmental regulations, pushing forward with oil and gas extraction, a drive to restart coal extraction and giving the go-ahead for the Keystone XL pipeline. He is a danger to humanity.

An Ceann Comhairle: Time please, Deputy.

Deputy Paul Murphy: He is the ugly face of a capitalist system devoted to maximising profit at any cost. The best thing the Taoiseach could do would be to refuse to meet him, refuse to allow his racist, anti-immigrant policies to be greenwashed with a bowl of shamrock. The Taoiseach's response will be predictable - he will not do it.

An Ceann Comhairle: I thank the Deputy.

Deputy Paul Murphy: I remind him of the commitments he made repeatedly when we have raised these issues over the course of the past year, namely, that he would raise them in the US in March.

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An Ceann Comhairle: The time is up.

Deputy Paul Murphy: March is here. Will the Taoiseach represent the views of ordinary people in this country and explain that there are those who oppose Donald Trump's attacks on the environment, disagree with his anti-immigrant rhetoric and are appalled by his aggressive nationalist stance?

The Taoiseach: Next week, as part of a one-week mission to the United States, I will be invited to the White House by President Trump. We will hold a bilateral meeting as part of that visit. President Trump is the head of Government of the United States, I am head of Government of Ireland and we are two countries which have very strong links. They are cultural - they run in our blood, most of us have American family and many Americans have Irish family - and they are economic. They are extremely important and I want to maintain and strengthen them. They will outlast any president or Taoiseach and it is important that we see everything through that perspective.

There are many of Donald Trump's policies with which I do not agree. I do not agree with him on migration, climate change or trade. I am very much a supporter of free trade and the politics of Donald Trump are much closer to those of Deputy Paul Murphy on that particular issue. I also believe very strongly in individual freedom, which encompasses women's right and the rights of people who are lesbian, gay, bisexual and transgender. Of course I intend to use the opportunity of the meeting I will have with President Trump, his Administration and the vice president to deal with and raise some of those issues, specifically those relating to trade. I shall point out to the President the extent to which our relationship is truly bilateral. It is not well known but nearly 100,000 Americans across 50 states work for Irish companies. Trade goes in both directions and free trade and free enterprise benefit both countries immeasurably. I shall speak with the President about this in great detail.

The direct answer to the Deputy's question is that one can take two different approaches to these things. The traditional approach of the left and the far left to people they do not agree with is the policy of no platform, not talking to them, not sharing a platform with them and maybe just shouting at them. It has never really worked. The Government I lead will pursue a policy of engagement.

Deputy Paul Murphy: I do not think the Taoiseach understands the politics of the left-----

Deputy Patrick O'Donovan: Perhaps the Deputy will enlighten us.

Deputy Paul Murphy: -----and the differences that exist between our approach and that of Donald Trump. Perhaps the simplest thing is to remind the Taoiseach of his own politics and what he said previously. On 27 June the Taoiseach said:

I have not yet had the phone call with President Trump but I am fairly sure that at some point in my interactions with him, assuming we are both still in office next March, we will be discussing LGBT rights. I will not shirk from raising issues such as climate change, LGBT rights and so on with President Trump.

A week before that, referring to meetings in March, the Taoiseach said, "I will absolutely include in those meetings discussions of the issues he mentioned, whether it be climate change, human rights, LGBT rights and the need to respect Muslim people". Will the Taoiseach clarify if he will discuss those issues with President Trump? Will the Taoiseach discuss the issues of

LGBT rights and the issue of the so-called wall?

An Ceann Comhairle: The Deputy's time is up.

Deputy Paul Murphy: Will the Taoiseach discuss President Trump's anti-Muslim policies? Will the Taoiseach raise those issues with President Trump?

The Taoiseach: I will raise with President Trump the issues as listed by the Deputy earlier, which I had said I would raise.

Deputy Paul Murphy: The Taoiseach did not.

Deputy Ruth Coppinger: The Taoiseach had not said he would raise those.

An Ceann Comhairle: That concludes Leaders' Questions and on time, so congratulations to all Members.

Questions on Promised Legislation

Deputy Micheál Martin: There are many commitments in the programme for Government around implementing A Vision for Change. One of these commitments is to build capacity in child and adolescent mental health services, CAMHS. A Programme for a Partnership Government says that the Government will "Provide more residential places for people with enduring mental health issues". There still are, however, very serious deficiencies in the provision of public health care in the State for those suffering with eating disorders. There are only three specialist beds in the State for people with adulthood eating disorders and there are no dedicated or inpatient CAMHS facilities for those in need of treatment for conditions such as anorexia and other eating disorders. The HSE estimates that up to 200,000 people in Ireland may be affected by eating disorders. There are 400 people newly diagnosed each year.

An Ceann Comhairle: Does the Deputy have a question?

Deputy Micheál Martin: With regard to the implementation of the commitment in the programme for Government, will the Taoiseach outline when the State and the Government will be able to increase the number of beds available for patients with eating disorders to receive much needed inpatient treatment?

The Taoiseach: I apologise. I do not have an up-to-date answer on that. I will ask the Minister for Health to correspond with Deputy Micheál Martin's office.

Deputy Mary Lou McDonald: As we speak, there are approximately 20,000 households without water, 50,000 with a reduced flow of water and more than 1 million in Dublin with a restricted supply. The programme for Government contains a commitment to protect plans set out by Irish water to upgrade our water infrastructure. The events of recent days highlight the fact that the capital investment plan, published by the previous Government of which the Taoiseach was a member, is not sufficient to address the challenges posed. Domestic water charges have been overwhelmingly rejected. Lest the Taoiseach feels tempted to make the link between that matter and the difficulties in the here and now, he should bear in mind that Irish Water has exactly the same amount of capital funding as it would have done had domestic water charges gone ahead. Is he prepared to make a commitment for additional capital funding for 2019 to

start getting to grips with this?

Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy): I thank the Deputy for her question. Let us not make a political issue out of the very serious difficulties people across the country are facing as a result of Storm Emma-----

Deputy Mary Lou McDonald: I agree.

Deputy Eoghan Murphy: -----and the incredible work being done by Irish Water and its crews, day in and day out, to get water restored to hospitals, to schools and to people with very difficult illnesses who require care at home. Irish Water is doing tremendous work. It is good to see Deputies supporting Irish Water. There is significant investment in Irish Water to allow it to upgrade infrastructure, to build new treatment plants and new wastewater treatment plants. This commitment was extended to 2027 in the national development plan. The funding is there. Significant funding is in place and plans are under way to protect our water infrastructure and to improve our water system.

It is important to note that where one does not have to pay for a utility, one does not respect that utility and one will waste that utility. This is as true for water as it would be for electricity. In difficult times, such as those we are experiencing at the moment, there is more demand on a service and its costs more to fix that service. There is a link between the two.

Deputy John Brady: Then introduce fairer taxes.

An Ceann Comhairle: The Minister's time is up.

Deputy Mary Lou McDonald: People do pay, just as they pay the Minister's wages.

Deputy Eoghan Murphy: People do not pay directly for this utility in the same way they pay for electricity.

An Ceann Comhairle: The Minister's time is up.

Deputy Eoghan Murphy: If people did not have to pay directly for electricity, does Deputy McDonald believe people would keep the lights on or off?

Deputy Brendan Howlin: Tomorrow is International Women's Day. Lots of nice words will be spoken but there are also concrete actions we could take. Ireland has a gender pay gap of 13.9%. In its legislative programme, the Government is committed to a gender pay gap wage transparency Bill. It is nearly one year to the day since the Labour Party published legislation in this area. This is legislation that the Taoiseach committed to support in his leader's speech to the Fine Gael national conference in the autumn. It has passed Second Stage and is on Committee Stage in the Seanad. It is ready to move to Report Stage. There is no reason the Government cannot make any amendment it wishes on Report Stage in the Seanad in order to ensure the Bill passes quickly into law, rather than waiting for its own legislation. Will this happen?

Minister for Justice and Equality (Deputy Charles Flanagan): I expect to be in a position to report progress on these amendments. I firmly intend to have that legislation enacted at the earliest opportunity. We will have progress as soon as the Dáil reconvenes after St. Patrick's Day.

Deputy Ruth Coppinger: There is no Order of Business, which is unfortunate, but I again

wish to raise the matter of the referendum to repeal the eighth amendment. It is still completely unclear as to when the debate on the relevant Bill will commence. This is one of the most anticipated and eagerly awaited Bills for years. Winning the referendum will be one thing but the least the Government could do is ensure that it is held at the right time.

The necessity of waiting for the outcome of the Supreme Court ruling was arguable, but that is fine. While the right to vote on this issue is awaited eagerly by an entire generation there is, unfortunately, a small cohort in this Dáil who will do everything to delay that democratic right. This is people's fear: that this cohort will delay the Bill and that little time will be left to debate it. I would argue that to bring the referendum back on course for May 25, the debate on the Bill should commence in the Dáil tomorrow. There is absolutely no reason why that should not happen.

An Ceann Comhairle: I thank the Deputy. Time is up.

Deputy Ruth Coppinger: It is not clear that this is the case.

An Ceann Comhairle: Time is up. I thank the Deputy and invite the Taoiseach to respond.

The Taoiseach: I think the-----

Deputy Ruth Coppinger: We should have had an Order of Business to report on this issue.

An Ceann Comhairle: No, we should not.

Deputy Ruth Coppinger: People need time. If the Dáil is to sit on Friday, then people should-----

An Ceann Comhairle: I am sorry. We decided on these matters yesterday.

Deputy Mattie McGrath: It is up to the Business Committee.

Deputy Ruth Coppinger: It has not been decided whether the Dáil will sit tomorrow and Friday to deal with this matter.

Deputy Mattie McGrath: It is up to the Business Committee.

Deputy Ruth Coppinger: It is not-----

Deputy Mattie McGrath: One day at a time-----

An Ceann Comhairle: Deputy Coppinger must speak to her own representative on the Business Committee.

Deputy Ruth Coppinger: It is not yet known whether the House will be sitting on Friday. I am asking whether it will be.

An Ceann Comhairle: The Deputy will resume her seat.

The Taoiseach: I gave a comprehensive answer on this matter to Deputy McDonald earlier. I can only add that, as has been the case for almost two years, the Government does not control this House. The ordering of business will be determined by the Business Committee, which is to meet after the Cabinet meeting tomorrow.

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Deputy Ruth Coppinger: The Business Committee is meeting tomorrow. My point is that Members do not know on what days they will be here.

(Interruptions).

An Ceann Comhairle: Will the Deputies let the Taoiseach answer?

The Taoiseach: In response to Deputy McDonald's question, I explained why that was the case so I do not wish to waste any time by repeating myself, but it is the case that if the Government had a majority in the House, we would get things done much more quickly.

An Ceann Comhairle: I call Deputy Mattie McGrath.

A Deputy: Never mind whether or not it is right.

Deputy Ruth Coppinger: The Government should just pass enabling legislation to give itself a majority.

Deputy Paul Murphy: It should abolish the Dáil. Things would get done much more quickly.

An Ceann Comhairle: Please.

Deputy Mattie McGrath: Ar an gcéad dul síos-----

Deputy Ruth Coppinger: The Taoiseach is like his predecessors.

An Ceann Comhairle: May we please have order?

Deputy Mattie McGrath: Ar an gcéad dul síos, I reject any assessment that as rural Independents or any other group, we are anti-democratic. We are not. We are elected by the people, democratic and entitled to do what we want to do.

The programme for Government commits to a review of the Criminal Justice (Legal Aid) Act 1962 and the preparation of amendments to it. Where is this legislation? I understand from replies to parliamentary questions that Fine Gael-led Governments from 2011 to 2016 spent €606 million on free legal aid. Where will this bonanza for lawyers stop? I mean no disrespect to any lawyers in the House. We saw recently that a person who had appeared before the courts 102 times got free legal aid. This is a farce and must be regulated. Where is this Bill? When will we stop this gravy train and farce for the unfortunate victims of crime? They get no say and their taxes pay for free legal aid.

Deputy Charles Flanagan: I will say for Deputy McGrath's benefit that the provision of legal aid, be it civil legal aid or criminal legal aid, is a fundamental right-----

Deputy Mattie McGrath: Of course.

Deputy Charles Flanagan: -----for people in this country who are not in a position-----

Deputy Mattie McGrath: What about "three strikes and you are out"?

Deputy Charles Flanagan: -----to afford legal representation in the private sector.

Deputy Mattie McGrath: A hundred times.

Deputy Charles Flanagan: Regarding the recent publication of the annual report on civil legal aid, we have managed in spite of some financial difficulties to ensure that waiting lists have been reduced in the past year or more, and this will continue. As far as criminal legal aid is concerned, which I understand is the point that concerns Deputy Mattie McGrath, I assure the House that a review is ongoing in order to ensure that those who need legal aid are granted it-----

Deputy Mattie McGrath: How often?

Deputy Charles Flanagan: -----with a corresponding proviso that those who can afford to pay for their legal representation do so. I expect to bring proposals to the House next term.

Deputy Mattie McGrath: Where is the Bill?

Deputy Thomas P. Broughan: I refer to the criminal procedure Bill. When the Taoiseach was recently in the constituency of my colleague, Deputy Maureen O'Sullivan, I think he told community leaders he was tough on crime and on the causes of crime, which has always been my own policy, even before the Blairites coined the phrase. However, given a recent series of horrendous events during the storm and ongoing serious civil disturbances in my constituency, is it not the case that the Taoiseach is denying An Garda Síochána the level of resources it needs, and is it not therefore the reality that for many communities in this city the Taoiseach is actually soft on crime?

Deputy Charles Flanagan: I have just come from the Seanad, where I have engaged with Senators on a debate on precisely this issue, and I would be happy to do so with Deputy Broughan if he were to raise the matter by way of Topical Issue. In the meantime-----

Deputy Thomas P. Broughan: I have raised a Topical Issue on the matter.

Deputy Charles Flanagan: -----I assure Deputy Broughan that the increased resources available to the Garda Síochána now ensure we have in excess of 150 more gardaí on the streets of Dublin than we had two years ago, and this will continue. Next week we will see a further 200 new gardaí come out of the Garda College in Templemore, which was closed for quite some time but which has now been reopened and resourced. I expect many of these new gardaí will be stationed throughout the city of Dublin. I keep in regular contact with the Garda Commissioner on this issue and, in fact, spoke last week to the deputy Garda commissioner about the issue of resources for the Dublin metropolitan area. I would be happy to engage with Deputy Broughan by way of a more lengthy debate if the time were to permit.

Deputy Catherine Martin: Nuair a labhraíonn tú i nGaeilge go poiblí, léiríonn tú don domhan go bhfuil an Ghaeilge beo mar theanga Ghaelach, Eorpach, Cheilteach agus nuálach feasta. Tá Gaelscoileanna ar fud an oileáin seo, ó Bhaile Átha Cliath go Béal Feirste, ó Dhún na nGall go dtí An Daingean agus tá cultúr na nGael faoi bhláth.

Ach, agus muid ag céiliúradh Bhliain na Gaeilge - is í seo seachtain na Gaeilge - ní mór dúinn mar pholaiteoirí ár n-aird a dhíriú ar staid na Gaeltachta. Is í an fhírinne ná go bhfuil bánú á dhéanamh ar cheantair Ghaeltachta. Gan deiseanna fostaíochta do mhuintir Ghaoth Dobhair agus Chonamara, ní bhíonn de rogha ag daoine ach slán a fhágáil le saol a chaitheamh sa Ghaeltacht agus clann a thógáil ann.

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Is cuimhin linn manna Barack Obama, “Is féidir linn”. Tá ceist agam don Taoiseach. An féidir leat? An féidir leis ceannaireacht a léiriú maidir le riachtanais na Gaeltachta? *Carpe diem* - téigh chuig-----

An Ceann Comhairle: Tá an t-am caite, a Theachta.

Deputy Catherine Martin: -----Rosmuc, na hoileáin, Dún Chaoin agus Gaoth Dobhair agus bíodh comhrá agat féin le pobal na Gaeltachta.

The Taoiseach: Is féidir liom, a Theachta. Gabhaim buíochas don Teachta as na ceisteanna sin. Is í seo Bliain na Gaeilge, togra de cuid an Rialtais. Tá dáiríreacht an Rialtais i leith na Gaeilge ríshoiléir dar liom. Is mian liom tagairt don méid atá déanta i leith na Gaeilge, na Gaeltachta agus na n-oileán sa chreatlach pleanála náisiúnta agus sa phlean forbartha náisiúnta a foilsíodh le gairid. Faoin bplean sin, tá sé fógartha ag an Rialtas go mbeidh €178 milliún ar fáil don chiste caipitil chun caitheamh ar thograí Gaeilge, Gaeltachta agus na n-oileán as seo go ceann deich mbliana. Is airgead as an nua é €78 milliún den mhéid sin ar an mbunshuim de, níos mó ná €10 milliún atá á gcaitheamh ar na nithe céanna i bliana.

San áireamh, tá gealltanais sa phlean forbartha náisiúnta go méadófar buiséad caipitil Údarás na Gaeltachta go dtí €12 milliún in aghaidh na bliana, go gcaithfidh Roinn Cultúir, Oidhreacht agus Gaeltachta €4 milliún ar lárionad Gaeilge i gcathair Bhaile Átha Cliath agus go ndéanfar forbairt ar gréasán don ionad Gaeilge timpeall na tíre, agus na líonraí Gaeilge agus na seirbhísí Gaeltachta ach go háirithe.

An Ceann Comhairle: Before I take any further questions, I wish to point out that people who had offered yesterday did not get an opportunity to put their questions. Therefore, between today and tomorrow I hope to take all the Deputies who had offered yesterday, beginning with No. 1 from today. I will then proceed to take-----

(Interruptions).

An Ceann Comhairle: I call Deputy Curran.

(Interruptions).

An Ceann Comhairle: I will take Deputy Danny Healy-Rae later. I call Deputy Curran.

(Interruptions).

An Ceann Comhairle: Please. I call Deputy Curran. I will take everyone. Deputy Danny Healy-Rae is only eating up the time. Let us hear Deputy Curran.

Deputy John Curran: The card Deputy Danny Healy-Rae is holding up is yesterday’s No. 1. We will not row over it.

Deputy Danny Healy-Rae: I depend on the Ceann Comhairle to be fair.

An Ceann Comhairle: I will be fair if the Deputy gives me a chance.

Deputy John Curran: Regarding the programme for Government, the issues of housing and homelessness are reflected in the policy document Rebuilding Ireland. I acknowledge specifically the efforts many people went to in the recent very severe weather in Dublin in dealing with homeless people and rough sleepers. It needs to be acknowledged that they did an exceptional job. However, their work highlighted the fact that there are significantly more people who are rough sleepers in Dublin than had been acknowledged and provision made for before. It is important we now set out a clear programme as to how we deal with these additional people who have been brought into the services, some of them for the first time. Many of our charities, such as Focus Ireland, Simon Communities of Ireland, Merchants Quay Ireland and the Peter McVerry Trust, are dealing at the front line with these people. In light of the additional people who have been identified, I ask that a clear plan and additional funding for these charities be put in place. It is interesting to note that even on the way in today, on the radio, there were fundraising appeals for these charities. In light of the new numbers, I ask that specific programmes and additional funding be made available.

Deputy Eoghan Murphy: I thank the Deputy for acknowledging the incredible efforts that were put in by our partners in the NGO sector. His remarks are well said. A huge amount of work went in and there were extra outreach teams and people running emergency facilities through the night. As a result, we were able to bring many more people into emergency services to take care of them during this very difficult storm event. We already put a huge amount of money into these services with our partner organisations. As part of the work that has been ongoing since this began last week, there are pathways for each of those individuals who have now come into the system to see how we can get them the proper care and supports on a longer-term basis. This work is concluding at present. I expect a report on Friday which will be a pathway for each additional individual who came into those services over the course of Storm Emma.

Deputy Martin Ferris: I was contacted at 11.30 this morning by a constituent who brought to my attention the fact that his 67 year old mother is in University Hospital Kerry sitting on a chair. She has been sitting on a chair since 6.30 p.m. yesterday when she was referred by her doctor to the hospital. She suffers from diabetes and arthritis, but for the past three weeks she has been suffering from severe headaches. As yet, she has not had a CAT scan. This is deplorable. Will the Minister for Health look into this matter immediately? This woman is 67 years old. It is unacceptable that anybody would spend 17 hours sitting on a chair in a hospital.

On 25 February, I sent a file to the Minister for Health and the head of the HSE-----

An Ceann Comhairle: The Deputy can only raise one matter.

Deputy Martin Ferris: That file is a potential protected disclosure regarding the carry-on in a certain hospital.

An Ceann Comhairle: The Deputy cannot raise a second matter.

Deputy Martin Ferris: As yet, I have received no acknowledgement or reply from the Minister or the head of the HSE.

An Ceann Comhairle: Please, Deputy.

Deputy Martin Ferris: When can I expect a reply from the HSE and the Minister?

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An Ceann Comhairle: Deputy Michael Healy Rae on the same matter.

Deputy Michael Healy-Rae: I support Deputy Ferris because I was also contacted on my way in here about this very important matter. The answer is that there is a request by the manager of the hospital. We want to support University Hospital Kerry. There is an opportunity to open 40 additional beds in the hospital. On behalf of the people working in the accident and emergency department, I ask the Taoiseach please to open those 40 beds in order to take this massive pressure off them. The individuals in question are doing their level best to cater for the likes of the lady who has been sitting on a chair since 6.30 p.m. yesterday.

An Ceann Comhairle: I thank the Deputy.

Deputy Michael Healy-Rae: Please put the services and the money in place to open the 40 beds in University Hospital Kerry as a matter of urgency.

The Taoiseach: I am very sorry to hear about the experience of the patient in Kerry to whom the Deputies refer. Unfortunately, I do not know the details of the case. I do know that two thirds of people who attend hospital emergency departments are either in bed or discharged home within nine hours. For one third of patients, however, the experience can be very bad indeed. I will certainly raise the matter with the Minister for Health when I speak to him later.

On the second point raised by Deputy Michael Healy-Rae, 170 new extra beds have been open so far this winter and another 130 will be opened over the course of the year. As part of the capacity review and the ten-year capital plan, we want to open more capacity, with 2,500 additional beds over the next decade. We do not intend to do 250 a year for ten years. We want to front-load it. If there are detailed, costed proposals from hospitals, we want to see them and we will fund them if we can.

Deputy Seán Crowe: On page 131 of the programme for Government, reference is made to rapid response units and severe weather warnings. I congratulate the emergency services, the hospital staff who made it into work, residents who cleared their areas and utility companies. Does the Minister accept that there is an information deficit on this? I do not get any sense of urgency when we come into Dublin city that there is a problem out there. We do not know how many people are trapped in their homes. I live in Tallaght and I am still getting phone calls from people about 6 ft and 7 ft snowdrifts in part of my constituency. There is still snow up to my elbows in many of the housing estates. People cannot get off buses because there is no access due to the height of the snow. People are trapped in their homes and they do not know what to do. The information is not available. If we look at Wicklow, Kildare and some of the other counties, such as Tipperary, it is still going on.

An Ceann Comhairle: I thank the Deputy.

Deputy Seán Crowe: Are we learning anything from these storms and weather difficulties? What will we do differently the next time?

An Ceann Comhairle: Deputies Brady and Buckley on the same matter. I ask Deputy Brady to be brief.

Deputy John Brady: Storm Emma is memory now for most people, but it is still a reality for many people in Wicklow, particularly those in the west of the county. As we sit here, many people are still trapped in their homes. They are running low on supplies - or they have no sup-

plies and certainly no water - and are running out of medicines. While the Taoiseach was busy getting his photograph taken to put out an image that he is a hands-on Taoiseach, the reality is that people are trapped in their homes. Only yesterday, the Defence Forces were deployed in west Wicklow. Where was the outside help? No emergency was declared in west Wicklow. People are still trapped in their homes today.

An Ceann Comhairle: I thank the Deputy. The point is made.

Deputy John Brady: There is no outside assistance. A lot of credit has to go to Wicklow County Council, which tried its best. The Civil Defence tried its best.

An Ceann Comhairle: I ask the Deputy to give way to his colleague, Deputy Buckley.

Deputy John Brady: Sorry, I tried to get in on this yesterday. It is very important. Many people are still trapped in their homes and there has been no emergency response whatsoever. There has been no outside help.

An Ceann Comhairle: The Deputy time is up.

Deputy John Brady: A mere 60 members of the Defence Forces-----

An Ceann Comhairle: Deputy, please.

Deputy John Brady: -----were deployed yesterday.

An Ceann Comhairle: Deputy please.

Deputy John Brady: Sorry, only yesterday-----

An Ceann Comhairle: Deputy, please resume your seat.

Deputy John Brady: The people of west Wicklow demand-----

An Ceann Comhairle: We are well aware of the problem in west Wicklow. I ask the Deputy to resume his seat.

Deputy John Brady: There is no emergency response from this Government. It is putting on a charade.

An Ceann Comhairle: Resume your seat.

Deputy John Brady: We need a response from the Government on this.

An Ceann Comhairle: I will not be calling the Deputy again, I assure him of that, if this is how he is going to behave.

Deputy Pat Buckley: On the same matter, is it possible for the Government to put in place a proper strategic plan to assist the farming communities and rural dwellers? As the two previous speakers stated, many people in rural areas have been absolutely decimated. There does not seem to be any cohesion or strategic planning to work with county councils, NGOs and the voluntary sector regarding simple things such as salting bins and contracting local farmers with heavy machinery to assist in particular areas. Surely we can come up with a better plan than this. Surely we can assist everybody in the country. There is a big place in Ireland and it is not called Dublin. There is another part of Ireland also.

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An Ceann Comhairle: I call Deputies Casey and Nolan on the same matter.

Deputy Pat Casey: I want to put on record my thanks to the emergency services for their work over recent days. What Deputy Brady said about west Wicklow is correct; there are still people isolated there today. However, I want to relate to the House something that happened last night when two teams of the Civil Defence from Dublin and Wicklow went to a house in west Wicklow to provide assistance. When they eventually got there at 6.30 p.m., the roadway had been cleared, the boiler the people in the house claimed was out of commission was working and the sticks they could not get out of the shed were in the house. What they requested when the members of the Civil Defence knocked on the door was another bottle of whiskey.

Deputy John Brady: Do not downplay the emergencies out there.

An Ceann Comhairle: Please, Deputy.

Deputy Pat Casey: I know there are emergencies but people are abusing-----

Deputy John Brady: I do not think that is the right way to raise issues of this nature.

Deputy Carol Nolan: On the issue of rural communities being left behind, there will be a lot more damage done to our roads and I ask for an emergency fund to be put in place. There is much talk about road safety. If we are serious about road safety, come to Offaly, Laois, Tipperary or any county any day. Some of the potholes are horrendous. It makes a joke and mockery of road safety.

I commend the emergency services and the local authorities, which did a fantastic job, as did the farming community. We must bear in mind that the farming community suffered a lot of damage also and I am of the view that it will also be necessary to put in place a fund for it.

Deputy Bernard J. Durkan: I concur with the points raised by others. I acknowledge the tremendous response from the emergency services and the co-ordination nationally of those services. For the first time in our history, we were able to put together a response to a major disaster of this nature and it worked extremely well. Of course, we can learn from it. There is provision to make an application for disaster funds from the European Union and I ask that the Government might co-ordinate its efforts in this regard, with particular reference to those who suffered damage to stock and buildings that is not covered by insurance.

Deputy Eoghan Murphy: A number of issues were raised and I will try to reply to each of them individually. We were battered by an extreme weather event, the likes of which we have not seen in at least 35 years, if not longer. Our emergency response services, as well as our communities, responded incredibly admirably through a very difficult period for many people. While I very much appreciate the comments of some Deputies, I do have a problem with the tone of some of the interventions that were made because they do a disservice to the incredible efforts made throughout the country.

Deputies: Hear, hear.

Deputy Eoghan Murphy: People worked three or four shifts in a row and individuals slept on hospital floors to look after their patients. Local authority staff worked through the night to help people.

Deputy John Brady: I acknowledged that. There was no outside assistance.

Deputy Eoghan Murphy: I beg the Deputy's pardon, but he acknowledged it in the same way his leader acknowledged respect for a member of the Civil Service yesterday, which was a backhanded acknowledgement.

Deputy John Brady: Wicklow, which has limited resources, was left to its own devices. Sixty members of the Defence Forces were only brought in yesterday. That is the point I was making.

An Ceann Comhairle: Perhaps the Minister might address his remarks through the Chair rather than to Deputy Brady. I ask Deputy Brady to control himself.

Deputy Eoghan Murphy: I beg the Ceann Comhairle's pardon. It was my mistake to turn to the Deputy when I made that remark. I apologise.

A huge response has been put in place. Earlier, we had the final meeting of the national emergency co-ordination group. It first met last Monday. Just because the group is being stood down does not mean that certain areas of our country are not still experiencing severe difficulties.

Crisis teams remain in place at local authority level in many parts of the country. The Defence Forces remain deployed and salting and gritting are taking place in many parts of the country. Local contractors and farmers have been engaged in the road-clearing efforts throughout the country.

In regard to roads, or any repairs that must come through local authority requests following Storm Emma, we will meet those requests through my Department, as we did in Storm Ophelia. We have asked local authorities to expedite a review and an assessment of the costs incurred, and we will put the funding for those repairs in place once those requests come in.

On the topic of reviews following crises like this, I note that a review process was implemented following Storm Ophelia, because we can learn from every one of these experiences.

I o'clock That review was concluding when another severe weather event took place in early January, requiring the National Emergency Co-Ordination Group, NECG, to convene again. It was once again about to conclude when we experienced Storm Emma. The people who are doing that review are the people who put the national response in place and work with our emergency teams. I have told them to incorporate Storm Emma into that review so that we can have a further discussion and debate on how we respond to weather events.

While I have the floor, it is worth pointing out that every red weather alert is different. When we get a red weather alert warning from Met Éireann, we do an impact assessment at the NECG and make decisions off the back of it. We cannot have a standing protocol, or a standing cascading effect stipulating certain actions when a red alert is called, because every red alert is different. As such, we have to make that impact assessment and that is what the NECG does.

Deputy Tony McLoughlin: Can the Taoiseach provide an update on the long-awaited commercial rates Bill? This Bill seeks to update the out-of-date commercial rates legislation that is currently in place in this country.

The Taoiseach: Freagróidh an tAire, Teachta Murphy, an cheist sin.

Deputy Eoghan Murphy: The commercial rates Bill is due for publication and is on the priority list. I will have the heads of the Bill very shortly.

Deputy Peter Fitzpatrick: The rights of grandparents Bill 2013 did not proceed through the Oireachtas. It was intended to deal with issues around grandparents' access to children. It also sought to provide for the continuous development of the relationship and bond between a grandparent and his or her grandchild. The Children and Family Relationships Act 2015 is a child-centred Act which guarantees the right of children to legal security and to care for their parents and the important adults in their lives. Over the past several months, many grandparents have come into my constituency office. Their problem is that they do not seem to have any access or communication with their grandchildren. The simple reason is either that they have fallen out with their son-in-law or daughter-in-law, or with the other grandparents. These are genuine people who love their grandchildren. I want to know what the Government will do to help grandparents get involved with their grandchildren.

An Ceann Comhairle: Is there promised legislation in this area?

The Taoiseach: I am advised that legislation was enacted in 2015, but I do not have a more detailed answer for the Deputy. I will endeavour to return to the Deputy with a more detailed reply, because in my constituency service I have also had the experience of meeting grandparents who have been prevented from seeing their grandchildren. I know it is deeply upsetting for them that they are not able to have access to their grandchildren.

Deputy Martin Kenny: I acknowledge the events that have happened and the huge amount of work done by all the emergency services. I wish to raise the difficulty in getting water. In south Leitrim we have had practically no water for the past four days. The headline in the *Leitrim Observer* this week states that there will be job losses in the Food Hub in Carrick-on-Shannon, which employs almost 80 people. Many of those businesses cannot survive without water. This is really down to the fact that the facilities have been under-resourced. We do not have enough people on the ground. Leitrim County Council, like every other county council, has been on a service contract with Irish Water. The same people are providing the service as before, but no extra money has been forthcoming to provide it. In south Sligo, the whole area near Lough Talt has been on a boil water notice for almost a month now. Some 13,000 people, in the towns of Tubbercurry and Ballymote and all across that area, have been on a boil water notice for over a month, but there is no sign of a solution to that problem. We need to put adequate funding and resources in place to ensure that someone, be it Irish Water, the local authorities or whoever, gets out there and ensures that people are provided with water.

Deputy Eoghan Murphy: I thank the Deputy for the question. I will be addressing matters relating to Irish Water during Topical Issues later today, at which time I will do my best to address matters that are arising. There is now severe demand on Irish Water to get out and repair leaks. It has several find and fix teams operating. I will receive a briefing from it later, but I note that it is contracting more find and fix teams. The issues affecting Lough Talt concern cryptosporidium and are very difficult to resolve in a short period of time. Extra tankers, both mobile and static, have been deployed where they are needed until we can get the problems corrected. In the greater Dublin area, night-time restrictions will continue, but I note that those night-time restrictions had the anticipated impact last night, saving a huge amount of water.

Deputy John Brassil: I point out before I start that the reason we had no questions on promised legislation yesterday was the calling of an unnecessary vote by the Rural Independent Group. They are now calling for the Ceann Comhairle to be fair with them, so I would like to remind them that actions have consequences.

(Interruptions).

Deputy Michael Collins: We are rural independents.

Deputy John Brassil: They know who I am talking about.

Deputy Danny Healy-Rae: We do not know what he is talking about.

Deputy John Brassil: Regarding the response to the storm, has the Minister issued the local authorities with letters of reassurance that money will be forthcoming for emergency works necessitated by the disruption to the roads caused by the freezing of snow? Snow on roads freezes and expands and causes havoc. That is really necessary because those works need to be carried out right now, and the local authorities need the reassurance that they will be funded.

I welcome the fact that the Cabinet has met and agreed to provide extra funding, but I note that there was a red alert rain warning in Kerry in November. Several roads were washed away. I wrote to the Minister for Transport, Tourism and Sport, Deputy Shane Ross, requesting emergency funding, and six weeks later he replied that it was the responsibility of the local authority. Red alert events that happen outside Dublin have equal consequences and impact. I ask the Minister to treat the rest of the country fairly. When the east coast is affected, we all get a positive response, but when it is not, we are ignored.

Deputy Fiona O'Loughlin: On behalf of the people of Kildare, I express my gratitude to Kildare County Council, Civil Defence, the Department of Defence, the community volunteers and the farming community for doing such incredibly hard work over a sustained period of time. There is absolutely no doubt that people's lives were hugely impacted, and will be adversely impacted for quite a while. People are still snowbound. We have a situation where people do not have water and in some cases do not have electricity. The necessary emergency operations will cost Kildare County Council more than €1 million, and that is without mentioning the damage that has been done to our roads. What commitment can the Government make to Kildare County Council regarding the restoration of that €1 million and what money can it promise for the upgrading of our roads after the horrific events? I note that Kildare was one of the counties that was impacted most adversely.

Deputy Anne Rabbitte: I too compliment all the staff in Galway County Council and the local farmers in the county. One of my observations, which the Minister could perhaps incorporate into his review, is that despite the talk about a code red alert and a co-ordinated approach, the fire service was available in Offaly and Tipperary, but the fire service in Galway was not on standby. When a co-ordinated approach is considered in the review, can it apply across all county councils so that a template is set for how all county councils can respond when alerts are issued?

Deputy Eoghan Murphy: I remind Deputies that the review has already commenced. At the end of the final NECG meeting this morning, we began with a debrief on how people felt initially. We heard their initial concerns and views on what approaches might have worked better. Everything will be co-ordinated in that way. The local authorities are represented on the NECG, and they will be part of that review.

On the issue of funding for roads, what I said to the local authority representatives is that

we would be there to meet the expenses that have arisen in responding to the storm. As such, they would have no doubt that if they needed to contract people to help clear roads or keep staff on overtime, the Government would be there to help them manage, as we did in Storm Ophelia and previous storms. That commitment was made in advance, and we confirmed it through the memo that I brought to Cabinet yesterday. That memo informed the Cabinet that the process has begun. We are asking local authorities to give us an assessment of the costs incurred in response to Storm Emma as soon as they can. We will then meet those costs as we can. The Minister for Finance and Public Expenditure and Reform, Deputy Donohoe, and I have talked about the possibility of creating a standing fund because these severe events now seem to be coming more frequently. Thus, there would never be any doubt and I would not have to issue that clarification or that statement at the NECG to the local authorities in advance of a weather event. They would know it was there and how to draw it down.

Deputy Brendan Howlin: A rainy day fund.

Deputy Margaret Murphy O'Mahony: It is a pity the Minister, Deputy Harris, is no longer present because he might have been able to throw some light on this subject for me. Under the programme for Government, he committed to enhancing the whole area of health. Up to 2014 Kinsale, a town in west Cork, had its own SouthDoc out-of-hours doctor service. Since then, however, people have had to travel to the nearest town, which is 12 miles away. The people of Kinsale are very upset that this has been going on for so long and, through a series of public meetings, they have been making their feelings very much known. Is there a plan to re-establish their SouthDoc service?

The Taoiseach: I am afraid I do not have any specific information for the Deputy but I will ask the Minister, Deputy Harris, to give her more information. I know, from my previous background as a GP and as Minister for Health, that those doctor-on-call services are contracted to companies, owned and run by GPs in the main. They will tend to decide what is the best way to configure the service. They will often decide it is better to have people in mobile rather than stationary centres. However, I do not know enough to give the Deputy a full answer. I will certainly ask the Minister, Deputy Harris, to provide that.

Deputy Bobby Aylward: Page 105 of the programme for Government commits to ensuring that every young person is enabled to reach their full potential. On this day four weeks ago, I raised as a Topical Issue the reimbursement of the drug Vimizim for the treatment of Morquio A syndrome on behalf of an 11 year old girl from Kilkenny who suffers from this condition. I met the Minister on two occasions when the family was seeking to have this issue sorted out.

The HSE drugs group has denied a number of applications for reimbursement. However, written replies to parliamentary questions reveal the drug was discussed at a meeting of the group on 18 January. During the aforementioned Topical Issue debate, the Minister of State, Deputy Jim Daly, assured me that efforts would be redoubled and that the Department would make contact with the HSE that day to seek further updates. I had expected an update from the Minister, Deputy Harris, or the Minister of State, Deputy Jim Daly, but I have yet to receive one. Has the Minister contacted the HSE drugs group in respect of reimbursement of the drug?

This drug is available in the UK and in most countries in Europe. It is endorsed by their governments and is handed out, yet, while it is manufactured here in Cork, we cannot use it in Ireland. What is wrong? What is wrong with the drugs group that it cannot come up with an answer and give these people some quality of life? It affects eight children in total but only

three children who need it are getting it.

The Taoiseach: I will inform the Minister, Deputy Harris, that Deputy Aylward has raised the matter. We are having a long, hard and deep look at medicines for rare diseases and orphan drugs. While it may not always be the right thing to reimburse a medicine, I do not think any of us like a situation where a medicine is available and reimbursed in another European country, particularly if it is the one next door, and not in Ireland. It is something we are going to make a move on, I suspect, in the next weeks or months.

Deputy Bobby Aylward: Did we get an answer from the drugs group?

The Taoiseach: Not that I am aware of.

An Ceann Comhairle: The Minister, Deputy Harris, will come back to the Deputy. We have exceeded the additional ten minutes we offered. As for the questions that were not dealt with today, we will try to deal with them tomorrow. If Members have questions outstanding, they can give their names to my office and we will try to include them tomorrow.

Deputy Danny Healy-Rae: I thought that today's numbers would have finished at the normal time and Members like us, who were waiting since yesterday, would have started then. Can you not give a few more minutes to-----

An Ceann Comhairle: No, we have already given an additional ten minutes. I will try to accommodate everyone tomorrow. That is best we can do.

Criminal Law (Recruitment of Children to Engage in Criminal Activity) Bill 2018: First Stage

Deputy Anne Rabbitte: I move:

That leave be granted to introduce a Bill entitled an Act to make provision for the creation of an offence in circumstances where an adult recruits a child to carry out a criminal offence on his or her behalf and to provide for related matters.

I welcome the opportunity to introduce the Bill, which I hope will be fondly known in the future as "Fagin's law". The purpose of the Bill is to create an additional offence in regard to an adult grooming children to commit crimes, for example, in cases where an adult incites or pressurises a child into burglarising homes of an adult on his or her behalf. Coming from rural Ireland - this also applies to burglaries in Dublin and urban Ireland - we know it is often the case that when gardaí arrive on the scene, all that is open is the small bathroom window, which is indicative that a child may have made his or her way into the house to help with a burglary and then proceeded to open the door to allow the adults in.

This offence shall be deemed to be committed when an adult recruits a child, either knowingly or in a manner that is reckless as to whether the person is a child, to commit the crime. To be guilty of the offence the person must know that the child is likely to commit the crime as a result of their incitement or is reckless as to whether the child will commit the crime. A person found guilty shall be punished upon conviction to an imprisonment term not exceeding ten years.

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This Bill would implement a key recommendation of the tenth report of the special rapporteur for child protection, which was launched just before Christmas by Dr. Geoffrey Shannon. Dr. Shannon is one of Ireland's leading voices on child and family law and, as part of his remit as special rapporteur, he prepares yearly reports on the developments in child and family law and highlights gaps arising in the previous year. This is one of the gaps he has identified in his recent report. He notes that while there is already a law in place and there is an offence of incitement, it is a question of how to bring that incitement offence to completion. At present, the law only applies in regard to a particular crime and it cannot apply to repeated incidents or to encouraging crime - the offence has to be identified at the time of the particular crime. My "Fagin's law" Bill would apply where an adult, whether an older sibling or other member of the family, is encouraging or grooming vulnerable young people to continuously repeat crimes.

Retail Excellence Ireland is delighted that the Bill is coming forward for the simple reason of the amount of shoplifting taking place, where the mother, father, older brother or older sister may be standing outside the front door and may be aware of what is going on inside. In addition, other older adults may be driving to a particular location and letting children out to go around and scout.

That is the purpose of the Bill and the sentiment behind it. I hope Members of all parties and none will come on board and I hope we can get the Bill through to Second Stage, where we can bring forward amendments that will strengthen it. I believe this will address a huge gap that exists. I think we should keep calling it "Fagin's law" because everybody knows about Fagin and "pick a pocket or two". The word would get out to young people in order that they understand it is not right for somebody to groom them for inappropriate behaviours and in order that they know the difference between right and wrong. It is not right to be going around people's houses, seeing if windows are open, and then going back to tell other adults or selling the information. To refer to the drug trade, down through the years we have always heard of the "runner", which is always the younger person who might pick up a package and drop it elsewhere, although this is adult-driven.

That is the purpose of the Bill. I thank my research department, in particular, Áine Doyle, for helping me prepare the Bill and bring it to the floor of the House today. A lot of work has gone into it and I hope the Government will be supportive of it.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of Justice and Equality (Deputy David Stanton): No. It is an important topic to debate and we are aware of the Greentown study in particular. I look forward to the debate on the Bill.

Question put and agreed to.

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

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

Question put and agreed to.

Sex Offenders (Amendment) Bill 2018: First Stage

Deputy Maureen O’Sullivan: I move:

That leave be granted to introduce a Bill entitled an Act to regulate and restrict, where appropriate, sex offenders from travelling abroad, in the interests of the common good and to protect persons from serious harm outside the State, to amend the Sexual Offenders Act 2001 and to provide for related matters.

First, I want to acknowledge and thank those who worked hard on this Bill, in particular, Maeve Ní Liatháin of the Oireachtas Library and Research Service for her research paper, David Dodd, who drafted the amendment Bill, the Office of the Parliamentary Legal Adviser and Ciaran O’Brien in my own office, who also worked on this legislation.

Ireland has a dark past when it comes to children. We have had the industrial schools, the mother and baby homes and other institutions where children were abused physically, emotionally and sexually. We then had the abuse of children by sports coaches, some of whom were brought to court, convicted and imprisoned. Others, like Mr. George Gibney, never faced justice. There are cases of abuse in families by parents and other relatives. This week, in another case, 11 people were arrested in Limerick for the alleged exploitation of children. We have seen more and more of that. We are seeing children being robbed of their childhood, innocence and sense of self-esteem, dignity and self-worth.

There has been progress in Ireland with respect to protection. We have had the children’s referendum and we have the Ombudsman for Children, as well as procedures, policies and guidelines. We have Child First guidelines and organisations like Childline. There are still many countries in the world with no protection of children and where children are used and abused horrifically, with children as young as four and five years old being raped. In those countries, children are being abducted and trafficked for the sex industry, to be used in brothels and pornographic films, as well as cybersex. This abuse is predominantly done by men but some women are involved. They are from Ireland, the UK, Australia and the US. There are hundreds of thousands of so-called sex tourists in those many countries where there is no child protection or welfare, only help from organisations like the PREDA Foundation.

My amending Bill seeks to protect children in those countries from being used sexually by people convicted in Irish courts of child sexual abuse. It does this by restricting their ability to travel to do so. In 2016, almost 800 registered sex offenders in Australia travelled to those countries, so Australia introduced legislation to stop that happening in future. It was the first country to do so. Global studies have found an expansion in sexual exploitation of children in travel and tourism, and that expansion is outpacing every attempt to respond at national or international levels. There have been court cases involving western men being convicted of buying children for sex and pornography. These crimes are unthinkable and inexcusable.

In correspondence, the Government stated to me that it wanted to combat child sexual abuse in every possible way. That was discussed earlier today at Leaders’ Questions. My amending Bill would empower judges to restrict, where appropriate, the travel of those convicted of child sexual offences where it is deemed that travel could pose a risk to vulnerable persons in jurisdictions outside this State that do not have adequate child protection and child welfare legislation. It would amend the 2001 Act in a technical way to make specific changes on a case-by-case basis. It would allow judges to make travel restrictions, or not, depending on the

circumstances of individual cases.

The judge would assess the risk posed by a convicted individual and restrict travel where necessary. The judge could also consider if the offender has engaged in any meaningful way with a rehabilitation process. I acknowledge such processes that exist in prisons and the community. I know the Garda and Tusla work with probation services on risk assessment plans for those who genuinely want to engage in the process. This amending legislation would assist that process in that as a person in recovery from alcoholism is advised not to go near a pub, those convicted of child sexual offences would be helped not to go to countries where child abuse would be very possible. Those who travel to exploit children are very likely to continue that exploitation when they return to the country of origin.

This is about limiting and restricting travel and so it respects the right to travel in our Constitution. There are minimal changes involved with the amendment to the 2001 Act but they will make a difference. This is about protecting children in other countries in the same way we protect children here. This will mean Ireland would be the first country in the European Union to do it and I hope the legislation will be supported.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of Justice and Equality (Deputy David Stanton): It is not being opposed and we look forward to debating the Bill.

Question put and agreed to.

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

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

Question put and agreed to.

Estimates for Public Services 2018: Message from Select Committee

An Ceann Comhairle: The Select Committee on Children and Youth Affairs has completed its consideration of the following Revised Estimates for the Public Services for the service of the year ending on 31 December 2018 - Vote 40.

Ceisteanna - Questions

Departmental Operations

1. **Deputy Brendan Howlin** asked the Taoiseach the supports his Department provides to Independent Ministers of Government and Deputies who support the Government. [9877/18]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on the supports provided by his Department to Independent Members of the Government and Independent Deputies supporting the Government. [11222/18]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

My Department, as outlined in the strategy statement, provides support services for the Taoiseach and the Government, including the Independent members of Government, through the Government secretariat, the parliamentary liaison unit, the programme for Government office and the Cabinet committee structure to ensure Government business is managed to the highest standards. The business of Government is co-ordinated by the Government secretariat and this includes the preparation of the Cabinet agenda, the circulation of papers and the communication of the Government's decisions to the relevant Ministers and Departments.

The parliamentary liaison unit was established to help ensure that Ministers and Departments are properly informed of new responsibilities and procedures in the Thirty-second Dáil. The unit provides support to Ministers and their Departments on Oireachtas matters, with a particular emphasis on assisting Departments with Private Members' business. In performing this function the unit liaises on a regular basis with advisers to the Independent members of Government to ensure they are informed of Oireachtas issues and to assist them in engaging with the new processes arising from Dáil reform. In this regard the parliamentary liaison unit provides detailed information on upcoming matters in the Dáil and Seanad and highlights any new Oireachtas reform issues.

The programme for Government office provides assistance to the Government in delivering on its ambitious programme of work through monitoring the implementation of the commitments contained in the programme for Government across all Departments. The office prepares progress reports and an annual report setting out progress made across all of government in implementing the commitments in the programme.

The Cabinet committee system, which is an important part of the machinery of the Government and a core part of the work of the Department, provides a whole of government co-ordinated approach to issues as necessary. The scope of the Cabinet committee system encompasses the Government's national priorities and the challenges Ireland faces in the coming years. The Government press secretary acts as a spokesperson for the Taoiseach and the Government and is supported by the press office in his role of co-ordinating the media relations of all Departments. The deputy press secretary, who is also based in my Department, is tasked with co-ordinating communications for all the Independents in the Government. My Department continues to adapt and strengthen these supports to ensure they are fully responsive to the requirements arising from Dáil reform and to support effective minority Government arrangements.

Deputy Brendan Howlin: The arrangements outlined were put in place by the Taoiseach's predecessor. Has he reviewed them since coming into office? He mentioned adaptation but has he made any changes since becoming Taoiseach? What Independent Deputies are currently being supported by the parliamentary liaison unit? What specifically are the supports being given to those identified Deputies? Were Independent Deputies briefed or did they have input into the Project Ireland 2040 plan before it was finalised? I know an Independent Minister of State, Deputy Moran, was able to have Athlone designated as "capital of the midlands". I wonder were any other commitments made either to Independent Ministers, Ministers of State or supporters of the Government.

Deputy Mary Lou McDonald: I am interested in the response to the question about Project Ireland 2040 and interactions between the Taoiseach and Independent Deputies. The Government is supported by a number of Independent Deputies and there are a number of Independent

Ministers and Ministers of State. The Minister of State's job at the Office of Public Works seems to have been divvied up by the toss of a coin between Deputies Moran and Canney when the Government was formed. Will the Taoiseach confirm if they will again switch places-----

Deputy Brendan Howlin: Rotate.

Deputy Mary Lou McDonald: -----or rotate later this year? Will the Taoiseach enlighten us with respect to the coalition arrangement with the very independent-minded Fianna Fáil? We are told this has a lifespan ending some time after the next budget. The Fianna Fáil leader, Deputy Micheál Martin, said last month that any review of this deal would only happen after the budget but I recall that before Christmas, the Taoiseach told *The Irish Times* that he wanted a review of the confidence and supply deal to happen in advance of the budgetary process. They cannot both be right. Will the Taoisach clarify the position for the review of the coalition arrangement with Fianna Fáil?

An Ceann Comhairle: This is a good point for Deputy Martin to come in.

Deputy Brendan Howlin: He could give an answer as well.

Deputy Micheál Martin: One of the clearest lessons from recent events is that the Taoiseach has, at best, a very limited commitment to transparency. He is willing to blame others and play the victim when anybody has the temerity to challenge him. The people have seen a Government that has become obsessed with managing image. What is particularly striking is that members of the Government have felt the need to speak up. Last week, two Independent members of Cabinet made it known that they were deeply unhappy with the branding and marketing work commissioned under the Taoiseach's authority. While the Taoiseach has not attacked them in the same way as he has attacked journalists and Opposition Deputies who have had the cheek to question him, it is at best surprising that he was out of touch with their feelings. Can the Taoiseach tell us why two Independent members of Government felt the need to publicly criticise the workings of the strategic communications unit established by him? Obviously, the Minister, Deputy Ross, and Minister of State, Deputy Moran, were happy with the coverage delivered for them, with Minister of State, Deputy Moran, particularly pleased with State funding delivering a large article in his local newspaper calling him "king of the midlands". Can the Taoiseach also tell us why it is that Independent Ministers believe they are being treated differently in this regard?

The Taoiseach: On the first question, I have not reviewed any of these arrangements that exist in the Department. They seem to be working well and I have had no specific complaints from Independents as to how they operate. Independent Deputies will from time to time contact the unit about issues they may have, almost always relating to their constituencies. It is in many ways a path finding service such that they know who is the right person to speak to in the line Minister's office in terms of getting answers. That is generally how it works or, at least, to the best of my knowledge that is how it works.

In regard to Project Ireland 2040, the Minister of State, Deputy Canney, was consulted and engaged with on the plan. He is a member of the Independent Alliance and he is also assistant Whip for the Government and so it makes sense that he would be consulted on the plan. I am not aware of any Independent other than those who are Ministers being involved in drawing up the plan but it is possible that they engaged directly with the Minister for Finance, Deputy Donohoe, and the Minister for Housing, Planning and Local Government, Deputy Murphy, as

would be the normal course of events as they as Ministers, and their Departments, were the main authors of the plan. Also, the Minister for Communications, Climate Action and Environment, Deputy Naughten, has a particular role in keeping in touch with the rural Independents, which he does periodically, and so it is quite possible that there is engagement through those routes but not through me.

For clarity, I should point out that Project Ireland 2040 does not designate any new capitals or monarchs in our country but it does designate a regional centre for growth in the midlands, which is Athlone, and another in Sligo for the north west and also recognises the M1 growth corridor, involving Dundalk, Drogheda and development of the Newry-Dublin Airport and Swords corridor. I do not believe or accept that I attacked anyone. I will stand up to anyone who makes allegations that are not based on fact or evidence. I will always do that. It is the right thing to do.

In regard to the different perspectives of the Independents and how they think, it is not possible for me to speak for them. I am sure they can speak for themselves.

Deputy Brendan Howlin: Does the Taoiseach have a list of the Independents that are being supported by the liaison unit?

The Taoiseach: I do not.

Deputy Brendan Howlin: The Taoiseach can come back to me on it.

The Taoiseach: There is no list. Those involved are the Independents who take the Government Whip, and Deputy Harty.

Deputy Micheál Martin: Does that mean the rural Independents take the Whip?

The Taoiseach: No, and nor does Deputy Harty.

Deputy Brendan Howlin: The Taoiseach might send us the list.

The Taoiseach: There is no list.

Deputy Mary Lou McDonald: The Taoiseach did not respond to my question on the Government's confidence and supply arrangement with Fianna Fáil.

The Taoiseach: I missed the question.

Deputy Mary Lou McDonald: The Taoiseach did not miss it.

The Taoiseach: I did. It is hard to write down questions and listen at the same time. Perhaps the Deputy would repeat it.

An Ceann Comhairle: There are a few minutes remaining in respect of this question so the Deputy make ask a brief supplementary.

Deputy Mary Lou McDonald: Excellent.

An Ceann Comhairle: Would Deputy Howlin like to ask a supplementary question?

Deputy Brendan Howlin: I will allow Deputy McDonald to go first.

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Deputy Mary Lou McDonald: I thank the prince of Wexford for his graciousness.

An Ceann Comhairle: I would not have thought that Deputy McDonald is a monarchist.

Deputy Mary Lou McDonald: I am absolutely not. The Ceann Comhairle will note that I am not ascribing any monarchical title to myself.

I put it to the Taoiseach earlier that there has been a difference of opinion between himself and Deputy Micheál Martin with regard to the review of the confidence and supply agreement. If I understood him correctly, Deputy Martin said that could only happen after the next budget but the Taoiseach said that it should happen prior to the next budget. I have made the point that the Taoiseach and Deputy Martin cannot both be right. Perhaps the Taoiseach would enlighten me as to when that review is to happen, what it might consist of and if there has been a meeting of minds between Fine Gael and Fianna Fáil on this matter.

The Taoiseach: As I am sure Deputy Martin will confirm, we have not yet discussed the matter, but we will do so at some point. When we do, the Deputy will be the first to know.

Deputy Micheál Martin: There is a very clear provision in the confidence and supply agreement which covers the issue.

An Ceann Comhairle: Deputy Martin might send a copy of it to Deputies Howlin and McDonald.

Deputy Micheál Martin: I am sure they already have a copy of it and that it is being perused every day.

Freedom of Information Data

3. **Deputy Brendan Howlin** asked the Taoiseach the number of freedom of information, FOI, requests received by his Department in 2017; the number of staff working in this section; the number of requests that have been refused and the number appealed. [9878/18]

The Taoiseach: In 2017, my Department received 344 freedom of information, FOI, requests. Forty two requests were refused and no records were held in relation to 63 requests. There were 12 requests for internal review and two appeals to the Information Commissioner.

There has been a significant increase in the number of FOI requests received in my Department since the new Freedom of Information Act came into operation in 2014. I acknowledge the Deputy's central role in the expansion of the scope of the FOI Act in 2014, which I was proud to support while in government with the Deputy. This much needed reform reversed the negative impact of the restrictions introduced by the previous Fianna Fail-led Government.

In 2013, my Department received 92 requests. This figure rose to 290 in 2015 and 344 in 2017, which represents an increase of 374%. The majority of requests submitted to my Department are generally non-personal requests from members of the media.

All requests received in my Department are processed by designated officials in accordance with the FOI Acts. If a requester has difficulty with an FOI decision, he or she can seek an internal review, followed by appeal to the Information Commissioner. The FOI statutory framework keeps the decision-making process at arm's length from the political head of the Department

and his or her political advisers and I have no role in the decision making process for requests received in my Department. At most, one is asked for observations but I have not been so asked since I became Taoiseach.

There are two members of staff working in the Department's FOI Unit, both of whom perform other duties. Staff from across the Department are also involved in processing requests in addition to routine duties such as searching and retrieving records and making decisions on requests received.

Section 8 of the Freedom of Information Act 2014 requires each FOI body to prepare and publish a publication scheme. My Department's scheme is published on its website and it sets out a range of information about the type of records it holds. My Department also publishes a range of information on its website on a quarterly basis, including details of foreign travel expenses, details of invoices paid in excess of €20,000, minutes of the Department's management advisory committee meetings and a log of non-personal freedom of information requests.

Deputy Brendan Howlin: I thank the Taoiseach for his response. He will be aware that the Government is a member of the Open Government Partnership, which is another initiative that I was privileged to propose in government. The programme for Government commits to transparent oversight building on the freedom of information reforms which the Taoiseach kindly acknowledged were proposed by me in government.

There are significant concerns around the experience of FOI requests and the delay in the Taoiseach's Department in processing them. The Taoiseach has already set out the number of FOI applications made. How many appeals were made to the Information Commissioner last year and the previous year and, if the Taoiseach has the information to hand, what was the outcome of those appeals? I am sure the Taoiseach has seen the articles in *The Sunday Business Post* about the delays in releasing documents. It took six months, two appeals and an independent adjudicator before the documents referenced last week were released. Most of us would readily acknowledge that this information should be in the public domain and readily accessible by any citizen. It is very difficult to understand why it would take so long for this information to be released. The Taoiseach will probably respond to the effect that these are matters for the information officer in his Department but it might be worthwhile reviewing procedure in this regard to ensure that the general attitude in terms of freedom of information requests is, as I believe it should be, that information should be made available. I had hoped the Government would be working towards a situation where the Freedom of Information Act would be unnecessary because the default position would be that all data in a Department would be accessible in a readable form. I am interested in hearing the Taoiseach's views on these matters.

Deputy Micheál Martin: During yesterday's venting, the Taoiseach's fake outrage focused on comments that I made on the handling of freedom of information requests. In particular, the Taoiseach claimed that I had failed to understand basic procedures or the difference between the Government and the Civil Service. That is quite an incredible statement given the fact the Government is spending millions of euro claiming it is responsible for every positive thing done by every civil and public servant. During his time in office the Taoiseach's predecessor, Deputy Enda Kenny, accepted that he had personal responsibility for ensuring that freedom of information laws and principles were respected in his Department. He saw no conflict between discussing the performance of the Department and the independent decision making structures.

The bottom line is that it took six months for the journalist Mr. Hugh O'Connell to get the

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information that he requested. The strategic communications unit may not have been formally set up until September but its head was hand picked and announced in July of last year. None of my comments has been personal nor are they an attempt to smear anybody. It is my responsibility to hold the Government to account. The Taoiseach said himself that mistakes were made. Basically, it is a simple hard fact that since he took up office, his Department has fought repeatedly to withhold documents relating to a major point of public controversy. The Taoiseach himself has refused to give many details in the House to Deputies and journalists have had no alternative but to use freedom of information laws. Now that the Information Commissioner's work is complete, the Taoiseach is free to comment on the incredible fact that the kind of information that was refused included email chains between the Taoiseach's chief of staff and Mr. Concannon. They were never confidential Cabinet memos and it defies any logic to suggest that they were. Likewise, an email pertaining to the Taoiseach suggesting that an announcement on the new child care subsidy should be a Government announcement as opposed to one from the Department of Children and Youth Affairs incredibly became a Cabinet memo for the purposes of refusing its release. As the Taoiseach said himself, the normal procedure is that a deciding officer seeks documents from individuals and allows them to state a view on the appropriateness of releasing them. I have gone through the relevant documents and one in particular states that the Taoiseach has decided to "establish a small unit" in the Department of An Taoiseach, which illustrates his deep connection to this unit.

An Ceann Comhairle: The Deputy's time is up.

Deputy Micheál Martin: This calls for a review, especially given that the Department lost the case. The Taoiseach should organise a review of the processes to make sure that such information is not withheld in such a manner again.

Deputy Mary Lou McDonald: I echo many of the concerns raised in the *Sunday Business Post* by Hugh O'Connell last weekend which demonstrate, despite his protestations to the contrary, the Taoiseach's deep involvement with the strategic communications unit. In fact he is giving direction, as I would interpret it, in terms of its operation. Deputy Micheál Martin has mentioned the publicity for the child care subsidy scheme and the fact it was to be seen as an initiative of the Government or the Taoiseach rather than of the Department. An instruction was given that the publicity campaign would be run throughout the month of August which suggests a very deep involvement and not an arms' length or hands off approach at all. We discussed this yesterday and it is very clear to me that the strategic communications unit needs to go. I do not accept that what the Taoiseach has set up is an independent or credible review process. I say that while acknowledging the very many talents and capabilities of the Secretary General of the Taoiseach's Department. I have never made an issue of that but I think that the Taoiseach has put him in a terribly difficult position.

On another note, I found a supplement that came with the *Irish Independent* today of interest. It features no less than 12 photographs of Senator Mark Daly of Fianna Fáil. The supplement was produced by the Thomas F. Meagher Foundation. Mr. Meagher was a good Tipperary man. It says that it was produced "in association" with the Office of the Ceann Comhairle. I do not wish to draw the Ceann Comhairle into controversy but I would like to know if public moneys have been invested in the production of this supplement. The Ceann Comhairle himself features in it----

An Ceann Comhairle: I assure the Deputy that there was no money from my office invested in it.

Deputy Mary Lou McDonald: His visage is in this publication also. I want to know if public moneys were used for this. It is an extraordinary publication. It is very lengthy and in part, informative. The fact that there are so many pictures of Senator Mark Daly in a single publication is an astonishing achievement of political communication and propaganda. In that sense, the Taoiseach is not on his own. It seems that these strategies are widely deployed and are much beloved of Fianna Fáil. The serious point I am making is that all of these types of approaches and initiatives are inherently problematic. On the face of it, this supplement is about the national flag, Thomas Meagher and so forth, all of which is good. However, it becomes difficult when it can be interpreted as politically partisan. I am not accusing the Ceann Comhairle, before he gets excited, of being politically partisan although he is pictured in it. Senator Mark Daly looms large in this publication.

An Ceann Comhairle: I have not seen it yet but I presume there are others-----

Deputy Mary Lou McDonald: I want to know about the involvement of Dublin City Council but most importantly for our purposes, I want to know what “in association” with the office of the Ceann Comhairle actually means by way of financing this *magnum opus*.

An Ceann Comhairle: There was absolutely no financing by my office. I can assure the Deputy that there was absolutely none.

Deputy Mary Lou McDonald: Can the Ceann Comhairle confirm that in writing?

An Ceann Comhairle: Most definitely and without a bother.

The Taoiseach: I have enough respect for the Ceann Comhairle and his office such that if he says something to me verbally, I will not ask him to send it to me in writing. That was an unnecessary demand by Deputy McDonald.

An Ceann Comhairle: We will not get excited about it.

The Taoiseach: None of us should get excited about it.

Deputy Mary Lou McDonald: It was not intended to be disrespectful. It is just a matter of good process. The Taoiseach should try it.

The Taoiseach: Just for clarity, I was very involved in the establishment of the strategic communications unit. It was my initiative. However, if Deputies check the Dáil record, it was after the controversies around its setting up that I took a decision to step back. A budget was allocated, a memo was brought to Cabinet, the Cabinet agreed a work programme and the Secretary General of my Department put in place a governance structure. After that, I stepped back from any of the day to day operations, from involvement in decisions on advertisements, what they looked like, where they were placed and so forth. Obviously, however, I had an interest in the core work of the unit, whether it was the single identity, the *www.gov.ie* website or some of the campaigns that were run. My view is that the Government is the Government, by the way. I do not believe that I am the Government. I am the head of Government but am not the Government. I believe in a whole-of-government approach and do not believe that Government should operate in silos, with every Department operating almost as an independent republic. I believe in joined up Government. That is a philosophy of mine but I understand it is one that some people might not share. It made sense to me, for example, that when we were informing the self-employed about new rights and entitlements that we would not have one campaign be-

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ing run by the Department of Employment Affairs and Social Protection on their social insurance rights, a separate campaign being run by the Department of Finance about increases in their tax credits and yet another campaign being run by the Department of Business, Enterprise and Innovation on supports for entrepreneurs. Instead, we would put it all together in a single Government information campaign-----

Deputy Micheál Martin: Not in a propaganda unit though; in an information unit rather than a propaganda unit.

The Taoiseach: That is the philosophy behind what we were trying to do. People want to know what the Government is doing for them; they are not all that bothered about which Department or agency is actually doing it.

In terms of the open government partnership, the challenge of building a more open, transparent and accountable public governance unit in Ireland is being advanced through a range of reform initiatives led by the Department of Public Expenditure and Reform. The open data initiative is a key part of these activities. It is closely aligned with the public service reform plan, the ICT strategy, the Civil Service renewal plan and internationally and it is a core element of the EU-wide approach to the re-use of public sector information directive which has been transposed by Ireland. As a central policy Department, the data held in my Department relates mainly to its administrative functions, including for example, human resources and financial management and no high value datasets suitable for publication on the open data portal were identified. We are considering how best to design a process that creates an action plan that can implement the solutions that matter to the public. We will aim for a more focused plan aimed at supporting our broader reform efforts in addressing the needs of citizens. This all relates to the open government partnership. Better citizen engagement for better outcomes is a key part of the strategy for innovation and reform of our public service up to 2020. The ambition is to promote meaningful citizen engagement in policy making and in turn to increase the legitimacy of decision making, improve the public's knowledge and awareness of complex policy challenges, help decision makers to make better decisions which should lead to better policies and improvements in the quality of service provision. We will soon launch a portal that will bring together all public consultations in one place. This will be the first step in giving greater visibility to how public consultations are run and whether the principles in the consultation guidelines are followed.

On freedom of information requests, I want to put on record and make it very clear that it has been the long-standing practice in my Department, in the cases of successive Taoisigh, including myself, that the Taoiseach, as political head of the Department, has no role whatsoever in processing such requests. Provision does exist for me to be asked for observations on whether something should be released but I can confirm that I have not been asked for such observations since I became Taoiseach. I had been asked as a Minister in other Departments.

When freedom of information requests are received in my Department, the functions of the general examination and primary decision-making are delegated to assistant principals and some higher executive officers. The function of internal review has been delegated to officials not below principal officer grade and all requests received are monitored by the Department's freedom of information liaison officer. There are often reasons freedom of information requests are refused. This is because the matters under request are confidential, often relating to Cabinet. Sometimes they are commercially sensitive in nature, sometimes they are part of deliberative process, debates ongoing - debates in which lobbyists may have an interest, for example - and

sometimes they are just personal. They could be to do with totally personal matters.

Deputy Micheál Martin: These emails were not any of that.

The Taoiseach: I am concerned at allegations that I - specific reference was made to me - or the Government in any way tried to delay or block the release of this information, because that is just factually incorrect. It is a very strange allegation to make in the context in which I was accused of blurring the lines between the Government and the Civil Service. It seems that I am accused of that on one account, yet am told I should be doing it on another account. I do not think that is a very consistent position.

Deputy Brendan Howlin: I am sure the Taoiseach will come back to me on the question regarding appeals to the Information Commissioner.

The Taoiseach: Yes. I do not have the numbers to hand.

Deputy Brendan Howlin: The Taoiseach said he took a step back from the strategic communications unit once there was any controversy. It is my understanding - my deep understanding as a former Minister for Public Expenditure and Reform - that in budgeting, it is a Minister who determines the amount of money to be sought for any agency or unit. Who then proposed that the strategic communications unit should get €5 million and who determined that it should have 15 staff?

Deputy Micheál Martin: I asked the Taoiseach to review the process. Six months is not healthy. Initially, section 29 of the Freedom of Information Act was cited as the reason for refusing a release of these records. That section refers to matters actually under consideration by Government. The citation was changed in January to section 28(1), which deals with confidential documents, the equivalent of Cabinet memos. Of the emails that were refused, one is an email chain between the director, Mr. Concannon, and the Taoiseach's chief adviser, Brian Murphy. The Information Commissioner is very clear that they were never created as a record and never enjoyed Cabinet confidentiality. Second is the email concerning the Taoiseach and the child care subsidy in terms of the Taoiseach wanting it to become a Government announcement rather than a Department of Children and Youth Affairs announcement. There are very genuine concerns here. It took six months to clarify that point and I think, in terms of the macro policy role the Taoiseach has in the Department, a review of the operation of the process is merited.

The Taoiseach: I will give consideration as to whether a review is necessary. I would say the best way to approach that is for me to look at the number and percentage of appeals that were granted. If we have a high rate of appeals being granted, perhaps we should be releasing more. If the percentage of appeals being granted is slim, that would indicate that the Department is getting it generally right.

The budget for the unit was allocated as part of budget 2018 and was in the Appropriations Bill.

Deputy Brendan Howlin: Was the figure proposed by the Taoiseach?

The Taoiseach: The figure was originally suggested by the director of the unit - I supported it - but, obviously, the budget is now likely to be curtailed significantly.

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Inniúlacht sa Ghaeilge sa Státseirbhís

4. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his Department's Irish language policy. [9881/18]

5. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his Department's Irish language policy. [10931/18]

The Taoiseach: A Cheann Comhairle, tá sé i gceist agam Ceisteanna 4 agus 5 a fhreagairt le chéile. Ag teacht le brí agus meon Acht na dTeangacha Oifigiúla, tá Roinn an Taoisigh tugtha do chultúr a chruthú agus a chothú lena spreagtar úsáid na Gaeilge taobh istigh den Roinn féin agus leis an gcustaiméir. Chun na críche sin tá cúrsaí ar fáil go furasta ag fostaithe uile na Roinne tríd an aonad acmhainní daonna. Ba é an phríomh-bhéim maidir le hobair na Roinne díriú ar chaidreamh a dhéanamh le Ranna Rialtais eile agus le Gníomhaireachtaí Rialtais. Ní tharlaíonn, dá thoradh sin, aon éileamh suntasach ar sheirbhís i nGaeilge ó dhaoine den phobal i gcoitinne.

Mura dtarlaíonn é sin féin tuigeanann an Roinn go maith an tábhacht atá le roinnt fostaithe a bheith ar fáil atá líofa i nGaeilge agus ábalta seirbhís a chur ar fáil trí Ghaeilge. Tá curtha in iúl ag roinnt fostaithe de chuid na Roinne go bhfuil úsáid na Gaeilge go maith acu agus iad inniúil ina réimsí féin seirbhísí éagsúla a chur ar fáil trí Ghaeilge. Tá roinnt acu níos fearr ná a chéile. Tá beirt de na fostaithe sin a bhfuil ardchumas Gaeilge acu ceaptha chun seirbhís Gaeilge a chur ar fáil do dhaoine den phobal agus is leor beirt freastal a dhéanamh ar an éileamh sin faoi láthair.

Tá úsáid na Gaeilge luaite freisin i gCairt an Chustaiméara ag an Roinn. Deirtear ansin go ndéanfar freastal ar an gcustaiméir ar mhian leis nó léi gnó a dhéanamh trí Ghaeilge.

Tá geallúintí a luaitear faoi Scéim Ghaeilge 2016-2019 de chuid na Roinne faoi Acht na dTeangacha Oifigiúla arb é is cuspóir leo a chinntiú gur féidir le haon chustaiméir ar mhian leis nó léi a ghnó nó a gnó a dhéanamh trí Ghaeilge le Roinn an Taoisigh déanamh amhlaidh. Tá gach fostaí de chuid na Roinne ar an eolas faoin scéim sin atá ina chuid de chlár an chúrsa iondúchtáin freisin ag fostaithe nua. Chomh maith leis sin tá líonra Gaeilge curtha ar bun sa Roinn a thagann le chéile uair sa ráithe agus a choinníonn súil ar an dul chun cinn maidir leis na geallúintí a chomhlíonadh a luaitear i Scéim Teanga na Roinne. Tá brón orm nach raibh mé chomh cúramach nó chomh líofa----

An Ceann Comhairle: Bhí sé go han-mhaith a Thaoisigh. Anois an chéad duine eile an Teachta Mary Lou McDonald.

Deputy Mary Lou McDonald: Go raibh maith agat a Cheann Comhairle. Gabhaim buíochas leis an Taoiseach as ucht a chuid freagra. Tá súil agam go mbainfidh gach duine sonas agus sásamh as Seachtain na Gaeilge nó ó choicís na Gaeilge atá anois ann. A Thaoisigh, is minic a deirtear gur slánaitheoir na Gaeilge an straitéis 20 bliain agus tá a fhios againn a Thaoisigh go bhfuil ag teip uirthi. I mo thuairim baineann an teip seo le Roinn an Taoisigh. Baineann an tuairisc is déanaí maidir leis an dul chun cinn a rinneadh faoin straitéis leis an mbliain 2015. B'shin trí bliana ó shin. Impím ar an Taoiseach é sin a réiteach láithreach. Thug mé faoi deara píos a bhí an-spéisiúil sa pháipéir straitéise don Ghaeilge óna Roinn féin. Deirtear go bhfuil an Ghaeilge mar chuid den chultúr agus den oidhreacht sa Tuaisceart agus gur tosaíocht de chuid an Rialtais an teanga a chosaint agus a chur chun cinn ó Thuaidh. Ní hamháin sin, deirtear go soiléir go ndéanfaidh Rialtas na hÉireann brú a chur chun Acht na Gaeilge a bhaint amach.

Is leis an Taoiseach agus an Roinn na focail sin. Iarraim ort é sin a dhéanamh. Tá Sinn Féin tiomanta don dúshlán a thug an pobal dúinn anuraidh a shárú, is é sin chun Acht na Gaeilge a bhaint amach. Cén fáth? Toisc go bhfuil saol trí Ghaeilge á éileamh ag daoine, is é sin a bhfuil ag teastáil ó phobal na Gaeilge. Ní ceist í an mbeidh ceann againn. Is ceist í maidir le cathain a bheidh Acht againn. Le linn Sheachtain na Gaeilge táim lánsásta a rá gur cheart Acht a bheith ann anois. An féidir leatsa, A Thaoisigh, an rud céanna a rá gur cheart Acht a bheith ann anois?

Deputy Brendan Howlin: Tá a fhios ag an gCeann Comhairle go raibh díospóireacht againn sa Teach seo tráthnóna aréir ar an nGaeilge, ar staid na teanga agus ar an nGaeltacht. *2 o'clock* Dúirt mé sa díospóireacht sin gurb é mo thuairim féin ná gur theip muid mar Stát agus mar chóras oideachais an teanga a chur chun cinn ó bhunú an Stáit. Caithfidh go bhfuil sé sin fíor agus is ait an rud é. Ní dóigh liom go bhfuil tír ar bith eile ar fud an domhain ina bhfuil córas oideachais ann nach bhfuil sé ar chumas na ndaltaí sa chóras sin an teanga a labhairt go líofa tar éis deich mbliana á foghlaim. Ba chóir go mbeadh siad in ann an Ghaeilge a labhairt go líofa agus go flúirseach tar éis an méid sin ama a chaitheamh á foghlaim. Tá fadhb ann agus caithfidh an fhadhb sin a réiteach. Is mar sin atá an scéal againn in Éirinn.

Tá ceist agam ar an Taoiseach agus orainn go léir mar ní dóigh liom gur cheist don Rialtas amháin é. Mar a dúirt mé, téann an teip seo siar go dtí bhunú an Stáit seo agus caithfidh rud réabhlóideach agus nua a dhéanamh chun go mbeadh sé ar chumas mhuintir na tíre i gcoitinne an teanga dúchais a labhairt. Caithfidh, i dtosach báire, an deis sin a thabhairt don aos óg sa tír seo.

Deputy Micheál Martin: Ceann de na polasaithe is tábhachtaí do mhuintir Fhianna Fáil ná an Ghaolainn a fheabhsú agus a chur chun cinn. Dheineamar an-chuid nuair a bhíomar sa Rialtas. Achtaíodh Acht na dTeangacha Oifigiúla 2003. Bunaíodh Oifig an Choimisinéara Teanga agus Foras na Gaeilge agus cuireadh cearta teanga san áireamh i nithe éagsúla. Cuir i gcás Achtanna oideachais agus Achtanna pleanála. Bunaíodh Coimisiún na Gaeltachta agus rinneadh forbairt air agus glacadh leis an straitéis 20 bliain don Ghaeilge. Chomh maith leis sin, bhí mórchuid caiteachais déanta ar bhunstruchtúr Gaeltachta agus Gaeilge.

Maidir leis an méid a dúirt an Teachta Howlin, i rith ár dtréimhse in oifig tháinig méadú ar líon na gcainteoirí Gaeilge taobh istigh agus taobh amuigh den Ghaeltacht. Faraor, le sé bliana anuas, theip ar na Rialtais faoi cheannas Fhine Gael ar an nGaeilge agus ar an nGaeltacht. Caithfidh mé é sin a rá. Thugas óráid ag Ard-fheis Chonradh na Gaeilge coicís ó shin agus dúirt mé nach raibh mé agus nach bhfuil mé sásta leis an méid atá faoi chaibidil ag an Rialtas an babhta seo. Tháinig meath suntasach ar líon na ndaoine a deir go bhfuil Gaeilge acu agus orthu siúd a labhraíonn an Ghaeilge gach lá.

Deputy Brendan Howlin: An bhfuil tú cinnte go bhfuil sé sin fíor?

Deputy Micheál Martin: Caithfidh níos mó áiseanna a chur ar fáil maidir leis an teanga agus don Ghaeltacht, go háirithe ó thaobh mhúineadh na Gaeilge de. Cuirim i gcás na mic léinn sna coláistí oiliúna. Faoi láthair ní fhaigheann siad aon deontais chun dul go dtí an Ghaeltacht agus tá sé ró-chostasach ar fad do na daltaí agus na mic léinn sin. Sin rud beag gur féidir leis an Rialtas a dhéanamh. D'fhéadfadh sé na deontais a bhí ann a thabhairt ar ais. Gan amhras tá brú faoi leith ar mhic léinn tríú leibhéal san lá atá inniu ann agus sin brú eile.

An Ceann Comhairle: Tá an t-am istigh.

Deputy Micheál Martin: Rud amháin eile. Is é TG4 an seod Gaeilge is mó atá againn faoi

láthair. Tá an stáisiún ag déanamh an-chuid oibre ar son na Gaeilge

Deputy Brendan Howlin: Buíochas leis an Uachtarán Michael D. Higgins.

Deputy Micheál Martin: Agus Máire Geoghegan-Quinn - an bheirt acu. Caithfidh an Teachta Howlin é sin a admháil. Dheineadar an-chuid chun TG4 a chur os ár gcomhair. An bunrud ná easpa taithí. Sin an bunfhadhb. Ní fhaigheann daoine deiseanna nádúrtha chun an Ghaeilge a labhairt.

The Taoiseach: Gabhaim buíochas leis na Teachtaí as a gceisteanna. Ní aontaím leis na Teachtaí gur theip orainn ach aontaím leis an Teachta Martin faoi TG4. Táim buíoch de Mháire Geoghegan-Quinn, den Uachtarán agus den iarThaoiseach, an tUasal John Bruton, dá initiative agus don obair a rinne siad.

Deputy Brendan Howlin: Sárobair.

The Taoiseach: Tá an Rialtas ag déanamh go leor chun tacú leis an nGaeilge. Mar shampla, tá allúntas breise de €1.2 milliún ar fáil i mbliana chun cabhrú tuilleadh le cur i bhfeidhm an phróisis pleanála teanga, rud a fhágann go bhfuil cistíocht ar fiú €2.65 milliún ina iomlán ar fáil sa bhliain seo lena haghaidh. Anuas ar an airgead breise atá tugtha don Roinn Cultúir, Oidhreacht agus Gaeltachta le caitheamh ar an teanga, tháinig méadú ar bhuiséad Údarás na Gaeltachta agus ar bhuiséad Fhoras na Gaeilge le cúpla bliain anuas. I mí an Mheithimh na bliana seo caite, foilsíodh ceannteidil an Bhille teanga nua mar iarracht chun dul i ngleic le dhá mhórchéist: scéimeanna teanga agus earcaíocht sa tseirbhís phoiblí. Tá céimeanna á dtógáil chun deireadh a chur leis an maolú ar úsáid na Gaeilge san Aontas Eorpach in 2021.

Ag baint úsáide as aon slat tomhais, sílim go léiríonn na samplaí seo dáiríreach an Rialtais maidir leis an nGaeilge sa bhliain seo - Bliain na Gaeilge.

Written Answers are published on the Oireachtas website.

Sitting suspended at 2.10 p.m. and resumed at 3.10 p.m.

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 Kathleen Funchion - the availability of ASD unit spaces for children in Carlow-Kilkenny; (2) Deputies Bernard J. Durkan, James Lawless, Brian Stanley and Carol Nolan - the resources available in the aftermath of Storm Emma; (3) Deputy Eugene Murphy - the proposed waste transfer station in Poolboy, Ballinasloe, County Galway; (4) Deputies Eoin Ó Broin, Thomas Byrne, John Lahart, Dessie Ellis, Jim O'Callaghan, John Curran, Darragh O'Brien, Louise O'Reilly and Barry Cowen - water shortages in the aftermath of Storm Emma; (5) Deputy Clare Daly - coastal erosion and storm damage at Portrane, County Dublin; (6) Deputy Frank O'Rourke - Garda resources in north County Kildare; (7) Deputy John Brady - fire safety issues at a school (details supplied); (8) Deputy Anne Rabbitte - the closure of a mental health house in CHO area 2; (9) Deputy Mattie McGrath - the status of the upgrading of Clonmel Garda station; (10) Deputy Martin Ferris - waiting times for elderly patients of emergency departments; (11) Deputy Willie O'Dea - to ask the Minister for Employment Affairs and Social Protection the employment status and remuneration of self-employed branch

managers contracted by her Department; (12) Deputy Mick Wallace - NAMA's email deletion policy with respect to former staff; (13) Deputy Richard Boyd Barrett - the patronage system in the education sector; and (14) Deputy Billy Kelleher - the impact of recent weather conditions on the health services.

The matters raised by Deputies Eoin Ó Broin, Thomas Byrne, John Lahart, Dessie Ellis, Jim O'Callaghan, John Curran, Darragh O'Brien, Louise O'Reilly and Barry Cowen; and Willie O'Dea have been selected for discussion.

Topical Issue Debate

Water Supply Leakages

An Leas-Cheann Comhairle: The first Topical Issue is in the names of Deputies Eoin Ó Broin, Thomas Byrne, John Lahart, Dessie Ellis, Jim O'Callaghan, John Curran, Darragh O'Brien, Louise O'Reilly and Barry Cowen. We will commence with the first named, Deputy Eoin Ó Broin.

Each Deputy will have two minutes. In view of the fact that there are so many, I would like them to observe the two minutes limit.

Deputy Eoin Ó Broin: I pay tribute to the water services staff who, as we are all aware and as we speak, are out working exceptionally hard to bring the water system back into proper order. I also want to say at the outset that I fully understand the scale of the weather event and the impact that would always have had on the water system.

Today, as it stands, 1.2 million people in the greater Dublin area are affected by water reductions and outages, 20,000 households outside the greater Dublin area are without water, another 47,000 have reduced supply, and thousands of households are affected by boil-water notices. I am concerned by the lack of adequate forewarning, particularly in those higher risk areas where the headroom is so low. If people had been given earlier warnings prior to the event, they could have made greater efforts to prepare for the worst.

There also was a lack of consideration of emergency supply, also particularly in those areas that were likely to be worst affected in the worst case scenario. I note, for example, some local authorities in London put in place emergency supplies in advance for those areas that they anticipated would be affected by water outages.

There is a huge amount of misrepresentation about the cause of the current supply problem, particularly in Dublin. This is not directed at any political party - it is more at some sections of the commentariat. One would think that the entire city and surrounding counties had been leaving on their taps for days on end to avoid leakages when, in fact, both Mr. Gerry Grant and his senior colleagues have made it clear that the primary problem here is serious leakages caused by the weather event in the public system as well as difficulties in a number of the reservoirs.

Does the Minister accept specifically in relation to the water issue that more preparation could have been done? What is he doing to ensure such disruption is kept as short as possible? Will the Minister review the capital investment programme for Irish Water to ensure that in-

creased investment is provided next year to tackle the decrepit nature of the infrastructure?

Deputy Thomas Byrne: Gabhaim buíochas leis an Leas-Cheann Comhairle as ucht an deis a thabhairt domsa labhairt faoi fhadhb an uisce i mo Dháilcheantar inniu. We have a very serious problem with water.

I join in the tributes paid to Mr. Gerry Grant and his team in Irish Water. They have been working hard all weekend to try to resolve issues.

There is a particular issue in my constituency. The Minister will be aware of the Staleen water treatment plant. He visited it last summer, when there was a major water crisis in east Meath. It was clear then that the Staleen treatment plant was not fit for purpose. While some work has happened since that crisis last summer and there is major pipework between Drogheda and Duleek, the towns of Ratoath and Ashbourne are at the end of that Staleen line and are subject to ongoing problems. These manifested again this weekend because they are at the end of that line. The Staleen treatment plant between Louth and Meath covers 86,500 people, from almost Clogherhead down to Ashbourne and Ratoath. Those towns are at the end of the line and if there is a fault in Staleen, it manifests itself in a much worse way at the end of the line in Ashbourne and Ratoath. One alternative that has been suggested but is not, unfortunately, in Irish Water's capital plan, is running a pipe between Dunshaughlin, where there is a relatively new water tower, and Ratoath. There is adequate capacity at Dunshaughlin and there is a small pipe already covering Ratoath from Dunshaughlin. It is estimated that the project would only cost €4 million and would solve the problem for both the current residents and the potential 760 houses that are due to go into Ratoath under land that is currently zoned and subject to planning permissions.

Something needs to be done on this issue. This small investment, in relative terms, needs to be carried out to ensure an adequate water supply for Ratoath so that the people do not have to continue to put up with the interruptions they have because of the outdated network. This is a small investment that would add to a much bigger investment that was made approximately ten years ago in Dunshaughlin.

Work needs to be done in Ashbourne to ensure that the water gets up to hilly areas, particularly in the Racehill area. That is a relatively small investment also and I appeal to the Minister for it on behalf of my constituents.

Deputy John Lahart: I join my colleagues in thanking Irish Water, particularly the managing director and his team, for the sterling work they have done during the weather event over the past week, and particularly the works that were contracted out to the local authorities, which were working 24 hours a day.

It is worth noting also that while all the good and positive news was being announced via the strategic communications unit with the Taoiseach flanked by Defence Forces and An Garda Síochána personnel, the bad news was delivered by Mr. Gerry Grant, who had to stand by himself and cut a very lonely figure talking about water restrictions.

This issue is becoming a nightmare for some people, who have been in contact with all of us. My constituents in Dublin South-West had been warned of restrictions but they had not been warned that the water would be cut off. This has happened in a number of areas in my constituency.

As the Minister will be aware, close to 1.5 million people in Dublin are affected by the restrictions that are running from 8 p.m. to 6 a.m. I welcome the change, from 7 p.m. to 7 a.m. to 8 p.m. to 6 a.m., because it facilitates families and working people who are returning in the evening.

The position is particularly fraught in relation to schools and businesses which do not have running water, particularly cafés and shops. People are manically checking taps during the day. It is affecting mothers with babies, families with special needs and particularly older people. The mountains region in my constituency, including Bohernabreena and Glenasmole, was particularly affected over the weekend during the weather event.

Irish Water needs to improve its communications. We need to know how long the restrictions will last, when a restriction means a cut-off, what the issue is with the algae and Vartry, and what immediate actions are being taken by Irish Water to remedy the situation.

Deputy Dessie Ellis: We have had unprecedented weather conditions over the past week. Alerts that were sent out in the media by the National Emergency Co-ordination Group have certainly saved lives. Services, including the Garda Síochána, ambulance crews, the fire brigade, local authority staff, hospital staff, the Army and so many more, all did their best and deserve great praise in dealing with emergencies as they arose.

Volunteers and citizens came to the assistance of the old, the young and the vulnerable in any way they could. Myself and Sinn Féin volunteers across Dublin North-West were out helping our communities, especially the elderly, in whatever way we could. Homeless outreach workers and volunteers also worked tirelessly helping people to find accommodation and delivering supplies and meals.

The Minister can appreciate that even under normal conditions life on the street is tough for the homeless but in extreme weather conditions, it is horrendous. That is why in times like this they need all the help they can get. Therefore, I was shocked to learn that the Capuchin Day Centre in Bow Street had no water and was unable to provide showers for the homeless or give a cup of tea, or even a cup of hot soup. Are the homeless not punished enough? Surely such organisations should have an emergency supply of water.

The Irish Water statement suggesting that there would be reductions in water pressure in Dublin for a set period, was misleading because some areas, in fact, had no water supplies and were cut off. This constant shortage of water, whether through burst pipes or hot weather, needs to be addressed.

For over ten years when I was a councillor, we heard about plans to pipe water up to Dublin via the midlands from the Shannon. The next crisis will be hot weather. We have had this extreme weather and now we will face the next crisis with hot weather.

Deputy Jim O'Callaghan: It is the first opportunity I have had to speak in this House since the weather event took place. First, I commend all those involved in the emergency services on their valiant efforts over the past week or so. I commend the members of the National Emergency Co-ordination Committee and the emergency services.

I want to say a few words on behalf of Irish Water, a statutory body which has come in for a lot of criticism in recent years. My experience, and that of people working in my office, is that it is a very efficient body which has been very responsive to requests we make on behalf of

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constituents. I have found it very efficient and effective in answering the concerns raised by me and, indeed, other public representatives.

The Minister will be aware that the weather has had a significant effect on the water supply in the constituency, Dublin Bay South, we both represent. I have been contacted by people from Ringsend, Irishtown, Rathgar and the inner city to complain not simply that water is being restricted at certain times but also that they do not have water at all. People are prepared to accept that after a severe weather event there will be consequences for infrastructure such as the water supply. What they find increasingly difficult to accept is inadequate communication in respect of what is happening. It is extremely important that if their water supply is going to be cut off in the next few days, people need to be told about it and given adequate notice. People can cope with these situations provided they are given sufficient notice. Unfortunately, that has not been the case in large parts of the constituency. People have not been apprised of the fact that their water will be cut off completely. I have had a number of people contact my office to discuss the difficulties they are having with the water supply in Terenure, on Temple Road and in Irishtown. It is also a matter of concern to me, as it will be for the Minister, that schools in the constituency have closed. Scoil Bhríde had to close as did St. Louis high school in Rathmines. I ask for further updated information so that people are fully aware of the consequences of this weather event.

Deputy John Curran: I preface my remarks by acknowledging the extraordinary work undertaken by the men and women of our emergency services and the staff of local authorities and other agencies who have had a very challenging time over the past few days. They have operated very effectively. That said, 1.2 million people in the greater Dublin area are affected by water shortages and restrictions. While I acknowledge that it was intended or at least advertised that it was restrictions which would be put in place, for many people it has become an actual cutting off of water. The debate has not been helped by the impression being given that it is the result of people leaving taps running. It is not fair to say that today people are using more water in their own homes than they were on Wednesday of last week. The bulk of the problem affecting us now is the direct result of increased leaks, both large leaks and a number of minor ones. It is not helping the debate at all to indicate that families are leaving taps to run and so forth when there is no evidence of that.

As I said, it was indicated that restrictions would be put in place but the reality is that when the pressure is turned down, the water is off for a number of hours. I acknowledge the change in time back to 6 a.m., particularly as it takes a number of hours before the water comes back to the tap after the flow is increased. A gentleman in Harelawn told me that when the water was turned on at 7 a.m. on the first morning, it did not arrive at his taps until 9 a.m. Changing the time makes a big difference. The major concern is the uncertainty regarding this issue. Irish Water has indicated that there may be a problem requiring restrictions for several months in the Dublin area. I ask the Minister to work with Irish Water to provide whatever additional resources are necessary to address the problems that have been caused as a direct result of the recent severe weather and, in the longer term, to build that into the future capital programme.

An Leas-Cheann Comhairle: Members have been exemplary thus far in keeping to the time.

Deputy Darragh O'Brien: I will try not to change that. Like my colleagues, I recognise fully, respect and thank all of those workers who worked diligently over the last week or so as well as those who are working now to get our water supply back up and running. This needs a

whole-of-Government approach. I was struck during Storm Emma by the number of Ministers who joined the Minister, Deputy Eoghan Murphy, who was rightly there, at the national co-ordination group to stand beside him on television and be part of the news and information which was very important and, in the main, accurate. I want to ensure now that the Minister will not be left on his own in circumstances where that whole-of-Government approach is required.

I support Deputy Curran completely. In my own area of Dublin Fingal, thousands of people face water restrictions. Their frustration is about information. For example, I have had a number of complaints from people in Skerries where a notice of low water pressure has in fact meant zero supply. Information is key so that people can plan. Timeframes are needed. I was concerned when I heard on the radio this morning that this situation may carry on for a number of weeks. We need to get an idea of the work that needs to be done to re-establish a full supply and an indication of how long it will take. I ask the Minister not to forget our emergency services, particularly Dublin Fire Brigade. I am sure he will not. I have had requests from the fire brigade service in my constituency for additional water tankers just in case the supply is cut off unexpectedly. In fairness, I acknowledge how responsive Irish Water and Fingal County Council were when I requested that a water tanker be located at Swords fire station earlier today. The station covers an area the size of a city.

We want to work with the Minister and all agencies to ensure the water supply is reestablished as quickly as possible. I ask the Minister to address the timeframe for the full restoration of the supply in Dublin and other parts of the country.

Deputy Louise O'Reilly: I join others in paying tribute to emergency services staff for the sterling work they did throughout Storm Emma and its aftermath and, in particular, the staff of Irish Water and Fingal County Council who were fantastic. They gave entirely of their own time and were exemplary in how they carried out their work. Unfortunately, we have experienced a thaw in the aftermath of the storm and I have been contacted by constituents. My neighbours in Skerries are very concerned not so much about water restrictions but about the fact that they now have no water or any idea of when it will be restored. They are going back and forth to their houses to check the taps and they are finding it impossible to plan. It is difficult for Deputies to get information on their behalf. They want to know when they will be able to access water and when the supply will be restored. They need information.

Last night, I was contacted by a family from St. Patrick's Close who were at pains to point out that they had not left their taps running. They were worried that somehow the impression might be given that they had contributed to this, which they clearly had not. They had not left their taps running and they were anxious to know when they would get some water back. They were told that they had water and were in an area where only restrictions applied, but they were standing by the tap and no water was coming out. We need to improve the communication and information being provided to people. If this is going to continue for a number of weeks, the fair thing to do is to let people know when restrictions will be in place, when the water will be off and when they can reasonably expect to have their supply restored. They want to plan and to know if they have to come home in the middle of the day to fill the bath and do other practical things.

Deputy Barry Cowen: This event has created a great strain on many public services and Irish Water and its staff are no different. We commend them on and thank them for their ongoing work and efforts to address the leaks to which my colleagues have referred. At a recent meeting of our joint committee, Mr. Grant informed the members that Irish Water had learned

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a great deal from Storm Ophelia and the crisis in Drogheda and east Meath and that it had put storm planning and procedures in place should the company be tested in that way again. I wonder if that was the case given the haphazard way in which people have been communicated with on outages. I seek an assurance that this will be addressed in the coming days and that other emergency services and facilities will not be left without a supply which is adequate to meet their demands. I have also written to the energy regulator, which has responsibility in this area, to request an independent assessment to ensure that any failings in recent weeks, however minor, are corrected and that a proper plan is put in place to deal with similar events in future. I hope the Minister concurs with that approach.

Part of the compromise the Dáil agreed in respect of the Water Services Act and the funding of water services into the future was a requirement to improve the transparency and accountability associated with Irish Water through the establishment of a water advisory board. There has been no progress to date in that regard. If a board were in place today, the public interest would be well served by adequate representation to ensure issues such as this are dealt with properly, effectively and appropriately. The public would be in a position to respect the workings and ongoing efforts on the part of Irish Water. Could we have an update on the process? When will the board put in place? It is based on a direction of the Dáil. I hope the Government will not be any slower in adhering to such a direction.

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

I thank the Deputies for raising this critical issue and providing me with the opportunity to outline the position regarding the issues concerning water supplies in the eastern region in the aftermath of Storm Emma. This was a severe weather event, on a par with events in 1982, 1962-63 and 1947. It has had a significant impact on the water network around the country through power outages and the extreme cold has damaged water treatment plants and has led to significant bursts in pipes. The condition of our legacy water-supply pipe network, particularly in Dublin, where the average age of the network is 80 years, has contributed to the widespread outages and water restrictions experienced by customers all over the country.

I acknowledge the inconvenience that disruptions to water supplies mean for customers and I thank them for their forbearance. Every effort is being made to minimise the impact and to prioritise hospitals and daytime usage. I acknowledge the efforts of all the workers involved in Irish Water and local authorities and contractors, who are working so hard to restore supplies as quickly as possible.

Over the course of the past few days, water outages related to power outages have been largely resolved due to co-ordinated work between Irish Water, ESB Networks and local authorities. Irish Water crews have been mobilised across Dublin and around the country to make the necessary repairs at plants and to fix bursts. Significant progress is being made. There are 30 repair crews on the ground finding and fixing leaks in the greater Dublin area. For example, in Dublin three major bursts, in the north docklands, Infirmary Road and Skerries, were wasting the equivalent of the daily water usage of Balbriggan, which has a population of about 25,000 people. These have now been repaired.

In the greater Dublin area, Irish Water saw an increase of more than 10% in the call on normal treated water supplies from Friday, 2 March to Sunday, 4 March. On Monday, 5 March, this increase equated to 28 Ml, which is the equivalent of the daily usage of the population of Cork city. Despite plants working at peak output, storage of water in the reservoirs was significantly depleted. The call on water supplies continues to rise while reservoir levels are low. The

decision to impose restrictions across the Dublin network from Monday evening was one that was not taken lightly but Irish Water needed to ensure the city continued to function. The nature and duration of restrictions are being kept under review to minimise the impact on customers, with more targeting and lesser durations yesterday evening.

The difficulties arising from this severe weather event underscore the impacts of historical underinvestment in this vital infrastructure. Investment is being made now to improve the resilience of the entire network on a prioritised basis, to maximise the capacity within the region and to bring a new source of water on stream for the eastern and midlands regions. Some €8.5 billion has been identified in our national development plan — Project 2040. As part of this process, some €680 million will be invested by Irish Water this year, a substantial increase on the €527 million invested in 2017. The national development plan investment includes the new eastern-midlands water supply project, which is currently at the planning stage, and a greater Dublin area - Kildare, south Dublin, Fingal, Dublin city, Meath and Wicklow – leakage-reduction plan. Also included are the Vartry water treatment plant upgrade, the Saggart resource upgrade, the Stillorgan reservoir upgrade, and the Peamount to Saggart trunk main works.

As regards any immediate investment required, any additional costs that are incurred during such events can be recovered by Irish Water through the normal regulatory process. The Commission for Regulation of Utilities, as independent economic regulator of Irish Water, will, as part of the normal process to approve revenues for Irish Water, conduct a detailed review of all costs, capital and operational, incurred by Irish Water directly due to such exceptional events. The process of reviewing and approving costs for Irish Water is similar to that which applies to ESB Networks and Gas Networks Ireland as they are also regulated utilities.

Across the country, Irish Water is now dealing with a range of issues, ranging from difficulties with raw water quality and the impact of severe weather on infrastructure to some isolated issues of contamination. As a consequence, some 12,000 people on the Fethard public water supply are on a do-not-drink notice due to hydrocarbon contamination; some 5,400 people currently have no water, down from 11,000 yesterday; a further 12,600 people are on storm-related boil-water notices due to the impact of Storm Emma, down from 14,500 yesterday; and outside the greater Dublin area, GDA, some 35,100 people are on water restrictions, down from 39,000 yesterday.

Irish Water is seeing improvements in many of these areas and, with the exception of the Fethard and the greater Dublin area supplies, expects that most issues will be resolved by the end of the week. Irish Water has been working as part of the national emergency co-ordination group, NECG, and in partnership with local authorities around the country to minimise the risk to customers and restore full supply. I thank those involved in the recovery effort across the country and thank citizens for their forbearance as we recover from this event. I note the thanks to Irish Water by Deputies in this Chamber, which I know will be welcome to Irish Water.

An Leas-Cheann Comhairle: We will have another round, but this time Deputies will have one minute each.

Deputy Eoin Ó Broin: I thank the Minister, although we already got most of the information he gave us from Irish Water by email in the past few hours.

The core issue is that the Government knows that in Dublin, for example, there is limited excess capacity in the system. The questions most Deputies have asked have not been answered.

Why was more notice not given to households in the areas at most risk? What measures were implemented to ensure an emergency supply, particularly for the facilities that needed it? What is the timeline by which we can expect water supplies to return?

I also asked the Government whether it would consider increasing capital investment next year above the amount in the existing Irish Water plan so we can fast-track the upgrading of both our plants and pipes. It is important to note that Irish Water is currently seeking to reduce the number of full-time equivalents in water services by 1,000. If the company gets its way, this would result in 1,300 fewer people employed by 2021. If those people had been taken out of the system before this weekend, how much worse would the circumstances have been? Does the Minister not need to rethink the proposal in light of the strains on the system, as evidenced in the aftermath of Storm Emma?

Deputy Thomas Byrne: The Minister's response does not give us any new information. What happened during the water crisis in the summer was that some temporary innovative solutions were found. For example, Ashbourne was linked to the Dublin supply at Coolquay. As for Ratoath, where the Minister for Employment Affairs and Social Protection, Deputy Regina Doherty, lives, I propose a link to Dunshaughlin. That should be included in the Government's capital plan. It can be done at a low cost. With regard to Duleek, Bellewstown, Balrath, Kentstown and Donore, where there is currently a severe shortage and where the supply is not part of the greater Dublin supply but seems to be listed as such, solutions were found by filling reservoirs during the summer. Mains pipes were filled from the outside. That needs to happen also because some people are suffering disproportionately, depending on where they live.

We need to get a grip on this issue. Irish Water has communicated well but needs to do better. People need to know exactly where they stand. Some of the measures that were put in place last summer could be replicated now, particularly in east and south Meath to resolve the problems. I was talking to my colleagues Councillors Damien O'Reilly and Nick Killian today about this issue. They are in full agreement with me on this.

Deputy John Lahart: I thank the Minister for his response. As my colleague said, the public accepts cutbacks once they are communicated. The Minister did not respond to the point that where there was notice of restrictions, there was a complete cut-off. The Minister's answer did not reflect the needs of small businesses, parents with small children, those with special needs and the elderly. The most alarming or concerning part of the Minister's answer was the statement that Irish Water is seeing improvements in many of the areas in question and that, with the exception of the Fethard and greater Dublin area supply issues, most issues will be resolved by the end of the week. The Minister expects all the supplies outside the greater Dublin area to be restored by the end of this week. When does he expect the issues concerning the greater Dublin area, which entail a volume of water 20 times greater than in other areas, to be resolved by Irish Water?

Deputy Dessie Ellis: I thank the Minister for his response. I get very frustrated over this because, for many years as a councillor, long before I became a Deputy, I heard constant talk about the water shortage in the greater Dublin area. I have been at meeting after meeting over the years. This is going back well over ten years but we are still no closer to having the problem resolved. There are shortages now and there will be more in the future. People find it difficult to understand what is happening. We have a lot of rain in this country, we have just experienced a storm with snow and ice, and there is water everywhere, yet we have a water shortage. In the summer, we will be short of water because of the dry weather. We need to consider the whole

infrastructure. We need to fast-track the process by which we supply the greater Dublin area. This is extremely important at this stage.

It is important to note that Irish Water is very much reliant on the local authorities. Taking responsibility from the local authorities was a mistake.

Deputy Jim O’Callaghan: I thank the Minister for his response. I am concerned by some of the information we have been given here. As my colleague, Deputy Lahart, noted, the Minister’s response indicates that the supplies in the greater Dublin area will not be resolved by the end of the week. What the Minister has said is he cannot give an assurance to the people of my constituency as to when the issue will be resolved. I am sure the Minister will be fully aware of how significant an issue this is but it could become an extremely significant issue if it drags on much beyond the end of this week. We need more than political responses. We need our constituents to be apprised of when the issue will be resolved in the greater Dublin area and, in particular, in my constituency. It is having a significant impact on businesses, as well as domestic houses. Hobart’s café in Ranelagh, which the Minister will know well, was in the media yesterday stating the difficulty it was experiencing in keeping a business going in the absence of water. It is imperative that the Minister tries to get solutions to this as quickly as possible or else he will lose the run of it.

Deputy John Curran: I thank the Minister for his response. However, the issue before us is specifically the short-term issues that have occurred directly as a result of the severe weather. The latter part of the Minister’s response dealt with the longer term and matters such as infrastructure. The challenge facing us today is how we repair the damage in the short term in order to get back to the water levels we had this time last week. A distinction should be made between those works which need to be done and the longer-term capital works to rectify the leaking pipes across the greater Dublin area, which are 80 years old as the Minister noted. There is short-term work that needs to be done, however, and for the 1.2 million people affected in the greater Dublin area, the Minister’s answer has not addressed the timescale. If there are to be restrictions, the Minister must ensure that they are not only lifted to bring pressure back but to bring water back to families who are leaving their houses in the morning in order that there is a flow of water from the taps. They need the information on what is happening. The Minister’s response looked at the longer term more than the here and now. I urge him to ensure that additional funding is made available to Irish Water to deal with this short-term issue.

Deputy Darragh O’Brien: I do not wish to repeat what others have said but it is really important that we get on top of issues in the greater Dublin area, where the problem is predominant with some 1.2 million people affected. The Minister already mentioned Skerries and other places. The Minister has people’s forbearance now; they are patient but if it continues into next week and the following week, there will be a serious problem. I ask him to look particularly at small businesses and those that rely on water such as barbers, hairdressers, coffee shops and restaurants, whose income will be badly affected. I also ask the Minister to prioritise emergency services. I am sure that is already the case but I want to emphasise that.

There must be an inventory of where the faults arise. I am not convinced by the argument that the Minister keeps trotting out that the pipes are on average 80 years old. There have been some significant investments in water infrastructure over the last 20 to 30 years, including in my own area of Fingal, and some of the problems we are experiencing relates to newer infrastructure. It is not simply due to old infrastructure. I ask the Minister to get a handle on the timeframe, to keep communicating with Members and we will do our best to assist where we

can.

Deputy Louise O'Reilly: I believe the Minister is aware that his response was mostly information we already have been sent by Irish Water. He said that Irish Water is seeing improvements in most of these areas - with the exception of Fethard and the greater Dublin area supplies - and expects that most issues will be resolved by the end of the week. What does that say to the thousands of people who are either without water or are on severely restricted supplies and who do not know when it will be back in operation? What does that say to the 1.2 million people in the greater Dublin area, except that the Minister does not know when it will be resolved?

Others have noted that people will be patient. They are aware of the severe weather and are complimentary about the staff and the Trojan work they have done but their patience is not infinite. They deserve an explanation, a timeline and an idea as to when their water supply will be restored.

Deputy Barry Cowen: We all want the Minister to inform the House of an indicative timeline as to when these issues might be resolved. Does the Minister believe the independent regulator should undertake an assessment of the planning process and the response of Irish Water to this event, both to examine recent weeks and to ensure it will be resolved for the future? Will the Minister respond to my question relating to the delay in setting up the water advisory board? It has not been put in place. What is the delay and when will it be put in place so as to adhere to the Dáil direction almost a year ago?

Deputy Eoghan Murphy: I will do my best to respond to every issue. I wanted to put certain information on the record in my initial response, as I thought it was important after what we had come through. I will need more than two minutes to properly explain this.

On the forewarning put in place, as Irish Water stood on the national emergency co-ordination group, we discussed these issues in advance of the weather event. We were told there was a particular ground temperature, -7° Celsius, below which we could expect significant disruption due to breakages in the system as the ground thawed. This is similar to what we saw in 2010. Deputy O'Callaghan will be familiar with this as our constituency suffered badly from it. We monitored the weather over the course of the week. It was apparent that the temperature would fall below -7° Celsius and we would have significant problems. In addition, problems arose in places such as Fethard and there was an ongoing problem with algae in the Vartry water system. We were looking at all these things and preparing Irish Water teams and co-ordinating with the ESB where outages affected the chlorination facilities in some plants. As the information came in, we looked ahead and prepared for all these things. A point comes when one has to decide when one will inform the public because what one does not want is a run on water. If the public is told that it might be necessary to introduce restrictions the following week, it might immediately impact the water supply, as people go to fill reserve tanks and fill baths because they are worried they may have no water. We had to make a judgment call as to when that ought to be done. Jerry Grant made the call at the appropriate time to manage public expectations as to what might happen. I will return shortly to how restrictions have worked or did not work in certain areas when we introduced lower pressure.

We must acknowledge that it is not a perfect system. It is not like an electricity system when one can press a button and things come back on immediately. It involves pressure and often gravity to get the proper flow into the system. We must also remember that the system is underground. Whereas most electricity outages would be above ground or in specific facili-

ties, many of the water breakages that occurred were below ground and it takes more time to fix them. We appreciate that members of the public understand that, as well as their patience, as we address these issues.

I agree with speakers about communications. I know very well the importance of communications on the ground, having been a councillor in 2010 during the last severe disruptions in the Dublin area in particular. We are working to ensure our communications are released in a timely manner. As for any communications that came out of the national emergency co-ordination group during the storm weather event, I decided who would communicate what and when they would do so. The experts we had in the room communicated specific issues as and when they needed to during the week. Jerry Grant has been doing an excellent job in clearly communicating to the public the exact issues we face.

I think Deputy Ó Broin referred to some people, perhaps commentators, misleading the public on why we were experiencing shortages. Communication is key. Earlier today, the national emergency co-ordination group discussed a more detail form of communications that will issue shortly. Some restrictions did not work. If we reduced the pressure low enough to where there were breakages, it would mean there was no water at all. Where people live in higher parts of buildings, they did not get water. We reviewed that and restrictions were eased as a result, both in level of pressure, particularly in parts of the greater Dublin area, but also the times at which the restrictions were put in place to recognise that where restrictions came back too late in the morning, it would impact on people being able to get to work or to school. It is not like electricity, however. If we go to turn the taps on again at 6 a.m. it does not necessarily mean that water will come out of people's taps at home at that time. That said, when the water is running during the day, that is the opportunity for tanks in attics to fill. Most people's tanks will have a 24-hour water supply in them. Those water tanks will fill over the course of the day so long as there is not a break in the local area and the pressure is at the right level, which we are working on at the moment, which is what we are working on and think we have resolved in most parts of the city.

Emergency water needs are prioritised at the national emergency co-ordination group. The fire service, the Defence Forces, the HSE and the Department of Health are all in the room to ensure that we can put emergency supplies in place for hospitals, schools and fire stations. Fortunately, or unfortunately, Irish Water has some experience of dealing with emergency situations and is putting its expertise and the lessons it has learned over the past four years to use in the current crisis.

Deputy Cowen asked about the water advisory board. We are going to move to an interim water advisory board because I need to go through the Public Appointments Service to fill the last two places. During the six months it may take to do that we will set the board up on an interim basis and when the two places are filled through the PAS system, we will have the full complement for the water advisory board.

Capital investment will increase because of the deed documents we have put into the initial plan to 2021 and also the national development plan. This is sufficient investment for our water system and for what we want to do.

Reference was made to the water restrictions in the greater Dublin area. The situation is improving every night. As it has improved, we have been able to ease the restrictions. The restrictions began as a 12 hour period but this has shortened now. We will see what we can do as we monitor the ongoing improvements being made in building capacity back in to the system.

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This is a night-time restriction. During the day people's water tanks will fill automatically as long as the pipe is not broken outside the house. They will have water when they need it in the evening and in the morning. We are working on a timeline for how long the restrictions will be in place. We hope that by the end of the week or into the weekend the supplies will be maintained outside the greater Dublin area and for every supply, other than the Fethard area in Tipperary. We have to be clear and honest with people in the greater Dublin area. The current night-time restrictions will continue next week. I am continuing my conversations with Irish Water and I will be with it again tomorrow to see if we can map out a proper plan to manage those restrictions. Every night that we make improvements in terms of treated water in the system we can ease those restrictions into the future.

An Leas-Cheann Comhairle: The Minister's time is up.

Deputy Eoghan Murphy: I appreciate that Leas-Cheann Comhairle but this is a serious issue. Irish Water is rolling out more find and fix crews. We are putting more static tankers on sites and we are deploying more mobile tankers where they are needed. I understand the communications aspect. As I have said, I am meeting with Irish Water tomorrow and I have been in touch with it every day this week and last week. We will try to give as clear and precise communication as possible. Sometimes, however, when water pressure is low, it can be lost. It was not the intention. We are reviewing this and are increasing water pressure in those areas as a result.

Social Welfare Offices

Deputy Willie O'Dea: I thank the Leas-Cheann Comhairle for giving me the opportunity to raise the very important issue of 58 social welfare branch managers in the State. I believe they are being treated very badly by the Department. They have not had an increase in remuneration since 2008. In the interim they have had to take on a lot of extra responsibilities, which involved the employment of extra staff, improvements to their offices and so on.

During this same period their income dropped as the number of people on the live register dropped. When they last received an increase in 2008, the Department promised it would provide extra remuneration for the extra responsibilities taken on by the branch managers. That process continued for nearly ten years until last October. Every time they asked the Department when a new contract would be issued or when an increase in remuneration would happen, they were told "Soon". The Department of Employment Affairs and Social Protection has a very peculiar definition of the word "soon". I believe this is a disgraceful way to treat people who have provided diligent service, some of them for many decades, for the Department and for their communities. When the process of increasing the remuneration was eventually looked at last October under the chairmanship of Kevin Duffy, the former chairman of the Labour Court, the remuneration was agreed and other issues were to be resolved in January. In January, however, the branch managers were suddenly told that the Department could no longer negotiate with the representative organisation, the Branch Managers' Association, BMA, for two reasons. The first reason was that advice from the Attorney General indicated there was a potential problem with competition law, which prevented the Department from negotiating directly with the BMA. I do not know what this potential problem involves. The Government, through the relevant Government Minister, negotiates with the Irish Medical Organisation, IMO, all the time as a representative organisation for doctors. The Government also negotiates with the

Irish Postmasters' Union as the representative body of postmasters. In the case of the branch managers, the Department says it is being advised by the Attorney General that potentially a situation may have arisen as a result of interpretation of competition law that would necessitate the Department engaging and negotiating with each of the 58 branch managers individually.

The managers have also been told there is a problem with procurement. The relevant law may involve putting the contracts out to tender. Unofficially and through the grapevine, the branch managers have heard that the Department plans to close 20 of the 58 offices. I hope the Minister will clarify this in her response, one way or the other. There is a problem here in that all of these people have made a significant investment in their properties. The older contracts that precede 2008 were open ended. People understood they would be in their offices for life or up to the age of 65. This has been their investment. They invested to create a livelihood for themselves. If any of the branch managers had envisaged that this situation would arise, they would not have made their premises available to the Department in the first place. Will the Minister ensure that the first part of the agreement, the increased remuneration package, is put in place? Negotiations, or discussions, can then take place around the other matters. There are a number of other matters to be resolved. These people are at break point financially. Their income has been dropping while their expenses have increased dramatically over the past number of years. These managers are not, generally, people who complain. They have been in touch with us because they have no place else to go.

Minister for Employment Affairs and Social Protection (Deputy Regina Doherty): My Department currently has 58 social welfare branch offices at various locations in the State. Each branch office is operated and managed under a contract for services by a branch manager who is required to act as an agent for the Department in the area served by the office. Branch office managers operate on a contract for service and are entirely independent contractors.

The Department wishes to ensure that the services provided by the Department's Intreo centres and by branch offices are aligned so that all customers nationwide are provided with broadly similar services. On foot of this, officials from my Department have been engaged in ongoing discussions with the Branch Managers' Association, a representative group for individual branch managers, on the Department's proposals for a new service delivery model and remuneration model. The main elements of the service delivery model relate to accommodation; information provision; payments processing, including full use of all departmental IT systems; and support for activation and control activities.

Most recently, talks with the BMA included facilitated discussions under the chairmanship of Mr. Kevin Duffy, a former chairman of the Labour Court. The facilitation process chaired by Mr. Duffy provides a forum where the concerns of the branch managers and the Department can be discussed. The Department cannot, however, negotiate with the BMA as this could potentially be in breach of competition legislation. The Department, however, can take account of the views presented by the BMA. This is why the Department has instigated the facilitation process.

The remuneration proposals take into account recommendations from Mr. Duffy to both parties in December 2017. These recommendations were accepted by the Department and by the BMA representatives. Under the proposals, the amounts on offer to individual branch managers would be fixed for a period of three years commencing on 1 January 2018. This represents a positive shift from the traditional payment method, where payment was based on claim load, to a model based on delivery of an agreed service level. This is particularly significant in an en-

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vironment where, thankfully, the live register is expected to continue to decline. The amounts available under the new remuneration model represent an annualised increase of approximately 28% when compared to the payments made in 2017. I can tell the Deputy categorically that we have not been wanting in providing a very fair remuneration package to our branch managers who are providing a valuable service, as the Deputy has said, to people nationwide.

My officials consider that the enhanced services envisaged for branch offices can be achieved under the current contract arrangements with branch managers and that there is no requirement to conclude new contracts. If the Department is to change the terms of the contracts then because of their value, the new contracts will be subject to an open competition in line with current procurement law.

The Department must ensure, however, that it moves forward in a legally compliant manner. Therefore, the Department is examining each contract in conjunction with the Chief State Solicitor's office to confirm we can provide the enhanced remuneration package without breaching current procurement law. Once this process has been completed, the Department
4 o'clock will write to each branch manager individually confirming, where possible, the individual amount payable to that person. Where a branch manager confirms his or her acceptance of the proposal and commits to supporting the required changes, payment of the new pay model will be put in place with the effective date, as I said, of 1 January 2018. While the BMA withdrew from discussions with my officials on 19 February, I have invited it and its members to contact Mr. Duffy and ask him to reconvene the facilitation process to discuss the proposed service delivery model. If the BMA is willing to enter discussions on this basis, the Department will attend for the purposes of listening to and taking account of any and all views the BMA wishes to present to us.

Deputy Willie O'Dea: I note the Minister congratulates herself on the increase, which is 28%. This is a significant increase but is not much good if one does not receive it. That is the problem. No one has been paid it yet. The branch managers are still working on the old system, in respect of which income has been depleted considerably because of the fall in the numbers on the live register. They are operating in a context in which their expenses have increased considerably. The problem is that if this matter drags on too long before the new package, the new remuneration levels, can come into place, some of them will financially go to the wall. That is the reality of the matter. They can barely survive as it is. The Minister may shake her head-----

Deputy Regina Doherty: It is not the reality.

Deputy Willie O'Dea: -----but I know of individual cases in which people are literally struggling from day to day.

The Minister says she has invited the branch managers to re-enter discussions with Mr. Duffy and the facilitation process. I welcome all dialogue and discussions but I want an assurance from the Minister that the facilitation process will not be like what it has been up to now, whereby the people in question are in one room, Mr. Duffy speaks to them, he goes in and talks to the Civil Service and he comes back and says to the branch managers, "These guys are not for budging." That is what the facilitation process consisted of. That is why we are here. That is why the problem remains unresolved. What we want is a proper facilitation process.

Is it the Department's intention to close a number of these branches? The Minister need not be specific on the actual figure. This would happen not because of anything being done wrong;

it would happen, presumably, as part of a rationalisation process. The people in question would have done nothing wrong. If the branch is closed in these circumstances, if the service is discontinued from a branch, will the local branch officer, the person who owns the building, be compensated for the loss of his or her livelihood?

Deputy Regina Doherty: There are a number of things I must say in response because I am not sure who is giving the Deputy the information he is getting but it is not accurate. First, regarding the negotiations, or the process that was established to negotiate and listen to and hear the representations made on behalf of individual branch managers by the Branch Managers' Association, the facilitator was chosen by the branch managers and we agreed that whatever the outcome of that facilitative process we would accept it. An entire agreement was reached both before Christmas and when one or two issues were raised with us after Christmas. It was only on 19 February that the branch managers' representative body decided to pull out of the agreement because of new items that were brought to the table that had simply never been part of the negotiated process during the previous months. However, that door is always open. Mr. Kevin Duffy has done a fantastic job. He certainly did not run from one room to the next.

Deputy Willie O'Dea: He walked.

Deputy Regina Doherty: He was the person the branch managers chose and he acted admirably to come to an agreement on which we all agreed until it was not agreed on 19 February. However, if anyone wants to open the door and start that process again, we will be there in a flash. Let that be put on the record first.

Second, again, I have no idea where the rumours and innuendo about branch closures are coming from. All I can tell the Deputy is that the Department's footprint of branch managers' offices are based on citizens' needs and the only reasons they would ever change is either on the basis of the provision of enhanced services to citizens or in a case in which there were no more citizens to whom to provide services. In Baltinglass, for argument's sake, one of our branch managers is retiring and we are going to open a local office ourselves in that office. Deputy O'Dea wants a guarantee from me that the Department will never close a branch office.

Deputy Willie O'Dea: I do not.

Deputy Regina Doherty: I cannot give him that guarantee.

Deputy Willie O'Dea: I did not ask the Minister for it.

Deputy Regina Doherty: The services we will provide-----

Deputy Willie O'Dea: The Minister should not-----

Deputy Regina Doherty: If the Deputy would like me to reply-----

Deputy Willie O'Dea: The Minister should not misinterpret what I said.

Deputy Regina Doherty: -----without constantly interrupting me, it would be helpful.

Deputy Willie O'Dea: The Minister should not put words in my mouth. She should reply.

Deputy Regina Doherty: I am not putting words in the Deputy's mouth; I am responding to him.

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Deputy Willie O’Dea: The Minister should respond to what she was asked, not what she is-----

Deputy Regina Doherty: I am responding to the Deputy.

Deputy Willie O’Dea: -----pretending she was asked.

An Leas-Cheann Comhairle: The Minister to respond.

Deputy Regina Doherty: It is my time to respond, if the Deputy would like to let me do so. The aim of the Department is to provide the same level of service through our branch managers as one receives through our Intreo offices. This is why we started the negotiations a number of years ago, first recognising that the remuneration of these branch officers was decreasing because the workload was reducing, but also recognising the inherent value we see in them and the improvements to the services that can be delivered by those branch managers. This is why we entered into negotiations. We hit a particular wall. We got a mediator on behalf of the branch managers and he is the person whom they requested. The branch managers are the people who pulled out.

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

Deputy Regina Doherty: Let me be very clear on the record. That door is open; it can be open tomorrow. If the branch managers want to come back to the table, I would be absolutely delighted if they did so.

An Leas-Cheann Comhairle: We now move on-----

Deputy Regina Doherty: I also reiterate that the remuneration package that had been previously agreed will be paid from 1 January. The very first person who comes and signs a new contract or agrees to the conditions that were laid down will see his or her payments backdated to 1 January.

Sustainable Seaweed Harvesting: Motion [Private Members]

Deputy Catherine Connolly: I move:

That Dáil Éireann:

notes that:

— seaweed, as a natural resource, has been used in Ireland for hundreds of years and is closely linked with Gaeltacht areas, particularly in counties Galway, Mayo and Donegal;

— seaweed harvesting is a traditional occupation in many coastal areas and is a primary source of income for these communities;

— the Joint Committee on Environment, Culture and the Gaeltacht’s Report of the Committee on Developing the Seaweed Industry in Ireland from May 2015, recommends the adoption of a national strategy to promote the development of the seaweed industry, focusing particularly on the Gaeltacht and the counties of the western

seaboard;

— approximately 40,000 tonnes of seaweed is harvested in Ireland each year with over 95 per cent naturally grown;

— the harvesting of seaweed continues to be mainly carried out manually and remains a sustainable use of the natural resource; and

— seaweed is used for predominantly high volume, low-value products such as animal feeds, plant supplements, specialist fertilisers and agricultural products, while approximately one per cent goes into higher value products such as foods, cosmetics and therapies, with that one per cent generating 30 per cent of the industry's overall value;

recognises:

— the role that traditional harvesting methods have in the protection of this valuable resource;

— the current lack of regulation and monitoring in the seaweed sector and the dangers resulting therefrom to the livelihoods of traditional harvesters;

— the threats posed to the sustainability of this natural resource through the lack of regulation;

— the important role of sustainable harvesting in maintaining our ecosystem and in mitigating the effects of climate change;

— the inadequacies of existing foreshore legislation and the need to update the current legislative framework with regard to protecting traditional seaweed harvesting;

— the significant potential economic return for rural, coastal and island communities from sustainable development of the seaweed sector, noting that the sector provides full-time employment to 185 equivalents with some reports suggesting it provides part-time employment to approximately 400 people;

— the potential for sustainable job creation in seaweed harvesting and the impact of this employment for maintaining rural communities;

— that an analysis carried out by National University of Ireland Galway in 2014 estimated the value of the sector to be approximately €18 million per annum, €6 million of which goes on exports; and

— the potential for seaweed, as a highly valuable natural resource ingredient in cosmetics, pharmaceuticals and organic food, which currently accounts for one per cent of production but 30 per cent of the industry's overall value; and

calls on the Government to:

— develop and publish a national strategy to promote the development of the seaweed sector in Ireland with particular focus on the following:

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- the interests of traditional seaweed harvesters and their livelihoods;
- the potential for sustainable job creation in the seaweed sector for rural, coastal and island communities and, in particular, to carry out an updated economic analysis of the seaweed sector in Ireland;
- the State's obligation to regulate this natural resource for the primary benefit of local communities; and
- the State's climate change commitments;
- suspend the grant of all licences pending the publication of the national strategy;
- move the responsibility for the licensing of seaweed to the Department of Agriculture, Food and the Marine as recommended in the Joint Committee on Environment, Culture and the Gaeltacht's Report of the Committee on Developing the Seaweed Industry in Ireland from May 2015; and
- ensure that any new streamlined regulatory licence regime include:
 - prioritisation of traditional harvesters;
 - exemptions for traditional harvesters harvesting under a certain amount; and
 - the protection of traditional harvesting rights from commercial interests in the future.

It is with pride that I move this motion. It is something on which I made a promise the day I was elected further to representations from many people throughout Ireland but in particular Galway and the western counties. I refer to the protection of seaweed as a natural resource. I will come back to the Minister's amendment, which is short, later in my contribution. This moment must be the most wonderful opportunity to deal with our natural resources, specifically seaweed, and to learn from the debacle that happened regarding our fishing rights and our gas and oil. If we do not learn now in this Dáil with new politics, we will never learn. Even though the Minister has tabled an amendment, I ask the Minister of State to reflect when he hears the debate on this matter because my colleagues and I worked hard on this motion and tabled it in such a way as to include all the Dáil in order that it would have unanimous support across all parties.

The motion first and foremost simply recognises the work that has been done by the traditional harvesters all over the west coast of Ireland to harvest seaweed in a sustainable manner and protect this natural resource for us all. My colleagues and I have looked at all the reports, a selection of which we have here before us. Each and every single report points to the role of traditional harvesters first and to the importance of protecting ár n-acmhainn nádúrtha, our natural resource, for the good of most of the people. Údarás na Gaeltachta, when it was before An Comhchoiste um Chomhshaol, Cultúr agus Gaeltacht, made this very point, that this sector must be developed for the common good and for the maximum number of people. The last report I have looked at is the report of the committee on developing the seaweed industry in Ireland from May 2015. Prior to this we had a report in January 2014 from the joint subcommittee on fisheries. Prior to that we had other reports and going back to 2000 we had a national forum on the seaweed industry. All these reports identified what I have said: first, the role of

traditional harvesters and, second, the key issues of the importance of sustainability and the lack of research on the detrimental effects. We know there are detrimental effects, but the extent of those detrimental effects on seaweed of mechanical harvesting and so on is key.

According to the replies to the parliamentary questions tabled by various Deputies, 17 applications are pending before the Department, most from companies looking for licences. In his replies, the Minister of State told us the Government is working on resolving the difficulties, presumably with a view to granting licences. My difficulty with this is that all of the reports to which I have referred, and others besides, have all mentioned the urgent need for a national policy on developing the seaweed sector in a sustainable manner. There is no policy and no plan. It is quite incredible the Government will operate in a vacuum and, when it has sorted out the difficulties of who wants what, it intends to give out harvesting licences to companies.

I have tabled the motion in order to have an open discussion on this matter and I hope we will have general support for its passing. My colleague will go into the detail of the motion, but it calls on the Government not to issue any licences and to put on a hold doing so until we have a plan and policy in place. I am open to any name the Minister of State would like to put on it, but it should be a guiding document as to how we develop a sustainable seaweed sector for the benefit of all, particularly for the counties on the west coast that traditionally, leis na cianta cairbreacha, tá siad ag sábháil na feamainne. We must recognise this and move forward.

The amendment tabled by the Minister of State indicates that the Government is working on looking at the difficulties. The amendment recognises the work of the Minister of State in bringing legal clarity to issues regarding the interface between applications by companies to harvest the seaweed and the right of traditional harvesters. A benign interpretation of this is that it is extremely weak. By my interpretation, it is disingenuous because there is no clarity whatsoever in respect of the companies. The Government learned by accident that traditional harvesters had rights because they have exercised those rights for hundreds of years, because the right was on their folio because it was part of an estate which came from a landlord and which gave rights with regard to seaweed that were ultimately divided up among the tenants. The Government was surprised by this. These licences would have been given out were it not for the fact that traditional harvesters organised and made the Government aware of the position. They stated that they have rights because they have been doing this historically, that they had rights on their folios or that they had gained rights. The Government was then in a quandary as to what to do.

The Minister of State might clarify whether the 17 applications are all from companies. My understanding is that they are but I do not know. We have 17 applicants waiting for licences. The Government's intention is to give out those licences, once it decides who has rights and who does not, without any policy whatsoever being in place. That is frightening.

In addition, the Government amendment refers to significant quantities of high-volume low-value and low-volume high-value products and a figure of 30% is mentioned. I understand that the low-volume high-value product stands at 1%, not 30%. Again, I am quoting from the cross-party reports and I thank the Oireachtas Library and Research Service for its very comprehensive briefing document. We know that the figure is 1%. We know there is huge potential in this industry if it is done properly and sustainably.

Coincidentally, today we have a delegation from Bantry, whom I welcome, and we also have visitors from Connemara who are here for the debate on this matter. The protest that took

place earlier was extremely informative. I went to the Central Hotel to listen to what they had to say regarding their concerns about the application being granted. Notwithstanding that there is no legal clarity yet or the fact that we have no policy or plan, the Government issued a ten-year licence for the mechanical harvesting of kelp. The Deputies from the area will go into this in detail. When I read about this and when I read the answers to the parliamentary questions to which I referred earlier, I was horrified that a ten-year licence was granted - in a vacuum - in respect of the mechanical harvesting of kelp, with a self-monitoring regime. It is an extraordinary concept that the company would self-monitor and give the Government a report following a two-week monitoring campaign between March and April, a time picked by the company and not reflective of what is needed in any essential assessment regime. On top of this, the application was published in a very small section of a local newspaper. The fact there was going to be mechanical harvesting was not mentioned and neither was the extent of the areas involved. This is just one example of what happens in a vacuum when an industry - I would prefer to call it the seaweed sector - is developer-led. We have seen the debacle and I have mentioned fishing and oil and gas.

I also want to mention the company operating in the west of Ireland at present. Local harvesters are supplying the company. The background to the company has been outlined in the report and lessons should be learned from it. The company was sold off. It was an Údarás na Gaeltachta company, it was doing very well and it was sold off. The report highlights the serious concerns about the manner in which it was sold off and the absence of an open tender. I am restricted by time and I will not go into detail but I mention it by way of asking at what point will we learn. At what point will we grasp the opportunity that this sector presents? It is an absolutely wonderful opportunity for development and the creation of jobs that would tie in with the Government's policy and with Chapter 4 of A Programme for a Partnership Government, which deals with jobs and rural development. It would also tie in with the Commission for the Economic Development of Rural Areas, CEDRA, which was set up to carry out a consultation progress regarding development in the western region. Why can the Government not grasp this opportunity and go forward in a positive manner so that we can all work together?

An Leas-Cheann Comhairle: I know those in the Gallery appreciate the contribution but it is not customary to applaud.

Deputy Thomas Pringle: As a resource, seaweed has been available to communities living along the coast for many years. It has recently caught the attention of the Government because Údarás na Gaeltachta wanted to sell its seaweed processing plant to a Canadian company. In recent times, there came to be a lot of focus on it when the Canadians were happy to buy the plant provided they could have access to the resource growing along the coast. The resource that had been left to the coastal communities to look after suddenly had a commercial value so it had to be taken from those in order that it might be made available to the Canadians and any company that would have making money at the heart of its interests. They certainly do not have the interests of the local community at heart, except where it can help them to make a profit.

The purpose of this motion is to try to put the local community and harvesters, rather than the operations of private companies, at the heart of the matter. Never did the residents of the western seaboard believe that their harvesting of seaweed would be of interest to multinational companies, leading to a situation whereby they will now be sacrificed in order that the companies can have unfettered access to the resource. Instead of finding a solution that meets the needs of the community which harvests the seaweed as well as the companies that want to benefit from the product they harvest, the Government wants to give the resource in its entirety to

the companies. For the past number of years, the issuing of licences to companies has been in limbo because the Government discovered that, according to Land Registry documents relating to their properties, many people living along the western seaboard have the right to harvest seaweed. This makes the transfer of rights to the seaweed companies difficult for the moment.

Our motion calls for the publication of a national strategy that would look at the potential of the seaweed industry, focusing particularly on the harvesters and the need to benefit local rural communities, suspend the granting of licences pending the publication of the strategy, move the licensing procedure to the Department of Agriculture, Food and the Marine and ensure that traditional harvesters are looked after and protected under any new regime. Some people might wonder why the licensing procedure should be moved the Department of Agriculture, Food and the Marine. It is simply because the Department has responsibility for the marine. It is vital for the future that we have one Department that deals with marine matters. The reality is that we will not have a Department with responsibility solely for the marine on this Government's watch. To highlight the futility of the current situation, the marine co-ordination group, which has looked after marine matters for the last several years, has nine Departments sitting on it plus the Attorney General. It may as well be the Cabinet. Some people would see this as being a sign of the importance of the resource but in Irish Government circles, it is a way of ensuring that nothing happens because no-one will take ownership and drive the group.

It will also be argued that because of environmental conditions attached to harvesting seaweed, individuals will not be able to apply because the cost is too much for them. As a result, only companies would have the necessary resources to apply for a licence. However, I believe this can be done without imposing a cost on the individual harvester. The State can adopt the same strategy that is being used in the Natura bays, where the State itself carries out the environmental surveys and sets the conservation objectives. The harvester then shows how he or she can apply them. This is an alternative to having the harvester carry out all of the studies. It is also more environmentally sound, because the State, rather than the harvester, takes responsibility for the protection of the environment.

In reality, the natural harvesting of seaweed that is carried out in Ireland is similar to farming and cutting hay. What is the environmental impact of those activities? In fact, traditional harvesters cut the seaweed manually, which is a more sustainable use of the resource than companies' use of mechanical extraction methods.

The Government's response to our motion is interesting. It is trying to paddle both canoes but it can be seen that the Government is coming down on the side of the companies. Should we be surprised, given what Deputy Connolly has outlined concerning our oil, gas and fisheries, that the Government would come down on the side of the companies? The Government recognises the role of both traditional harvesters and companies in the seaweed sector. The Minister of State has said he is working to bring clarity to the issue for companies and for harvesters. This did not arise until the companies wanted to get control of the resource themselves. The Government now intends to make everything all right for them.

Given that the company actually uses a system of harvesting that has a greater impact on the growing of seaweed, one wonders what this is really about. Is it about protecting a resource for the future or making a resource available for private companies to use as they like? Is it enough for local communities to work for the company at its whim, harvesting their resource, or should the company have to build a relationship with the community in order for it to make its resource available to that company?

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That might seem a subtle difference but I believe it is very important because it comes down to where ownership of the resource lies and who has to be negotiated with in order to use it. The State has a duty to manage the resource on behalf of the people and that includes the people who harvest it. Multinational companies have the right to negotiate for the use of the resource, respecting the rights of the community and the State. If multinationals make an agreeable deal, so be it, but the power stays with us. That is vitally important and must be reflected at all stages.

The use of seaweed is vitally important for rural communities. It is interesting to note that the traditional use of seaweed has a low-value return, with the resource being used for low-value products such as animal feeds and fertiliser. The highest-value products, representing 30% of the value, come from just 1% of the resource. This is a very interesting figure, and shows there is huge potential for growth in this sector. This growth should benefit the local harvesters as much as multinational corporations. Local harvesters working with seaweed processors, large or small, can benefit local communities. This would ensure that this industry can benefit all our communities rather than just multinational corporations.

Interestingly, this never featured on the radar of officialdom in Ireland and local communities were allowed to work away until someone else saw the value of seaweed. Now, rather than ensure that the value is realised for the communities the harvesters live in, there is an attempt to realise that value for multinational corporations. It is clear that rural Ireland and our coastal communities will be left as they are until the products that they use can be shown to have a value to multinationals. Perhaps that is the lesson that we in rural communities will have to learn. We must make sure that our resources are protected now, before the Government realises they have a value and moves to make them available to multinational corporations throughout the country. Those corporations will access the value and we will not benefit at all.

Minister of State at the Department of Housing, Planning and Local Government (Deputy Damien English): I move amendment No. 1:

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

“notes that:

— seaweed, as a natural resource, has been used in Ireland for hundreds of years and is closely linked with all counties along the western seaboard and particularly in Gaeltacht areas;

— the main type of seaweed harvested along the western seaboard is *Ascophyllum nodosum*;

— seaweed harvesting is a traditional occupation in many coastal areas and is one of a number of income sources for communities;

— the Joint Committee on Environment, Culture and the Gaeltacht’s Report on Developing the Seaweed Industry in Ireland from May 2015, recommends the adoption of a national strategy to promote the development of the seaweed industry, focusing particularly on the Gaeltacht and the counties of the western seaboard;

— approximately 40,000 tonnes of seaweed is harvested in Ireland each year, with over 95 per cent naturally grown;

— the harvesting of seaweed continues to be mainly carried out manually and re-

mains a sustainable use of the natural resource; and

— seaweed is used for predominantly high-volume, low-value products such as animal feeds, plant supplements, specialist fertilisers and agricultural products, but significant quantities are also used in the production of higher value products such as animal probiotics, high-value fertilisers, cosmetics and therapies, which increasingly contribute positively to the industry's overall value;

recognises:

— the role that all harvesters of seaweed, either as a traditional harvester or a company, have in the protection of this valuable resource through the use of sustainable harvesting techniques;

— the work of the Minister of State at the Department of Housing, Planning and Local Government, Damien English TD, in bringing legal clarity to issues regarding the interface between applications by companies to harvest seaweed and the rights of traditional harvesters;

— the important role of sustainable harvesting in maintaining ecosystems in bays and coastal marine locations;

— the ongoing work to advance the Maritime Area and Foreshore (Amendment) Bill to reform and update the existing foreshore legislation;

— the significant potential economic return for rural, coastal and island communities from sustainable development of the seaweed sector which can be achieved through the application of research and development, especially in the emerging bio-stimulant industry;

— the application of production processes which enable the retention of the nutrients of seaweed and allow their application into various high-value products;

— the potential for sustainable and high-value job creation in all aspects of the seaweed industry including research and development, production and sales and marketing across global markets and the impact of this employment for maintaining and stimulating the economy of coastal rural communities;

— that an analysis carried out by National University of Ireland Galway in 2014 estimated that, at that time, the value of the sector to be approximately €18 million per annum, €6 million of which goes on exports; and

— the potential for seaweed, as a highly valuable natural resource ingredient in bio-stimulant, cosmetics, pharmaceuticals and organic food; and

reaffirms that the Government will:

— through the Marine Co-ordination Group, continue to advance and promote the sustainable development of the seaweed sector in Ireland;

— continue the ongoing work to advance the Maritime Area and Foreshore (Amendment) Bill to modernise the existing foreshore legislation; and

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— finalise, as quickly as possible, its work to bring legal clarity to issues regarding the interface between applications for the harvesting of wild seaweed by companies and the rights of traditional harvesters and, in the interim, such applications will remain on hold.”

I thank Deputies Connolly and Pringle for bringing this Private Members’ motion before the House today. While it is a motion that I cannot fully support, I think it is an opportune time to have a debate on this issue and I very much welcome this opportunity to listen to Members’ views on this subject. In particular, I am anxious to hear the Deputies’ concerns regarding issues around traditional seaweed harvesting, the importance of which is one of the central messages in the motion we will debate today. Both the Deputies’ motion and the Government’s amendment recognise the importance of the traditional harvesters and their rights.

At the outset of this debate, I wish to reiterate, as I have on a number of occasions in this Chamber, my concern regarding issues relating to traditional seaweed harvesters. It was for this specific reason that my Department placed on hold the applications we have received from various companies seeking to harvest seaweed, until my Department has an opportunity to thoroughly research and clarify all of the legal issues involved. Indeed, the 2015 report by the Joint Committee on Environment, Culture and the Gaeltacht highlights clarity around this issue as key to enhancing the potential of the sector. Again, we recognise that report and want to develop a business case for the sector. We totally and utterly agree with that.

It is important to note the Government has set out its policy by which Ireland’s marine potential can be realised in our integrated marine plan, Harnessing our Ocean Wealth, HOOW. The plan has three high-level goals of equal importance, namely, a thriving maritime economy, healthy ecosystems and engagement with the sea. Within this plan there are eight enablers to support the goals, covering such areas as governance, “clean - green - marine” and research, knowledge technology and innovation. Within the eight enabler areas are 39 further issues for action.

In the area of seaweed, it is important that I clearly set out my responsibilities as a Minister of State. Under the Foreshore Act 1933, I have responsibility for regulating activities and development within the foreshore area. The foreshore area stretches from the high-water mark out to a distance of 12 nautical miles. That is a total area of approximately 39,000 sq. km. This area is considered State property under the State Property Acts. The Foreshore Act controls development within this area, and the Government is approached by individuals, companies and organisations pursuant to this legislation seeking consent for developments such as marinas, slipways, coastal protection measures and port development. Consent is also sought for activities including one-day events such as horse racing, sand or gravel removal and the harvesting of seaweed.

I do not have responsibility for the regulation or development of any industry that utilises the foreshore space, although I can insert specific clauses in foreshore leases. It should also be noted that contrary to some who argue otherwise, I do not have the means under the legislation to sell any area of the foreshore or to sell seaweed rights. I must be very clear on that. A comparison with fisheries or gas has been made. However, I have no rights or responsibilities as Minister of State to sell seaweed rights.

Consent to applications under the Foreshore Act is given by way of a lease to confer exclusive use, generally for long-term semi-permanent or permanent development, or a licence for

non-exclusive use. The latter generally consists of shorter-term, non-permanent activities such as one-day events, telecommunications cables or seaweed harvesting. During the period of the lease, the area remains the property of the State, with the lessee paying rent to the State.

The role of my Department in respect of the harvesting of wild seaweed is to regulate the activity in accordance with the Foreshore Act. In carrying out this task, there is a need to ensure that the resource is suitably managed, with the twin aims of protecting the marine environment and allowing for a sustainable level of harvesting. The word “sustainable” is key for all of us here. That is what the Deputies are about and what the Government is concerned with. That is why there is a lot of common ground in our motions and amendments. While it is not directly relevant to the issues of traditional seaweed harvesters, I am aware that a delegation from west Cork is making its views known today outside the House. I understand that some of them are also in the Visitors Gallery. My officials have met the group. I was not able to attend on the date of that meeting, but I look forward to meeting members of that group in due course.

It is disappointing that an “Eco Eye” programme took a very one-sided view of the issue of the licence in Bantry Bay, which was granted by the then Minister for the Environment, Heritage and Local Government, Mr. John Gormley, in 2011. Accordingly, I welcome the recent ruling by the Broadcasting Authority of Ireland on the complaint it received regarding this programme. The ruling acknowledged “that the programme did not include a range of perspective on the topic sufficient to meet the requirements of fairness, objectivity and impartiality, in a context where it was evident that there were other views, including the views of the complainant.”

While I appreciate that this group and many others have a number of concerns regarding the licence, it is disappointing that the programme did not mention the baseline study and monitoring programme that were specifically included by my Department in the terms of the licence to underpin the sustainability of the resource. I recognise the area in question. There is a licence grant for some 750 ha out of 20,000 ha and we are trying to manage it sustainably. It is a kind of monitoring test case but we are doing this as best as we possibly can, in a very careful way and with an extremely positive eye to sustainability of the seaweed sector. That is not recognised in the motion. All I am asking in the Government amendment is for Deputies to understand that I have to balance all the various rights, whereas the motion is too focused on one way.

Seaweed represents a valuable natural resource that, if sustainably harvested, can maintain and stimulate further economic development in coastal rural areas, as we all recognise. While this has always been the historical position of seaweed in Ireland, in order to contribute positively to economic growth we have moved from a position of using seaweed mainly for food, as fertilizer and as an animal foodstuff to a position where we have enhanced applications and uses for seaweed. Seaweed is now the raw material in cutting edge biopharma products such as animal probiotics and anti-coagulants in blood products. There are Irish companies using seaweed or seaweed-derived products in biopharma and other areas such as body care, cosmetic products and artisan foods. It is a lot more than the 1% that was mentioned here today and it has massive potential.

To maximise the economic potential of this valuable resource, these are the sectors that we must look to support. If we wish to encourage further high value growth and to provide more jobs at all levels, including high quality jobs at both graduate and PhD level in the areas of research and development, technology and advanced production process and sales and marketing, then investment is needed. Companies based in Ireland such as Oilean Glas Teoranta, Bioatlan-

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tis, and Brandon Bioscience have made significant investments in these areas and are already producing high value products that compete in global markets. As recently as last week, I met people who are now in high-end, quality jobs in the research sector. They are from local communities in Galway and Mayo and they are involved in this sector, rightly so. It is more of that we want to see.

I confirm that my Department is currently in receipt of 17 applications for licences under the Foreshore Act to harvest wild seaweed, 13 of which are from the companies that wish to harvest and process seaweed. The applicants produce products that range from artisan food products to animal health products to high grade fertiliser. While assessing these applications, we discovered that certain rights to harvest seaweed exist in coastal communities, particularly along the western seaboard, in the same geographical area the companies had applied for. To learn more about the extent and nature of existing rights to harvest seaweed, my Department engaged with the Property Registration Authority of Ireland, PRAI, to determine the number of appurtenant rights specified in Land Registry folios. On foot of this request, the PRAI provided my Department with aggregate data detailing the extent of the rights in seven of the western seaboard counties: Cork, Kerry, Limerick, Clare, Galway, Mayo and Donegal. The data showed there were approximately 6,500 rights relating to seaweed spread across those seven counties. However, while there is not a definitive number of those engaged in traditional harvesting of seaweed, the estimates are that somewhere between 250 and 400 of these rights are currently being exercised.

My Department has also undertaken work to establish the implications of the interaction between these existing seaweed harvesting rights and the applications for licences by companies, and my officials have met with the Attorney General's office on a number of occasions in the past couple of years to examine these issues. Once this work is complete, it is my aim to bring clarity to the regulatory regime applying to wild seaweed harvesting, seeking to balance the existing rights of traditional harvesters and commercial potential, while also ensuring sustainability of the resource and compliance with the State's obligations under domestic and EU environmental law. I want to be clear that this is to get the balance right and to recognise the importance of the traditional harvester. No decisions have been made and all applications are on hold until we complete the work on this. I am very happy to work with any Deputy and to discuss this further away from the Chamber, and I will be meeting with different groups in the weeks ahead. There is an open invitation because we in the Department want to get this right, and I can give that guarantee.

The Government cannot support a motion that looks to focus on the issue of seaweed or the development of the seaweed industry while only concentrating on a single viewpoint - that of the traditional seaweed harvester. Any regulatory regime must take into account the interests of a multiplicity of stakeholders, which is what we are trying to do. The Private Members' motion from Deputies Connolly and Pringle does not reflect the symbiotic relationship between traditional harvesters and companies. Quite simply, in my view and that of the Department, both entities need each other, as Deputy Pringle himself agreed to some extent. One supplies the other and helps pay the bills as well.

Deputy Thomas Pringle: They should be on an equal footing.

Deputy Damien English: The main source of raw material for companies comes from the seaweed harvested by traditional harvesters while the main income derived by traditional harvesters from selling seaweed comes from companies. They are linked together and it is a

question of how we bring that relationship forward and develop it so everyone gains but, more importantly, so the communities gain and so we can create jobs in this area and develop the sector in the many towns and villages the Deputies represent.

It is in this context of listening to all views that I have agreed to meet with the different stakeholders to hear their viewpoints. I recently met with a processor of seaweed and had hoped at this point to have met with Coiste Cearta Cladaí Chonamara, a group of traditional harvesters from the Gaeltacht area in Connemara, and the Ascophyllum nodosum processors group, which represents a number of the larger producers. Given the recent weather conditions, however, we did not get a chance to meet, but we certainly will do that, as well as meeting the group from Bantry Bay. We want to get everyone's views in order to find a balance.

It is also our view that the need to prevent the over-exploitation of this valuable resource while also providing for an environment that will support the growth of valuable jobs in local areas is the principle that must underpin the regulation of wild seaweed harvesting. All leases and licences granted by my Department under the Foreshore Act include clauses specific to sustainability of the resource, environmental protection and compliance appropriate to the activity and the area in which it is granted.

I believe the amendment I am proposing on behalf of the Government today will allow for the interests of all stakeholders to be taken into account. It acknowledges the importance of wild seaweed harvesting in rural communities, particularly along the western seaboard. It recognises seaweed harvesting as one of the sources of income for some families in rural communities, while it also recognises that in order to continue to grow the seaweed industry in Ireland, we must look to the production of high value products that will provide graduate and PhD level opportunities in these communities. It focuses not only on traditional harvesters but also on those companies that have the ability to turn a naturally occurring marine resource into cutting edge products which can be supplied to global markets. Again, this can be done by working together. The Government amendment also highlights the fact that all harvesters of seaweed, whether a traditional harvester or a company, equally share the responsibility for ensuring the sustainability of this valuable natural resource. It notes and reaffirms the ongoing work of my Department to progress the Maritime Area and Foreshore (Amendment) Bill, which will bring much-needed reform to the regulation of all development and activity regulated under the Foreshore Act 1933.

I want to take this opportunity to once again assure everyone that no decisions have yet been reached on the commercial seaweed harvesting applications which have been received by my Department. These 17 applications are essentially on hold while my officials continue to work on this complex legal issue. Again, I am happy to engage with Deputies and Senators in the Houses around this process in the weeks ahead, if they so want. I reaffirm my commitment and that of the Government to the work necessary to bring clarity to the regulatory regime in regard to wild seaweed harvesting, and while this work is now in its final stages, I hope to be in a position to make an announcement in the next two months.

While I cannot support all aspects of the motion from Deputies Connolly and Pringle, I am very conscious of the traditional role played by seaweed harvesters up and down the west coast of Ireland over many generations. I am very aware, as is my Department, of the economic value and the positive economic contribution which their efforts have made to their communities and their families. I respect the heritage of seaweed harvesting and the way in which the harvesters have protected and safeguarded the resource through sustainable harvesting practises. I am

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deeply conscious of all of these aspects and the integral part that seaweed harvesting has played in people's lives along the western seaboard. As I outlined earlier, I look forward to hearing about these issues at first hand when I meet with representatives of traditional harvesters in the weeks ahead, before any decisions are made.

Acting Chairman (Deputy Frank O'Rourke): I call Deputy Eamon Ó Cuív, who is sharing time with Deputies Margaret Murphy O'Mahony and Marc MacSharry.

Deputy Éamon Ó Cuív: Beidh mise ag tógáil deich nóiméad agus beidh idir mo chomhghleacaithe ag tógáil cúig nóiméad. Molaim an rún atá curtha síos. Tá díomá orm nach bhfuil an Rialtas ag glacadh leis. Bhí cruinniú thar a bheith tairbheach bliain ó shin idir oifigigh na Roinne agus toscaireacht ó Oileán Árann ar a pléadh go mion an cheist seo. Taispeánadh ag an leibhéal sin sa Roinn an-tuiscint ar na dúshláin atá romhainn. Tá mórbhotún amháin sa mhéid atá ráite ag an Aire Stáit. Deireann sé nach féidir le ceachtar den dá thaobh déanamh gan an taobh eile. Ní dóigh liom go nglacfadh éinne atá ag baint feamainne ar an talamh leis sin. Cinnte dearfach ní féidir le lucht bainte feamainne maireachtáil gan an tionscal próiseála. Níl aon amhras faoi sin. Is é seo ceann de na tionscail atá fós fágtha. Baineann beagnach 99% de bhainteoirí feamainne leis an áit a bhfuil siad ag baint. Is é an t-inní ata ar phobal na háite ná, dá dtabharfaí mórcheadúnais mar atá iarrtha ag cuid de na comhlachtaí, gurb ionann é sé sin go praiticiúil ó lá go lá le húinéireacht ar an bhfeamainn a thabhairt dóibh agus go bhfeadfadh na comhlachtaí daoine a thabhairt isteach nach raibh aon taithí ná eolas acu ar bhaint feamainne lena dhéanamh, dá n-oibreoidís níos saoire, agus go bhféadfaí an pobal aitiúil a ghearradh amach as an saothar fíor-thábhachtach seo.

Chomh maith leis sin tá inní orthu - inní a bhfuil bunús leis - gurb éard a tharlódh ná gur price takers, mar a deirtear i mBéarla, a bheadh i lucht bainte na feamainne agus nach mbeadh an deis acu ata ann i láthair na huaire, is é sin, an tairge atá acu a chur ar an margadh oscailte. Dá mbeadh an ceadúnas tugtha amach, chaithidís é a dhíol leis an té a raibh an ceadúnas acu. Mar sin, tá míthuiscint mhór ar an Aire Stáit má cheapann sé nach féidir leis na comhlachtaí móra déanamh gan bainteoirí áitiúla. Tá an chontúirt sin ann agus tá sé sin go mór i n-intinn an phobail. Mar sin, beidh Fianna Fáil ag tacú leis an rún seo tráthnóna agus nuair a bheidh an vótáil ar bun beimid ag cur in éadan dhearcadh an Rialtais agus beimid ag seasamh leis an bpobal traidisiúnta.

É sin ráite, ní hin le rá nach dtuigimid go bhfuil fíor-thábhacht go deo go mbeidh tionscal láidir feamainne ann agus ní hamháin sin ach gur tionscal scaipthe a bheidh ann. Tuigimid go bhfuil sé tábhachtach nach mbeidh an tionscal uilig i lámha chúpla comhlacht mór ach go mbeidh sé scaipthe ar go leor comhlachtaí le go mbeidh iomaíocht ann don tairge. Creidim gur cheart plécháipéis a fhoilsiú seachas moltaí a fhoilsiú agus a rá gurb in é agus gurb é seo an rud a bhfuil muid chun a dhéanamh. Ba cheart go bhfoilseofar plécháipéis chun go mbeidh deis ag na páirtithe leasmhara éagsúla a dtuairimí a chur in iúl. Caithfidh sé a bheith mar sprioc againn i gcónaí an cosmhuintir agus an bunphobal a chosaint sa ghnó seo. Tá go leor acu seo lonnaithe sa Ghaeltacht. Is tionscal fíorláidir Gaeltachta é seo.

In his statement the Minister of State has made a fundamental error. He said the companies need the harvesters and the harvesters need the companies. There is no question in my mind that the harvester needs somebody to process the seaweed as there is not a huge market for unprocessed seaweed other than putting it on land. The reality is that if we hand over large-scale licences to the companies, they could decide to import labour or mechanically harvest with the permission of the Department. They could displace the traditional harvesters. That fear is real

and substantial and we have seen it happen in so many industries. A company has sought a very large licence and if some company got it, it would have exclusive rights to that type of seaweed. I accept it would be species-specific but it would be an exclusive right in particular areas. The person harvesting for that company would become a price taker and could not put the product on the open market.

We need a diverse industry with many processors so the harvester would be the licenceholder and there would be a choice of company to sell to. The licenceholders would therefore be able to negotiate their own price and the process would be market-led. Could the Minister of State imagine the outrage in County Meath if we returned to the days of farmers in the county being licenceholders of the land belonging to the factories, with them being tied to sell to one factory? Perhaps we are returning to them. If the Minister of State facilitated that, there would be an uprising. The Minister of State is talking about possibly going the same route and he has not eliminated that.

Deputy Damien English: No, that is not the case. Please do not make it up.

Deputy Éamon Ó Cuív: The Minister of State seems to be innocent about what is a concern of the people on the ground. Therefore we will support the motion as put forward and I am very disappointed that the Government cannot accept it. If it had done so, it would have been a token that it wants to retain the *status quo* of the small operator doing the harvesting and owning it de facto, thus being able to put it on the market and negotiate a price. We need more and different processing of a much higher value, with competition in the market for the basic product. As I said, the Government should publish a discussion document on the way forward, highlighting ownership matters and traditional harvesting rights, and there is a difference in that. In many cases, there are different types of rights on these folios although we cannot get into those today. I accept that all the seaweed, in law, belongs to the State but people have been harvesting the same areas for generations. Now there is a possibility they will be put out of those traditional rights, so the matter is quite complex.

We rapidly need resources put into this. We need a totally new licensing regime and this should be more akin to aquaculture. The 1933 law had seaweed in it as an incidental consequence; the real purpose of the law came about because people were removing sand on the foreshore and the State needed to control it because damage was being done. Therefore, we need a modern 21st-century law to deal with this matter. Before we get there we must examine every angle. I hope that in ten and 20 years' time, when we come back to this, we will still find the people predominating in this industry are the local harvesters rather than multinationals that bring in outside labour. I hope a diffused idea of ownership and access to resources will predominate rather than mega-control from mega-companies. That is the way forward.

People have seen so many other elements on the coast taken away, including rights, so is this another one that will slip from their grasp? Will the Minister of State say "No" and indicate that we will protect the right of the small harvester to continue in this business? It is a fundamental question to answer. The Government should put out a discussion paper and ask all the different interests to make a submission. We should keep one thing in mind; this is a very important resource for coastal communities and they certainly do not want to lose their effective grip on the harvesting being done by local people who maintain a living standard in areas without a huge amount of natural resources.

Deputy Margaret Murphy O'Mahony: I take the opportunity to welcome the people from

Cork South-West and the Bantry Bay area, who are in the Gallery. Cuirim fáilte romhaibh go léir. They made the long journey from west Cork this morning.

As my colleague, Deputy Ó Cuív has stated, Fianna Fáil supports this motion. I thank Deputies Connolly and Pringle for bringing it forward. There is no doubt that seaweed harvesting has massive potential for coastal areas like my own in west Cork. The Oireachtas Joint Committee on Environment, Culture and the Gaeltacht advocated this in its report of May 2015, although I would identify a number of caveats in this regard. Seaweed aquaculture is an emerging industry to a large extent and in that regard, safeguarding actions need to be put in place in the interests of existing traditional practices and the environment. The management of seaweed harvesting is key to ensuring this industry is allowed to prosper. There are many issues pertaining to regulation that lead to a serious lack of consistency in the issuing of licences.

I propose to focus on an ongoing matter relating to west Cork. I know I am biased, but I firmly believe that I represent the most beautiful constituency in this country. Within that beautiful constituency is the beautiful Bantry Bay. My concern relates to the ten-year licence granted to a company for the mechanical harvesting of 1,860 acres of native kelp in Bantry Bay. It is proposed that this area will be divided into five zones, four of which will be harvested. Essentially, the fifth zone will serve as a safety net for the company in the event that one of the other zones becomes inaccessible for reasons such as adverse weather. Since last May, I have attended numerous public meetings organised by concerned stakeholders and I am in constant contact with a group, Bantry Bay - Protect Our Native Kelp Forest. I have submitted parliamentary questions on this issue but received no satisfactory response. The reply to one of those questions indicated that the impact of the licence would be mitigated by the fact that one of the allocated zones is a stand-by zone, thus reducing the overall area for harvest. In other words, because only four of the five zones are to be harvested, suddenly everything is going to be okay. The reply also states that the licence is subject to strict monitoring but that this monitoring commences after the first three years of harvesting. Retrospective monitoring is inappropriate and irresponsible.

I have put questions to the Minister of State, Deputy English, on the floor of this House about the granting of this licence. Prior to his appointment, I corresponded on the matter with the then Minister, Deputy Coveney, but he was not willing to meet me. In any event, the Minister of State advised me that the licensee was required to submit a detailed monitoring plan to his Department for approval. Under a Fine Gael Minister, this plan was approved on 30 November last and thus the licensee is free to commence harvesting under the terms of the licence finalised in 2014. On hearing this, I called on the Minister of State to suspend the licence until such time as he has considered the opinions of the people of Bantry Bay. I am disappointed that he is not willing to order an environmental impact assessment, which would conclusively set out the impact of this licence and show the local community that he is conscious of its concerns. In effect, this licence was granted without consultation or debate and without any requirement on the licensee to appear before local stakeholders to explain the situation. The planning advertisement in the newspaper was barely visible. Most importantly, this licence was granted in the absence of an environmental impact assessment.

There is no prospect of meaningful employment in the area because the company involved is not local. Small-scale local seaweed farmers are experiencing difficulties securing licences. If this mechanical harvesting is allowed to proceed, it will have a detrimental affect on local jobs, on fishing and on tourism. The committee recommends that a separate licence category for mechanical harvesting could be introduced if it is felt that this could benefit growth. It also

states that local authorities are best placed to weigh up whether licences should be granted. Surely these recommendations should be put in place first to ensure the enforcement of regulations. It appears to me that what is playing out in Bantry is akin to putting the cart before the horse. The people of Bantry believe they are being treated like guinea pigs.

This matter is being dealt with by the Department of Housing, Planning and Local Government but I believe it should come under the remit of the Department of Agriculture, Food and the Marine. However, that is an argument for another day. I call on the Minister of State to suspend this licence until such time as an environmental impact assessment has been carried out.

Deputy Marc MacSharry: I thank Deputies Connolly and Pringle for the opportunity to discuss this matter. I agree with Deputies Ó Cuív and Murphy O'Mahony regarding the beauty of all of the constituencies on the western seaboard. If beauty equalled licensing and resources for those constituencies, we probably would not have to have this debate. Sadly, however, it does not.

When I think about how we dealt with hydrocarbon legislation decades ago, it appears to me that we have learned nothing. I respect the Minister of State's comment to the effect that no decisions have yet been made in respect of the 17 licences concerned but I wonder if, to use his words, we are going through this complex legal process with the company in mind or with the communities in mind. In the context of Project Ireland 2040, and all that it is alleged it will do for rural Ireland and the coastal communities that have been substantially wiped out over the years with the demise of the salmon industry, in the first instance, and the many other industries to which Deputy Ó Cuív alluded, there is an opportunity here for an industry which essentially dates back to the 1930s and 1940s but which is re-emerging in that 30% of the value of the harvesting comes from only 1% of the activity in terms of the production of cosmetics, high-value products, organic foods, therapies and so on. The very core of the Minister's deliberations must be around supporting rural communities and giving the benefit to Irish people in Cork, Sligo, the Gaeltacht, Donegal, Clare and all of the other counties on the western seaboard. This ought to be the priority. The company concerned, Acadian, is very good at what it does and good luck to it. Like Deputy Ó Cuív, I would prefer to have 50 Acadians operating on the western seaboard and supporting local communities and rejuvenating the fishing villages which, in the 1970s, were so vibrant but which are now sparsely populated with a few leisure craft. This is such an opportunity. I hope the Minister of State will take on board Deputy Ó Cuív's advice to establish a public consultation phase with terms of reference that prioritise how best we can support every coastal community from Malin Head to Bantry and anywhere else where these opportunities are afforded. We should not be focused on what is the most modern, the biggest or the best at converting tradition into bottom line. Rather, we should focus on prioritising the value of community over cost and bottom lines.

In Sligo, the Walton family, who are among the pioneers in this area in Ireland, produces the high-value VOYA therapy products, which I am told are used in the top spas and hotels and on the best cruise ships around the world. These therapies are made from seaweed derived from the western seaboard of Ireland. That is just one shining example of what can be achieved. Surely we can replicate this in rebuilding and supporting the coastal communities that have been neglected by so many Governments over the past 40 years. Nothing would make me happier than to be able to give the Minister of State the credit for turning this ship around. As matters stand, I fear we are headed towards making the same mistakes made when we were legislating for hydrocarbons in the 1970s.

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Acting Chairman (Deputy Frank O'Rourke): The next speaker is Deputy Martin Kenny. I understand he is sharing time with Deputy Tóibín.

Deputy Martin Kenny: I commend Deputies Connolly and Pringle on bringing forward this very timely motion, which Sinn Féin will be supporting. We have been aware for some time that this issue was boiling under the surface. What happened with Údarás na Gaeltachta and the sale of Arramara Teoranta gave rise to many questions. A lot of red flags were raised in respect of the sale of this company, which was dealing with this issue, to a multinational corporation. Leaving aside the shadow that hung over the manner in which that sale took place and what went on regarding people who previously worked for the company ending up working for the new company, Arramara Teoranta could have developed this industry to the benefit of the nation and people living in coastal communities.

When we saw that being taken away, red flags were raised. In truth what we are talking about here is the conflict that exists in many places throughout the world between big business and ordinary people trying to survive. That is what this is about; it is down to the basic ideological belief that bigger is best. That is the problem we have with the direction in which this Government is going. In its amendment to the motion, the Government is saying *5 o'clock* that we need both. However, I fear that the "both" of which the Government speaks is the seaweed on one hand and the companies on the other and the people who are going to get squeezed in the middle are the ordinary citizens who live in our coastal communities. The coastal communities, particularly along the west coast, are in decline and are being ravaged by depopulation. There are huge problems in those communities, not least the lack of income generating possibilities. Seaweed harvesting has the potential to turn those communities around. As others have noted, modern scientific research has shown that there is a great deal of potential in seaweed harvesting along the western seaboard. We need to nourish and develop that potential for the benefit of the people who live in the area, not for multinational corporations. That is the nub of the matter. There is a lot of talk about fair trade in the context of tea, coffee and other products from Third World countries but we need an element of fair trade here in Ireland too and in other developed countries. We need to recognise that we also suffer from the very same problems as Third World countries, with multinational corporations taking advantage where they can, with the complicity of governments that are prepared to work hand in glove with them. We need to ensure that does not happen in this particular situation.

I was also at the protest outside Leinster House earlier today organised by people from Bantry and elsewhere. Some of them are in the Gallery now and they are very welcome. What they were saying was that the people need to be listened to. The Minister of State has said that he is going to speak with them but they have been seeking a meeting with him for quite some time-----

Deputy Damien English: I issued an open invitation-----

Deputy Martin Kenny: Hopefully that meeting will happen and the discussion will be meaningful. I hope the people will be listened to and that their demands will be respected. Ultimately, these people elect us to this Parliament and they are the ones who need to be acknowledged and recognised. At the end of the day, whatever these companies may do and whatever promises they may make in terms of job or wealth creation, they are not the ones that are important in this. The people who are important here are those who live in our coastal communities.

The main concern, apart from the corporate element, is with the way in which mechanical harvesting of seaweed happens. It is very much like inviting the super trawlers to come in and destroy our fishing industry by sucking up everything. The mechanical harvesting companies do the very same thing - they chop the seaweed at the root and take everything off the seabed. If we grant licences to these companies and allow them to do that, we are not only destroying the seaweed but we are also damaging the potential of our fishing industry because these are the beds in which many fish species spawn. We must recognise that we cannot simply allow big companies to come in with industrial machinery, extract the seaweed and then shout about the great wealth they have created. That wealth is there for the ordinary people and ultimately, those people need to be listened to. They are calling for a national strategy to promote the development of the seaweed sector but we also need a national strategy to promote the development of the people who live in our coastal communities. That is paramount. We cannot allow the seaweed sector to be another indicator of the neglect of rural Ireland and of those who live in coastal communities. I appeal to the Minister of State to recognise that the motion has been tabled because of pressure exerted by the people affected. They need to be listened to and the Government needs to step up to the mark. The Minister of State must sit down with these people and deliver for them. The Government must deliver for the communities, not for the companies.

Deputy Peadar Tóibín: Táimid ag tacú go hiomlán leis an rún Comhaltaí Priobháideacha seo. Táimid buíoch as na hiarrachtaí atá déanta ag na Teachtaí Connolly agus Pringle. Tá muintir na Gaeltachta ag baint feamainne de réir traidisiún agus cearta teaghlaigh leis na blianta. Is acmhainn luachmhar í an fheamainn. Tá an-chuid féidearthachtaí ann le cur leis an tionscal bainte feamainne. Is gá go mbeadh leas agus forbairt an phobail mar chuid lárnach den tionscal seo. Ba cheart dúinn cearta na bailitheoirí traidisiúnta cladaigh a chaomhnú. Gan na bailitheoirí, ní bheadh tionscal fadtéarmach ann.

Tá géarghá ann an timpeallacht sa tír seo a chosaint. Ba cheart go mbainfí feamainn ar chaoi inbhuanaithe, mar atá déanta ar ár gcóstaí ar feadh na gcéadta bliain. Faraoid, cuireadh inní ar phobail cois cósta agus ar bhailitheoirí feamainne in 2014 nuair a dhíol Údarás na Gaeltachta an comhlacht próiseála feamainne, Annamara Teoranta, go comhlacht mór ó Ceanada. Déanadh an margadh seo gan mhórán oscailteacht. Níl a fhios ag éinne cé mhéad airgead a fuair an t-údarás ón socrú sin. N'fheadar an mbeadh an margadh sin tar éis dul ar aghaidh ar chor ar bith dá mbeadh toghcháin dhaonlathacha fós ag feidhmiú in Údarás na Gaeltachta.

An bhliain seo caite, mhol tuarascáil ón gComhchoiste Oireachtais um Thalmhaíocht, Bia agus Muir gur féidir le tionscail na feamainne - acmhainn neamhfhorbartha, dar leis an gcoiste - cabhrú leis an ngeilleagar i gcás na Breatimeachta crua. Dá mbeadh muintir na Gaeltachta in ann tairbhe a bhaint as na hacmhainní seo, chabhródh sé go mór le poist a chruthú. Ós rud é go bhfuil comhlacht ollmhór eachtrannach i gceannas ar raon mór den chósta anois, tá baol ann nach mbeidh na deiseanna céanna ag na tionscail phobail comhoibríoch ar leas na ndaoine a bhunú.

Sa bhliain 2015, sheol an Chomhchoiste Oireachtais um Chultúr, Oidhreacht agus Gaeltacht tuarascáil a mhol gur cheart córas ceadúnais a bhunú do bhailitheoirí traidisiúnta cladaigh, ach níl mórán dul chun cinn déanta ag an Rialtas ó shin i leith lena leithéid de chóras a bhunú. Is gá don Rialtas fis cheart a léiriú a thabharfaidh deis dúinn an cósta a bhainistiú i gceart, cearta na n-oibrithe a chosaint agus an timpeallacht a chosaint freisin.

Like other Deputies, I had the honour of talking to many of the campaigners who were at the

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gates of Leinster House today. I had a good conversation with members of the Bantry Bay kelp forest group. They are incensed by the decision to approve a licence authorising the largest mechanical extraction of kelp ever undertaken in Ireland and Britain. They are furious that this has been done with no public consultation, no environmental impact assessment and despite the fact that Bantry Bay, which is an absolutely gorgeous bay, has special areas of conservation, SAC, status. They informed me that the entire decision making process so far has happened without the Minister of State meeting them. Instinctually, before making a decision of such importance, most elected representatives would consult the people affected but that has not been done, which is a major problem. I also met members of Coiste Cearta Cladaigh in Conamara who are massively concerned about what might happen if licences are given out without environmental impact assessments being carried out. There has been a huge disconnect here with regard to the traditions and needs of local communities, the enterprise ecosystems of those communities and the needs of individuals to earn a living.

One of the major difficulties is the fact that this debate has not really focused enough on the environmental concerns. This matter is being discussed as if an old local community on the coast of Ireland is fighting against modern, new technology but in truth we cannot have any development if we do not have a sustainable ecosystem and we cannot have a sustainable ecosystem in this type of marine environment with such an invasive type of harvesting. It is not just that we are destroying the environment now and robbing this generation; when we trash the environment in such a fashion, we are also robbing the generations to come.

Deputy Richard Boyd Barrett: I thank Deputies Pringle and Connolly for tabling this motion. I also commend the groups from Bantry, Conamara and elsewhere who have been campaigning for some considerable time on this issue. Their efforts have helped bring this debate into the Dáil and forced the entire political system to take the matter seriously and to address their concerns.

The motion put forward by Deputies Pringle and Connolly is very reasonable. I do not see why the Government feels the need to put forward an amendment and it should reconsider that seriously. The motion seeks to protect the traditional seaweed harvesters, communities and industries in these areas. It seeks to protect the biodiversity of the marine environment to ensure that other traditional and local industries are not undermined or damaged. It is not saying that it does not recognise the value of this natural resource or the potential to develop it in a way that can be beneficial economically, socially and on all sorts of levels. However, it provides that any development of the resource must take place on a sustainable basis that will not negatively impact on traditional seaweed harvesters or damage the environment, local communities and existing industries. That is a very reasonable request. Why is the Government putting forward an amendment to the motion?

The motion indicates that there are deep concerns about the licensing approach to date, particularly arising from the licence that was issued in Bantry, County Cork - west Cork, I should say. There are concerns about the manner in which that licence was granted, without proper environmental impact assessment. In my opinion, it is in breach of the Aarhus Convention. A development of this scale is in breach of that convention if there is not a proper environmental impact assessment or the proper consultation. There was no advertisement in a national newspaper. There was a miserable little advertisement in a local newspaper. That is in breach of the law. We successfully forced Providence Resources to withdraw its foreshore licence for putting an oil rig in the bay off Dún Laoghaire precisely on the basis that it had carried out a Mickey Mouse, not-serious consultation and knew it would lose a case under the Aarhus Con-

vention. The Government and the Minister of State's Department should suspend that licence immediately because, in any reasonable person's opinion, it is in breach of the requirements of the Aarhus Convention.

It is disappointing and very surprising that the former Minister, John Gormley, was the one who issued this licence. That is not an excuse for the Government not to suspend the licence now. It should also refuse to issue any further licences for harvesting of this nature until we are certain doing so will not have adverse impacts on the groups, the marine environment and even on the climate.

An analogy has already been drawn between this matter and the bad experience we have had of fishing, whereby big multinational interests have come in and just sweep up the fish with all the damage to local fishing industries. I will provide another analogy, which arises out of the name of the Bantry group. What is seaweed? It is the forests of the sea. The Minister of State should think about the significance of that on all sorts of levels. We made a bags of forestry in this country. The approach was to cut it down for short-term profit regardless of the long-term consequences for the environment, traditional industries, small producers and so on.

Small and traditional producers almost instinctively understand about sustainable management and development when it comes to these things. Their livelihoods are tied up with the sustainable development and management of the resources, whereas big corporate interests that come in just think about how they can make some money out of it. They do not feel the impacts on the community, the local environment, the local marine environment, biodiversity, or any of the other potential inadvertent consequences. They do not care about them and do not feel them. They just make money out of it. We should not be giving licences to these people until all potential negative impacts have been fully assessed and we are absolutely certain the development of this resource will ensure the protection of traditional interests, local communities and, critically, the environment.

What potential impact could the mechanical harvesting of the sea's forests have on climate change? Has that been assessed? To my mind, the value of having properly managed seaweed forest resources in terms of carbon capture and so on is vital. That does not mean we cannot harvest it, just as we can harvest trees. We have to do so sustainably, not through clearfell, gutting forests and landscapes and creating dead zones. We do not grow the proper species or harvest the trees in a sustainable manner and this does immense damage to the environment, local economies, biodiversity and so on. We have created enough dead zones through the mismanagement of forests and fishing. Let us not do the same to another natural resource by licensing it off to multinational or corporate interests that just see it as an opportunity for profit.

I commend Deputies Connolly and Pringle and the communities that are fighting on this. The Government should withdraw its amendment. There is nothing objectionable in the motion for those who are interested in the sustainable development and management of our seaweed resources and the protection of the communities, traditional harvesters and other industries that could be impacted.

Acting Chairman (Deputy Frank O'Rourke): From the Rural Independent Group, Deputies Michael Collins, Danny Healy-Rae and Michael Healy-Rae are sharing seven and a half minutes.

Deputy Michael Collins: I acknowledge the Independents 4 Change grouping for bringing

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this motion forward. I also commend the good people of Bantry Bay who are in the Gallery. They travelled up today and had a peaceful demonstration outside the Dáil to show the Government just how opposed they are to the mechanical harvesting of kelp in their local, beautiful bay.

This is certainly not the first time, and may be the tenth time, that I have raised this issue in the Dáil with the Minister of State over the past six months. I have been totally opposed to this from the very beginning. The ten-year kelp harvesting licence was issued by the Department of Housing, Planning, Community and Local Government to BioAtlantis in Tralee to harvest mechanically 753 ha, or 1,860 acres, of native kelp forest in Bantry Bay in west Cork. The licence that allows BioAtlantis to harvest mechanically vast amounts of kelp in Bantry Bay is experimental and the effects could cause huge damage to west Cork. This is the first licence in Ireland or Great Britain to allow the mechanical harvesting of seaweed and the effects could be detrimental to wildlife, tourism and employment in Bantry.

The mechanical harvesting of kelp will affect birds, fish, flora and invertebrates in the area, as well as the local inshore fishermen whose living depends on the bay and its resources. There is much anger and unrest in west Cork as a result of this licence being issued and there is huge concern for the local ecology and economy. Bantry Bay is a crucial resource in terms of the environment, tourism and local jobs. This licence, which has been granted without essential input from key stakeholders, is seen as a serious imposition on the people of Bantry. They feel that the granting of the licence was grossly unfair and see no benefit accruing to the Bantry area. Instead, there is significant fear of the negative implications it will have.

The communication or lack thereof between the Minister of State's Department and the people of the Bantry area on this issue has been totally disrespectful to the Bantry inshore fishermen. I ask the Minister of State whether there have been communications between the different Ministers and Departments that have an interest in marine and planning issues. The Department has an obligation to support Cork County Council and provide information on proposed developments in the locality in order for the council to be able to disperse this information to the public and allow the public to have an input. The council was not consulted about the granting of this licence, which will have an enormous impact on the people of Bantry and the wider community. The harvesting of kelp will also have a detrimental effect on inshore fishermen. For the past ten years, fishermen have tried to conserve the lobster stock by returning all female lobsters to the sea while working with BIM and funded by the Department of Agriculture, Food and the Marine. The five sites mapped in Bantry are the main lobster grounds of the bay and the nursery area for all other fish, including shrimp, crab and pollock. This licence will destroy the habitat for the fish and endanger the livelihoods of the local fishermen. The Department has completely ignored the Bantry Bay coastal zone charter, which stakeholders in our community worked hard to develop. I ask the Minister of State to revoke the licence issued to BioAtlantis Tralee without delay on the basis that the Department did not advertise it with sufficient detail, did not engage in consultation with the local stakeholders and failed to respect the charter. In 2010, the local community, regulatory bodies and other agencies with an interest in Bantry Bay developed the charter to safeguard our bay.

Acting Chairman (Deputy Frank O'Rourke): The Deputy should be mindful of the time remaining.

Deputy Michael Collins: I shared time with another Member yesterday and I should get additional time today.

The project was initiated by the county council to address the challenge of successful coastal zone management around the bay. The stakeholders' charter is based on the understanding that the regulatory agencies need to work in partnership with the local community in the successful management and development of the area. It explores the use of consensus, whereby all stakeholders work together to develop a single agreed approach to its development. In addition, mechanical harvesting will have a serious effect. I ask the Minister of State to revoke the licence under Article 12.2. He can do so without any cost to the State. I have asked the Minister of State to do this countless times but he is not listening. He said earlier that he is willing to meet the people of Bantry. We have been asking him for six months to meet them.

Deputy Damien English: There is an offer on the table.

Deputy Michael Collins: We have asked the Minister of State to stand by the people.

Deputy Damien English: The invitation is there to meet.

Deputy Michael Collins: The Minister of State can revoke the licence at no cost to the State and I ask him to do that for the people of Bantry.

Acting Chairman (Deputy Frank O'Rourke): Deputies Michael Healy-Rae and Danny Healy-Rae have three minutes remaining to share and I will be strict on the time.

Deputy Danny Healy-Rae: How do you make halves of nothing?

I welcome Mr. Pat Connolly and his concerned friends and neighbours to the Visitors Gallery for this important debate. They came all the way from Bantry. The motion suggests the prioritisation of traditional harvesters, exemptions for traditional harvesters harvesting under a certain amount and the protection of traditional harvesting rights from commercial interests in the future. The Minister of State said he wants the big harvesters as well as the traditional harvesters. He cannot have both because he is trying to carry two sides of the road but anyone whoever tried to do that finished up in the middle of nowhere. He will fall between two stools. There is only one way here and that is to protect the traditional small farmers who are also small fishermen. The Minister of State knows what this will do. Granting a licence to rip the guts out of Bantry Bay will cause coastal erosion, and it will cause trouble for tourism and fishing, and for small farmers and small fishermen. I ask him to revoke the licence and not to carry on with this lunacy. I also ask Fianna Fáil, which is supporting and propping up the Government parties, to put it up to them to change this racket that they are at and to revoke the licence because this is a serious matter. We need fair trade, we need fair play and I ask the Government to revoke the licence and not to do anything like this in the future. Bantry harbour is only 20 miles from Kilgarvan.

Deputy Michael Healy-Rae: I am here to support our good neighbours from Bantry harbour - traditional people who have carried out great work over the years and whose livelihoods are now being endangered. Many of them make a part-time income and more of them are trying to make the most that they can out of the work that they are carrying on. The Minister of State has the power to revoke the licence that has been granted and we are asking him to do that on behalf of these people because when a traditional right is attacked, it is like attacking the right of people to cut turf.

It is bad manners for the Minister of State to talk to somebody else when he is dealing with an important matter in the House. If he does not have time to listen to us in the Dáil, how can

the people who travelled up here today expect fair play when he is talking to the man alongside him while we are contributing to the debate? It is the height of bad manners. There will be time to talk later, but when the Minister of State is in the Chamber, he should pay these people the courtesy of listening to us contributing on their behalf. He did the same thing when Deputies Michael Collins and Danny Healy-Rae were talking. He did not hear one word that was said from this side because he was engaged in a deep conversation, which is the height of bad manners. I would never accuse anybody of having bad manners but I accuse the Minister of State of it now. It is very disrespectful to people who have travelled up here today to see him muttering under his breath to somebody else. It is bad manners and I would expect more of him.

Deputy Damien English: On a point of order, that cannot be left unanswered. The reason I am talking to my colleague is that I am not allowed to reply at the end of the debate. I am asking the Minister of State, Deputy Phelan, to give my answer at the end. I am not allowed to do that. Those are the rules and, therefore, to make sure that the questions raised by the Deputies are answered, I am briefing the Minister of State.

Deputy Mattie McGrath: Could the Minister of State not write a note to him?

Deputy Damien English: I would be happy to do it.

Deputy Eamon Ryan: On behalf of the Green Party, I very much support and commend Deputies Connolly and Pringle on using their time for this important debate and for seeking a united voice in the Chamber in respect of how we manage our marine environment and, in particular, seaweed on our coastal shores. This is a hugely important and useful allocation of time for this critical debate. It is correct that the debate to date has concentrated on two areas - Bantry Bay where a licence has issued and between counties Clare and Mayo for which 17 licences are in process. They have been stalled by the Minister to consider what is the best development approach.

I refer to the development in Bantry first. As Deputy Boyd Barrett said, the process started under my former party colleague, Mr. John Gormley, when he signed an initial consent to licensing. It was done at a time there was no objection or concern. A local company was looking for further development and, on the basis of the scientific advice at the time and with no objection from the local community, it was put forward. I accept and agree that there should have been better consultation. An EIS should have been stitched in at the start of the process and that leads me to agree with those who are calling on the Government to hold off on the Bantry Bay licence and ascertain whether that is the right approach.

My party colleague, Senator Grace O'Sullivan, has expertise and interest in the protection of the habitats on our shoreline and she has raised concerns. When kelp is cut at the lowest point it is attached to the sea bed, it might not regenerate. The monitoring approach agreed in 2016 provided for a baseline study and further studies to be carried out after three and five years. There is a concern that may be too late and the damage will be done. It is a precious environment not just because of the importance of kelp, but also of the other fauna, which impact on the life of the bay. The experience in Bantry should then inform what happens in Connemara, Clare and Donegal. The issue of licensing and how we arrange our foreshore is not only about seaweed. We have a massive problem with awarding foreshore licences for oysters and aquaculture developments. A swathe of large developments have been signed off in recent years in Donegal without an EIS. The management of foreshore licensing has to change.

Unfortunately, I had to attend a meeting of the Committee on Procedure which meant I was late for the debate but I have read the Minister of State's contribution with interest. Our use of seaweed will be developed in a sustainable way. As Deputy Ó Cuív asked, where is the balance between the interests of the processing companies and those working for them at local level? That is one of the key issues we need to get right. The Minister of State said there are 6,500 ownership rights in existence. That is probably a figure that is difficult to nail down. Ownership rights go back to our folklore tradition and to the heart of coastal communities. The Minister of State, Deputy English, states there are only 400 licences that may be actively managed. Any management of the seaweed systems must, in the first instance, be done in a way we are absolutely certain does not affect the long-term viability, sustainability or restoration of the most diverse bio-ecology in the sea area. The second requirement in order of prioritisation is that any management or processing of seaweeds should be done in a way that benefits the local community most and first. If that even runs foul of certain economic considerations - I am sure it would be much easier to put in a big machine and harvest it all in one go - we should side with protecting or encouraging local community involvement. In that process, perhaps we should be specific and forensic in terms of how seaweed is harvested and used because in those 500 or so species of seaweed on our shores, and in the evolution that is taking place in the scientific world that is showing a range of new applications of natural material in biomimicry or other mechanisms to provide medical, pharmaceutical or biomedical products, or, indeed, foodstuffs, we have a hugely valuable resource. It is about how we manage that forensically, treating this as something special rather than something that provides a quick-buck return where one gets in and gets out and harvests as much as one can in as cheap a way as possible. The latter is not the direction in which we should go.

This is a valuable debate, as I said, and Deputies Pringle and Connolly have done us much service. It is a pity that we cannot get agreement here. It seems, from what I have listened to, we will not get agreement across the House but that the motion will get the support of the majority in this House, and that is welcome. We have seen this on a number of occasions where we put Opposition motions that get the support of a majority in the House. What does that mean? Fianna Fáil may have an interest in that because it has a certain influence over the Government in its confidence and supply agreement. What does it mean when that party supports a motion in opposition which compels the Government to take certain actions?

This is an area where, more than anything else, it is possible for the Government to act. It is not without difficulty, particularly in Bantry, but what I have heard, from the Fianna Fáil Deputies here and from everyone else, is the clear intention and desire of this House to take the management of the seaweed resource in a different direction and to in some way start again and say that we need to manage this from an environmental perspective above anything else. Whatever the Government's position as expressed in the Minister of State's speech, we must seriously consider, if this motion is approved, what does it mean for the Government and what it then has to do.

Acting Chairman (Deputy Frank O'Rourke): Deputies Wallace and Clare Daly are sharing ten minutes.

Deputy Mick Wallace: I give my full support to this important motion, which addresses a specific situation that has been unfolding, in particular, in the west of Ireland, for many years.

There is not a tradition of harvesting seaweed off the coast of my area in south Wexford but, as I swim on Bannow Island on a regular basis and have to wade through 40 m or 50 m of

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seaweed before I get to clear water, I wonder is there potential there as well that has not been realised. I am aware that my father, when he was a young fellow, used to collect seaweed for fertiliser before he went to work in the morning.

A number of intersecting concerns are at play here. There is the sale of the main player in the industry, Arramara, which was a predominantly State-owned entity, to a Canadian multinational corporation, Acadian Seaplants, the circumstances of which lack transparency. There is also the issue of new methods of seaweed harvesting; and, most importantly, the traditional rights of the local harvesters that are coming into conflict with other harvesting licences being granted by the Government.

The motion before us is extremely urgent for a host of reasons. The traditional harvesters have mainly been operating under seaweed rights that go back for generations. In many cases, they have been going back to the same areas to harvest for over 60 years, which is a testament to the fact that their methods are sustainable. That they have been doing this for so long - many of them as a primary source of income, using traditional methods that protect their resource - should go some way to protect their rights to harvest. The Government states it is interested in promoting the development of the seaweed industry but this does not have to come at the cost of locals who are involved in the best practices in the area. In a recent reply from the Minister of State, Deputy English, to a written parliamentary question from Deputy Connolly, he stated that there were 17 applications to harvest seaweed that have yet to be determined by the Department, that certain rights to harvest seaweed already exist where these licences seek to harvest and that these applications by companies are effectively on hold until the Department can ascertain, with the assistance of the Attorney General, the legal interface and relationship between these traditional harvesting rights and the current applications.

Seaweed harvesting can be a lucrative business and when managed carefully and sustainably, has great benefits for the environment and local communities. If we were wise, we would have kept this industry in-house and developed it ourselves, but instead we sold out the principal player to a foreign investor for no good reason, and now we are on the verge of selling out the locals, who once sold primarily to Arramara, in favour of the multinational. It does not have to be this way. There is room for both the traditional licences of the local harvesters to be respected and the work of the bigger player to carry on profitably.

At present, Acadian Seaplants harvests offshore in boats and onshore. The locals operate almost exclusively onshore when the tide is out but there is already a situation where there is competition for the resource onshore because of the lack of clarity in the regulatory licensing regime. This is not an argument against progress, or some parish pump concern. This is an argument against the eternally repeated neoliberal practice of putting the interests of big business before the livelihoods of people in local communities and the environment.

There is a good argument for expansion in this area. In the field of biomass cultivation, seaweed is quite incredible. It utilises dissolved carbon dioxide and acts as a carbon sink. It also uses nutrients, such as dissolved inorganic nitrogen and phosphorus, that are running off agricultural lands in the form of pollution at an alarming rate. It does not need feed or fertiliser. It can be cultivated in very large areas with almost zero demand on fresh water resource - unlike much farming - and it grows faster than most other plants. It has a very long list of applications, many of which are connected to health benefits.

How this expansion proceeds must be monitored and assessed extremely carefully. Har-

vesting techniques must be ironclad in terms of sustainability, and any expansion of the cultivation of seaweeds should only be carried out in line with international best practice. All these concerns align in the recognition of the rights of traditional harvesters to continue what they have been doing sustainably and profitably for generations and after that, our primary concern should be to have the highest level of regulations and monitoring for those companies that will be leading the way in the expansion of the industry because it is these actors that will be obliged to prove that they can do their work in such a manner that is in keeping with principles of environmental stewardship. The traditional harvesters have already proved that this is how they operate and accordingly, should be given as much support as possible.

Deputy Clare Daly: This is a significant and incredibly timely motion. I compliment Deputies Connolly and Pringle on giving up the time to have us discuss it.

It is a critical moment for seaweed as a resource, with regard to its development as a potentially sustainable, ecologically sound and environmentally friendly industry. If we get it right, there will be considerable benefits. If we get it wrong, there will be ecological problems and problems for the local communities.

Our record is not really that great. When it comes to hiving off our natural resources - from land to fishery rights to oil and gas - the tradition has been to privatise them, open them up to multinationals, flog them off, enrich the middle man and allow the local people to lose out. Against this backdrop and against the backdrop of the proposal in the works for the harvesting licence for 20% of the seaweed from Ballyvaughan to Belmullet to a Canadian company, the concerns are not exaggerated. These are well-founded concerns. It is clear from the evidence elsewhere, in particular in Canada and Norway, that large-scale mechanical harvesting of the kind towards which the Government is leaning is not a sustainable way to go. We have to start by recognising the very real threat to the livelihoods of traditional harvesters from Bantry Bay and elsewhere, some of whom were in attendance in the Gallery. They have posed legitimate questions for the Government to answer on the lack of regulation and transparency and on the way in which licences have been granted.

The Bantry Bay example is, sadly, a good one in the sense that it is so bad. BioAtlantis was given the right to harvest a 1,860 acre area over a ten-year period in the absence of any consultation with the local community. That licence includes a clause which allows the company to self-assess the environmental impact. You could not make it up. The assessment does not even kick in until three years have passed and, at that point, the company has the right to self-assess the impact. That is completely ridiculous given the importance of seaweed to our ecosystem and the number of species reliant on it for food. I question the manner in which the Government has gone about this because, as with the offshore exploration licence it handed out last year, long-term licences that tie us into commitments we may regret are, frankly, irresponsible. Nevertheless, the Government is doing it again. In effect, we are giving a private enterprise the right to plunder natural resources at a profit, which is far too risky for the Irish people.

There is a difference between harvesting and extraction. In many ways, the seaweed industry exemplifies that difference. Extraction involves the removal of raw materials from the planet and is, in many cases, a dirty and damaging process which must be managed closely. On the other hand, traditional seaweed harvesting in Ireland takes place after the tide has receded. The crop is yielded manually and the harvesters make sure to leave a good proportion of the plant behind undamaged so that it can regrow. It is a win-win. The mechanical process, however, is not only potentially damaging to seaweed, it depletes the stock, affects the life-cycle of some

types of seaweed and, therefore, other sea life. It is illustrative that Marine Scotland had the good sense to conduct an environmental impact assessment which clearly found that artisanal manual harvesting is far less damaging. While there is always a small risk in any approach, it is clear to Marine Scotland that the mechanised harvesting of kelp has significant adverse effects. Given that seaweed and sea grasses play a huge role in marine and coastal ecosystems and that some species actually modify their environment to support high levels of marine and coastal diversity, they are described as “ecosystem engineers”. That is what they are. As such, we need to monitor them carefully and that is particularly so for kelp.

Seaweed products are becoming more popular, with some being promoted for their health and other properties. There is a rising demand for these products, which is very good in many ways. However, we have to balance the demand for seaweed with how we harvest and use it. This is not just about healthy food. If we increase seaweed removal from our coast to use it to produce supplements which aid intensive pig farming, which in and of itself has adverse environmental costs, we must conclude that it is not worth it. We must look at this holistically and monitor it carefully. We must protect the traditional methods and this vitally important resource in a transparent manner for the benefit of the Irish people, not foreign multinationals.

Acting Chairman (Deputy Frank O'Rourke): With the agreement of the House, I will allow the Labour Party one minute before we go to the Minister of State. Is that agreed? Agreed. The party missed its slot, but we will provide it with a minute. Deputy Sherlock will get a new alarm clock.

Deputy Sean Sherlock: I thank the Acting Chairman. I am very grateful to the House for the one minute and a little bit of latitude. I rise simply to support the motion, recognising the fact that this is very much a traditional occupation and a primary source of income for harvesters. I simply wish it to be a matter of record that we support the motion before the House.

Minister of State at the Department of Housing, Planning and Local Government (Deputy John Paul Phelan): It might be opportune for the Business Committee to consider changing the rules for Private Members' debates so that Ministers who provide an opening statement and stay to listen can answer personally the questions put to them. I will endeavour to answer as many of the questions that have been raised as I can. I thank the Deputies who contributed, particularly Deputies Connolly and Pringle in whose names the motion was submitted. The Minister of State, Deputy English, is acutely aware of the questions that have been raised. I was taken aback by the contribution of Deputy Michael Healy-Rae who has been absent from the Chamber for virtually the entire debate. He criticised the Minister of State who was attempting to refer me to some of the questions raised by the Deputy and others in order to inform my response to the House.

As Minister of State at the Department of Housing, Planning, Community and Local Government, Deputy English is responsible under the Foreshore Act for seaweed licensing. A seaweed licence is a temporary arrangement and at all times the ownership of both the right and the foreshore vests in the State. The Minister of State does not have the statutory power to sell either the foreshore or seaweed rights. As he stated, seaweed is a valuable natural resource used in a wide range of products. As such, we need to look at the range of high-value, high-technology products in which seaweed can be used. The motion tabled by Deputies Connolly and Pringle calls for growth within the seaweed industry. As the Minister of State pointed out, there has been significant investment in recent years by high-tech companies utilising new processing methods to produce high-value products and compete in global markets. An approach

which includes not only traditional harvesters but also these companies is necessary to achieve the growth referred to. A number of speakers have said the Minister of State should revoke the licence. They will all be acutely aware of the fact that any revocation would open the taxpayer to a liability which no Minister could impose lightly if, as I suspect, at all. The rules relating to licensing, which have been referred to by various speakers, have changed since the then Minister, Mr. John Gormley, made his decision in 2011. It is interesting to hear him and members of the parties involved in the original granting of the licence sing what appears to be a completely different tune from the decisions made seven and four years ago, respectively.

Sustainability was discussed at length by Deputy Boyd Barrett. Sustainability is at the heart of the seaweed licence process and the conditions which underpin it. It is included in the terms of the licence. Certainly, the Minister of State has the power to revoke a licence if those conditions are broken. Deputy Boyd Barrett spoke also of the requirement to carry out an environmental impact assessment and referred to the Aarhus Convention. The licence originally granted in respect of Bantry Bay is not in breach of that convention as it did not apply in Ireland until after the date on which the former Minister, Mr. Gormley, issued the licence. Deputy Connolly said the Department had stumbled on the rights issue by accident, but it was in fact in the normal course of examining the applications that officials noted the issue and took the logical step of engaging in further consideration. The particular issue in the Galway cases did not arise in respect of the Bantry Bay application, which was processed a number of years earlier.

I note to Deputy Murphy O'Mahony that we are not aware of any licence refusal in the Bantry Bay area. However, it may be a matter for the Minister for Agriculture, Food and the Marine who regulates seaweed aquaculture. BioAtlantis is an indigenous Irish company, albeit based in Tralee not Bantry. It is important to remember that the licence was approved in principle by the then Minister, Mr. John Gormley, in 2011 and that the Minister of State, Deputy English, simply approved the monetary conditions required after consultation with the Department and relevant State agencies.

I note Deputy Ó Cuív's suggestion regarding a discussion document, but the Minister of State has indicated that he will meet all sides involved. Despite what Deputy Michael Healy-Rae said, there is an open door to a meeting with representatives of the Bantry Bay group. The Minister of State is not prepared to meet everyone in Bantry on the same night but, as is reasonable, he is prepared to meet the group and it should be prepared to send some of its people to meet him, whether in Bantry, Meath or Dublin. The officials in the Department had a number of discussions with the Attorney General's office on the complex legal issues involved in foreshore licensing.

In response to Deputy Pringle, the Minister of State, Deputy English, is not aware of any agreement in regard to the sale of Arramara Teoranta that guarantees ongoing access to this valuable natural resource. There is certainly no intention of sacrificing the traditional harvester to the interests of companies. As the Minister of State, Deputy English, noted earlier, he does not have the power to sell the harvesting rights under the Foreshore Act and neither is he going to grant licences at will to companies. He reiterated that the work is ongoing on this complex issue and the need to develop the seaweed sector while protecting the sea environment.

The activity to which Deputy Murphy O'Mahony referred is not of a class that requires an environmental impact assessment. This was confirmed by the European Commission through its own parliamentary questions system. The harvest system is a rotational one whereby one fifth of the licence area can be harvested in any one year. Kelp grows in deeper water that is

not possible to reach by boat. The species covered by this license should not be confused with the *Ascophyllum* harvested by traditional harvesters. It in no way impinges on the rights of traditional harvesters who may be harvesting *Ascophyllum* in the Bantry Bay area.

Deputy Tóibín made reference to an NUIG report that estimates that up to 70,000 tonnes of *Ascophyllum* in Irish waters may be harvested every year sustainably. Approximately 40,000 tonnes are harvested at present. Therefore, while there is room for growth, it has to be managed correctly. Contrary to several assumptions made here today, there is no intention on the part of the Government, the Minister of State or his officials to give *carte blanche* to companies to harvest at will around the country. The harvest in the Bantry Bay area is not in a special area of conservation, as Deputy Tóibín mentioned, and nor is it in a special protection area. In fact, the company originally applied for a licence to harvest in Kenmare Bay but was advised that, to harvest kelp, it would need to apply in respect of an area that did not fall under either of those categories.

I must confess this is a subject that is new to me in the Department of Housing, Planning and Local Government. In one sense, there is an argument to be made that it is not the most suitable Department for discussing this matter. What is proposed and what the Minister of State has done by way of changing the rules regarding the granting of licences and ensuring a system can be put in place whereby licences may be revoked if their conditions are broken is correct.

In this Chamber, however, we have far too many debates in which people grandstand. I am not accusing those who proposed the motion of doing so. They are present and did not do any grandstanding. There was a lot of grandstanding from Members opposite who are now gone and who were not here for most of the debate. They knowingly proposed in this Chamber the revocation of a licence in a manner that could expose the taxpayer to a potentially massive liability. That is grossly negligent politics. It is also deeply misleading to suggest to the people from Bantry who are here tonight that this can be done at the drop of a hat. If any of the Deputies in question were in government, they would note it could not be done. What they are doing is the cheapest form of politics. That is not to say their concerns are not valid and that we should not have a proper debate such as this on this issue. It is not to say that the Minister of State's invitation to meet some of the people from Bantry does not still stand, the objective being to ensure that the conditions of the licence granted by former Minister John Gormley seven years ago will be enforced if and when the harvesting in Bantry Bay takes place.

Deputy Thomas P. Broughan: I am sharing my time with Deputies Connolly and Pringle. I am delighted to be able to speak briefly on this motion on the preservation of seaweed harvesting rights, brought forward in the name of my Independents 4 Change colleagues Deputies Pringle and Connolly. I congratulate them on this very timely and important motion. My colleagues are calling for a national strategy at last for the promotion of the sustainable development of our seaweed sector, ensuring that traditional seaweed harvesters are protected. They want to stimulate job creation among rural, coastal and island communities and have the Government undertake an economic analysis of the sector. Above all, they want the sector to be regulated in a fair and sustainable way. The national strategy should also include the potential climate change benefits associated with the growth and promotion of this sector. The motion rightly calls for the suspension of the granting of licences until such a strategy is published and, most important, for responsibility for the sector to be solely under the aegis of the Department of Agriculture, Food and the Marine, where it clearly should be.

I have learned that approximately 40,000 tonnes of seaweed is harvested in Ireland annu-

ally, with around 185 full-time equivalent workers, or 400 part-time workers, and that the sector is valued at approximately €18 million per year, some €6 million of which is attributable to exports. The current uses of this wonderful natural resource include food, cosmetics, thalassotherapy, spa treatments, biomedicines and biotechnology.

One of our seaweed-processing factories, Arramara Teoranta, had been in existence since 1947 but was bought by Acadian Seaplants in 2014. The company is currently processing between 25,000 and 30,000 tonnes of seaweed annually. It does not have its own harvesting licence but it has applied for a licence to allow it to harvest up to 40,000 tonnes per year. There are fears that this company wants to use mechanical harvesting. Sustainability of seaweed harvesting and traditional methods, which Deputies Pringle and Connolly have brought to our attention, are the key concerns in this debate.

There are currently 23 applications for seaweed cultivation sites and already six aquaculture grow-out sites with licences, those being at Bantry Bay, Roaringwater Bay, Ventry in Kerry, and Clew Bay in Mayo. I have got to know Bantry Bay, in particular, very well over the years. I believe the Minister for Agriculture, Food and the Marine, Deputy Creed, has already reviewed the independent aquaculture licensing review group's report. The Minister of State referred to it earlier. When will the report be brought before the Dáil, and when will action be taken on it?

BioAtlantis got approval for mechanical harvesting in a huge area, comprising 1,860 acres, in Bantry over a trial period of ten years. There has been grave concern in the Beara Peninsula and surrounding countryside. People have submitted a petition to the Minister for Housing, Planning and Local Government. There is a call for a pause on the permit until there is proper consultation.

We have been talking a lot about the Foreshore Act 1933. The Minister of State has already replied but I wonder why we are still using such ancient legislation. I remember asking the former Taoiseach, Deputy Enda Kenny, umpteen times about aspects of the Act in regard to wind turbines. It is incredible that we are still talking about that.

The Joint Sub-Committee on Fisheries' Report on Promoting Sustainable Rural, Coastal and Island Communities, published in January 2014, found that in the short to medium term, the two industries that these rural communities are likely to continue to have the most reliance on are inshore fishing and aquaculture. We are still awaiting action on some of the recommendations in this report. The Joint Committee on Environment, Culture and the Gaeltacht published "Report of the Committee on Developing the Seaweed Industry in Ireland" in May 2015 and put forward eight recommendations, many of which echo the calls by my colleagues in the motion. Most important is the first recommendation, which calls for the adoption of a national strategy to promote the development of the seaweed industry, focusing in particular on the Gaeltacht and counties of the western seaboard. The other recommendations would also be very valuable to the sector.

I strongly support the terms of my colleagues' motion. There are useful exemplar regulations in areas such as the Canadian provinces. In British Columbia, for example, there are strict conditions concerning harvesting, and the indigenous First Nations are required to be consulted. In Nova Scotia, there are similar provisions. In Scotland, there is the "Seaweed Cultivation Policy Statement". The Minister has some work to do in this regard. As matters stand, I welcome warmly the confirmation that licence applications will remain on hold until there is full legal clarity for traditional harvesters, who really need to be protected, and concrete moves by

the Government to develop a national sustainable seaweed harvesting strategy.

Deputy Catherine Connolly: Let me deal with Bantry. We ratified the Aarhus Convention in June 2012.

We are not quite sure when the licence relating to Bantry was granted. The Minister of State might confirm that. According to the reply to a parliamentary question put down by Deputy Margaret Murphy O'Mahony on 16 May, the licence commenced on 21 March 2014. It was given in principle in 2009 or 2011 and was finally given in 2014. We had signed and ratified the Aarhus Convention. I am not sure if the Minister of State understands the Aarhus Convention.

Deputy John Paul Phelan: We understand it all right.

Deputy Catherine Connolly: That is great. I do not see any humour in it.

Deputy John Paul Phelan: The Deputy can stop her patronising.

Deputy Catherine Connolly: I did not see any humour in it. What I did see was a commitment to meaningful consultation with communities at every level of the decision making process. In the case of Bantry, the tiniest of ads went into one newspaper, it did not mention the area involved and it did not mention that there would be mechanical harvesting. The public was absolutely unaware of that.

Deputy Damien English: It has changed.

Deputy Catherine Connolly: We had not ratified the Aarhus Convention when the ad went up, but we knew we would ratify it which we did in 2012. And the Government sees nothing wrong with that. Do the Ministers of State think that people lost a days work to come
6 o'clock up here today just to be cranky or to object? Can the Ministers of State accept their *bona fides* that they believe there is something radically wrong with this process, that they are seriously worried and want the Government to engage with them? Rather than talking about liability, the Government might look at the terms of the licence given to see if it can be revoked and under what provisions this might happen, for instance. Maybe the Government could begin a meaningful discussion on that in relation to their concerns.

I very much welcome what seems to be the unanimous support for the motion on this side of the House. I very much welcome that Sinn Féin has been here today and spoke on this and also Fianna Fáil and the Rural Alliance.

I will return to the Minister of State's amendment now. In it he reaffirms three things. One is of particular concern to me, where he reaffirms that the marine co-ordination group will continue to advance and promote the sustainability of the seaweed sector in Ireland. As my colleague pointed out, I believe that nine Departments sit on that. In theory it meets every six weeks and seaweed has arisen once. Is the Minister of State seriously standing before us and telling us that co-ordinating group is going to promote a sustainable policy in relation to the seaweed sector? That is an insult. I respect Deputy English and I like him on a personal basis, but to give an answer like that to us today is an insult. There is an onus on him, as there is on me, to read all the reports and see the recommendations. He says that we focused in on one view, but we actually focused on the recommendations of the committee in May 2015. The first of eight recommendations was that we have a national strategy. I do not particularly like the word strategy, but I accepted the word from the committee. I would prefer a comprehensive sustain-

able plan in relation to the seaweed sector, but the committee talks about a national strategy so we accepted that terminology. We are asking the Government before it grants any licences to comply with that recommendation which came from that report on developing the seaweed sector in Ireland. When the Minister of State and his colleague stand up and tell us various things, and the 40,000 tonnes harvested annually, we know these facts because all this work has been done in the various reports and in the briefing document by the Oireachtas Library and Research Service, which is excellent and which everyone should read. They tell us the value of the seaweed industry, what traditional harvesters have done and more importantly they tell us the potential for job creation and the importance of a sustainable industry for maintaining a balanced ecosystem and climate change. What else do we need to say in the context of this new politics for the Government to listen to us?

Deputy Damien English: And *vice versa*.

Deputy Catherine Connolly: We are not shouting or putting out policies that are far out. We are quoting Government policy down over the years and asking the Government why nothing has been done between May 2015 and now and why are we looking at a co-ordination group that makes no sense in relation to sustainable development. Can we not listen to the concerns of the people who are here, read the documents and see that this makes sense? Let us have a seaweed sector that is sustainable and that maximises the value of this natural material which we have. Let us look at it and see how many jobs we can create. The figure given by either Bord Iascaigh Mhara or Údarás na Gaeltachta in 2015 was 1,000 jobs. They looked at Japan and then Ireland and concluded that we could create 1,000 jobs. This is entirely in keeping with the Government's documents. Let us give meaning to language.

Amendment put.

An Leas-Cheann Comhairle: In accordance with Standing Order 70(2), the division is postponed until the weekly division time on Thursday, 8 March 2018.

United Nations Convention on the Rights of Persons with Disabilities: Motion

Minister of State at the Department of Health (Deputy Finian McGrath): I move:

That Dáil Éireann approves the terms of the Convention on the Rights of Persons with Disabilities, as adopted on 13th December, 2006, at New York, a copy which was laid before Dáil Éireann on 21st February, 2018.

It gives me great pleasure to bring this motion before the House on behalf of my colleague the Minister for Justice and Equality, Deputy Charles Flanagan. It will come as no surprise to colleagues that I fully support the motion to approve the terms of the United Nations Convention on the Rights of Persons with Disabilities. I know there is great cross-party support for this across the House. I also welcome those in the Gallery who have an interest in this issue.

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.

I also thank and commend all disability groups, their families and carers for their magnificent support and encouragement to me over the last 12 months. I also thank the Taoiseach, my

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Cabinet colleagues, all political parties and Independents in the House, my own special advisers, Gerry Maguire and Damien O'Farrell, the officials from all Departments of Employment Affairs and Social Protection, Health, Justice and Equality and Foreign Affairs and Trade. The Senators were also very supportive. There is a number of people who are not here to whom I want to pay tribute. My friend, Deputy Caoimhghín Ó Caoláin, cannot be here tonight as he has another urgent meeting, but he passed on his total support. I have worked with Caoimhghín for many years on the disability issue and we have fought many a battle while I was in opposition. There are others who are not here who I pay tribute to. First is the late, great Martin Naughton and Donal Toolan. They were great civil rights activists on disability issues. Of course, I also acknowledge my old great friend and colleague, as Deputy O'Sullivan will know, the late Deputy Tony Gregory who was a very strong advocate for people with disabilities when I came into Dáil Éireann in 2002.

These are important issues. There are others across the Chamber, such as Deputies Margaret Murphy O'Mahony and Fiona O'Loughlin, Senator John Dolan and many other Senators. I appreciate their support on this issue.

Article 29.5.2 of the Constitution provides that the State shall not be bound by any international agreement invoking a charge upon public funds unless the terms of the agreement shall have been approved by Dáil Éireann. The operation by Ireland of this convention will involve a charge upon public funds and I am therefore asking the House for its approval. I call on colleagues to support the motion so that Ireland can internationally demonstrate its commitment to ensuring that persons with disabilities are afforded every opportunity to realise their potential in all facets of their lives. Ireland signed the UN Convention on the Rights of Persons with Disabilities in 2007 and ratification of the convention has been a top priority for me since I was appointed as Minister of State with responsibility for disability issues. Ratification was a key commitment in the programme for Government. I thank my Independent Alliance colleagues, Ministers of State, Deputies Kevin Boxer Moran and John Halligan, the Minister, Deputy Shane Ross, and Deputy Sean Canney for their great support in getting this into the programme for Government. As a result of this motion and in the event that is passed, my colleague, the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Simon Coveney, will sign the necessary instrument of ratification and arrange for its deposit with the Secretary General of the United Nations in New York. The convention will enter into force for Ireland 30 days thereafter. The convention provides for the making of certain reservations, declarations and notifications by contracting states and upon ratification Ireland will make appropriate reservations and declarations to reflect our laws. These reservations will happen to make space and time for further consultation with our disability community and with all Members of the Oireachtas.

Tá an-áthas orm an tairiscint seo a thabhairt os comhair an Tí inniu le haghaidh díospóireachta thar ceann mo chomhghleacaí, an tAire, an Teachta Flanagan. Ní haon ábhair iontais a bheidh ann do mo chomhghleacaithe é a chloisteáil go bhfáiltím roimh an tairiscint maidir le téarmaí Choinbhinsiún na Náisiún Aontaithe ar Chearta Daoine faoi Mhíchumas a cheadú agus go dtacaím go hiomlán leis an tairiscint sin. Tá a fhios agam go bhfuil tacaíocht ann don tairiscint ó gach pháirtí sa Teach. Ba mhaith liom chomh maith fáilte a chur roimh na daoine san Áiléar Poiblí a bhfuil spéis acu sa tsaincheist seo.

It is Ireland's practice to keep reservations to human rights treaties under review. All sides of the House are proud of Ireland's domestic human rights record and we are dedicated to improvement in equality and human and fundamental rights. The convention offers us an opportu-

nity to reassess our attitudes to people with disabilities, to place a renewed focus on their place in society and to rebalance the right of people with disabilities to make decisions for themselves rather than have decisions made for them.

Disability will affect all of us in our lifetimes. Many of us have family members, friends and colleagues living with a disability. In an ageing society, we are more likely to go live to an age where each of us could experience disability. Recent results from census 2016 show that almost 645,000 people live with a disability in Ireland. Let us not forget our family members and carers. We appreciate their support and commitment on these issues. Given the challenge in the appropriate allocation of resources to support people who have a disability, I have always placed a strong emphasis on securing adequate funding with €1.76 billion allocated for disability services in 2018. This represents an increase of 4.4% on 2017. In December of 2017, I announced the securing of an additional €10 million funding for respite care. It is not just all about funding, however. We need to challenge attitudes and recognise the value of the contributions that persons with disabilities can make to our economy and to our society when they are supported to do so. All of us in this House need to focus on ability rather than disability.

Ireland has strong equality legislation that prevents discrimination on the basis of disability. People who have a disability, however, are still only half as likely to be in employment as are other people of working age. This is the reason we launched a comprehensive employment strategy in 2015 for people with disabilities. The strategy sets out a ten-year approach to ensuring that people with disabilities who are able to and want to work are supported and enabled to do so. This is a cross-government approach that brings together actions by different Departments and State agencies in a concerted effort to address the barriers and challenges that impact on employment of people with disabilities. It also seeks to ensure joined up services and supports at local level to support individuals on their journey and into employment. The strategy contains commitments around an increase in the public sector employment target for people with disabilities, on a phased basis, from 3% to 6% - some Departments are already at 4%; special public service competitions for people with disabilities; the opening up of all alternative recruitment channels for people with disabilities; and the provision of the National Disability Authority employer helpline to provide expert guidance and peer support for employers in relation to the employment of staff with disabilities. These are concrete examples of how Ireland will fulfil its obligations under the convention.

There has been some criticism of the length of time it has taken Ireland to ratify the convention and the fact that we are the last EU member state to do so. I accept that the delay has been significant but I must also assert that Ireland takes its international obligations very seriously. The Independent Alliance made sure this was delivered in the programme for Government. Over recent years Ireland has embarked on an era of unprecedented change with regard to services for people with disabilities and we are now ready to meet the obligations of the convention. In July 2017, I launched the National Disability Inclusion Strategy 2017-2021. This is another major step that provides 100 measurable and time-specific actions that relate to the areas of education, employment, provision of public services, health, transport, personal safety and autonomy. In the context of living in the community, we will continue to implement the time to move on strategy to assist people with disabilities who currently reside in institutions.

The convention provides for respect for inherent dignity and individual autonomy, including the freedom to make one's own choices, and independence of persons.

I thank all my colleagues across the political spectrum. Becoming a party to the convention

provides a focus and a structure to our journey. It reaffirms our aspirations to improve the lives of people in Ireland who have a disability. It holds us to account in our commitments. Molaim an tairiscint seo don Teach. I commend the motion to the House.

Deputy Margaret Murphy O'Mahony: Fianna Fáil supports the motion to give Dáil approval to ratify the UN Convention on the Rights of Persons with Disabilities. This has the potential to be an important moment for tens of thousands of people in the State living with a disability. Ratification has been a long time coming and Fianna Fáil has criticised the Government many times for delays, and rightly so.

Ratification alone will not end the discrimination faced by people with disabilities. Ratification coincides with the fifth anniversary of the withdrawal of the mobility allowance for new entrants and we are still awaiting its replacement. For ratification to be meaningful in the longer term and to prompt an end to discrimination, it requires each and every organisation and agency to look at themselves to look at how they treat people with disabilities, and it fundamentally requires the Government to end structural bias around accessing services from the State.

Ratification is a welcome step in the important journey towards equality but we have some way yet to go on that journey. More than one year has passed since the Disability (Miscellaneous Provisions) Bill 2016 was debated in Dáil Éireann. This Bill, broadly welcomed by Fianna Fáil, supports the provision, and its primary aim, to address the remaining legislative barriers to Ireland's ratification of the UN Convention on the Rights of Persons with Disabilities. We were very disappointed, however, that the Bill was published incomplete and many significant sections were only to be provided on Committee Stage amendments. It appeared that in order to meet the programme for Government's commitment on ratification it was imperative to publish a Bill, come what may, before the end of 2016. The Bill as published contains six substantive sections and judging by what is being proposed for Committee Stage there are at least another six sections in the offing. To publish what is essentially half a Bill is hardly the best way to honour the ratification of this important United Nations convention. One year on and we are still awaiting Committee Stage of that Bill. The Government is now pledging that the Disability (Miscellaneous) Provisions Bill will be enacted by the end of 2018, along with a new Bill to provide safeguards for older people, persons with a disability and certain categories of people with mental health issues to ensure that they are not unlawfully deprived of their liberty in residential facilities.

We have also seen delays elsewhere in much needed supports. The date 27 February marked the fifth anniversary of the closing of the mobility allowance to new entrants and five years later we are still waiting for a new scheme. In 2013, the Government recommended that preparatory work for a replacement travel subsidy scheme should be progressed by the Minister for Health. Since then, we have seen the issue delayed time and time again. In 2014, the publication of a health (transport support) Bill was promised for 2015. This was then pushed to 2016. It was then due to undergo pre-legislative scrutiny in the autumn of 2016, but here we are, approaching the middle of 2018 and we are still awaiting its publication. It is shocking to think that five years on from the abolition of the original scheme, when a promise was made to replace it, we are still waiting for the Government to take action. The lack of information about a new scheme is typical of the attitude of the Government, which is more concerned about its own image than progressing essential schemes that have the potential to improve the lives of thousands of people with a disability across this country.

We have also seen a shocking jump in the number of children whose assessment under the

Disability Act is overdue. Between 2016 and 2017, the number of children waiting has surged by more than 28%. The Disability Act provides for an assessment of needs of eligible applicants occasioned by their disability. Assessments of need must commence within three months of receipt of a completed application and must be completed within a further three months. To have so many children unable to receive their legal entitlement within the set timeframe is fundamentally wrong and must be tackled as a matter of urgency.

Similarly, access to services leaves much to be desired. Occupational therapy, for example, is critical in supporting people to do the everyday things they want and need to do when faced with illness, injury or disability. Thousands have been waiting more than a year for a first assessment, and the biggest cohort of people waiting are children and teenagers. To have so many young people waiting for so long for an assessment for such essential therapy is just inexcusable. We also need to bear in mind that this is just a waiting list for assessment. Once this hurdle is overcome, there will be further hurdles as people wait for the therapy itself. Waiting such long periods for assessment and then treatment can be detrimental to people's quality of life and treatment outcomes. If ratification is to mean anything in practice, we need to see substantial improvement in such waiting lists.

For our part, Fianna Fáil is committed to creating a more inclusive society and to dismantling barriers across a range of sectors that prevent people with disabilities from fully participating in society. We need to ensure that people with disabilities are given equality of opportunity in order that they can participate in society to the best of their abilities. As a republican party, Fianna Fáil has always been committed to fighting discrimination in all its forms. In government, we brought forward policies and legislation to advance the rights of people with a disability. We are proud of the role we have played in moving disability policy from a model that was based on management, charity, pity and, in some cases, neglect, towards a social care model that recognises that people with disabilities are full and equal citizens entitled to not only dignity and respect, but also independence, choice and control over their own lives. Ratification of the United Nations convention continues this journey but there is a distance to be travelled yet.

Deputy Fiona O'Loughlin: Today is a good day, an important day, a significant day and a long-awaited day in this House. Personally, this issue has been very close to my heart for many years. It is an issue that deserves very well-informed discussion and debate. As a sister of Cathal, who has Down's syndrome, and as someone who has worked both full-time and as a volunteer with Special Olympics, I have lived my life trying to implement consistently both the spirit and the core tenets of the UN Convention on the Rights of Persons with Disabilities. These core tenets represent the most fundamental rights of all persons regardless of ability or disability: the right to health care services, the right to education, the right to an environment safe from exploitation and abuse, the right to work and, most importantly, the right to be included as an equal member of society. Ten years have passed since the UN convention was signed by the Government, and ratification is now the next step. It is just a step but a very important one on the journey towards equality.

I must give some hard facts about this matter. A recent survey conducted by the Department of Employment Affairs and Social Protection on those in receipt of disability allowance highlights that people with disabilities are being left behind completely in the areas of education and employment. Of those surveyed, 75% said their level of disability was a barrier to their entering the workforce. It is clear that people with disabilities are being left behind, and if the Government is serious about creating a fairer and more equal society, it must address the systematic and institutionalised barriers that prevent people with disabilities from fully participat-

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ing in education, the workforce and society in general. With this in mind, I as Chairman of the Committee on Education and Skills, Deputy Curran as Chairman of the social affairs committee and Deputy Butler as Chairman of the jobs and employment committee have agreed to look at organising a joint hearing to try to address all these issues.

I accept governments alone cannot do all the necessary work to change communities. While it is one thing to set a standard in law, it is quite another to set a standard in people's hearts. The true fulfilment of the convention will only come when children and adults with disabilities are treated with dignity and justice not just in writing, but also in daily life. It is my belief that Ireland's ratification of the UN convention by the Government can serve as a national call to action to all - our Government agencies, NGOs, recreation and sports programmes, public health agencies and many more - to mobilise our resources in our shared quest to provide a brighter and more secure future for all with disabilities in Ireland. People with disabilities matter, they count and they deserve chances and opportunities like every other person.

The future of rights for people with disabilities requires new positive messages in which we all own the rights agenda. Everyday acts of inclusion have helped define our social fabric, whereby tolerance, acceptance, togetherness, helpfulness and advocacy have all become standard components of the past, present and future Ireland. We in the Parliament must seize this opportunity with conviction and focus for we know that a progressive Ireland starts when each of our citizens feels empowered to make a difference.

I will leave the House with a quotation. We are on the eve of International Women's Day. Countess Markievicz in 1909 had this message.

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

Deputy Fiona O'Loughlin: She said:

No one can help you but yourselves alone; you must make the world look upon you as citizens ... For each one of you there is a niche waiting ... [Find] your place in the nation.

I say this to all people with disabilities.

An Leas-Cheann Comhairle: As the time for Deputy O'Rourke has expired, I call Deputy O'Reilly.

Deputy Louise O'Reilly: Tonight is a night of progress for us. It is a night of inclusion, equality and respect. It is a night to remember all persons with disabilities who have left us before seeing the ratification of the UN Convention on the Rights of Persons with Disabilities, UNCRPD. This has the capacity to markedly transform the lives of a section of our people who have been marginalised and secluded for far too long. I have been privileged through this mandate of the Oireachtas to see the passing of the recognition of Traveller ethnicity and Irish Sign Language as an official language and now the ratification of the UN Convention on the Rights of Persons with Disabilities. All three items of legislation are extremely important and show marked societal progress for Ireland as a country in respect of inclusion and equality. It is not often I commend the Government; however, tonight commendation is warranted. I thank the Government for finally ratifying the convention and ending an almost 11-year wait since its initial signing by the then Irish Government. I also seek an assurance that the Government will confirm that the optional protocol will be ratified at the same time as the UNCRPD.

The convention provides the framework to promote, protect and ensure the rights of all people with disabilities and promotes equal rights in all areas of life. These are the basic fundamentals that should be afforded to any person in a decent and modern society, able-bodied, disabled or otherwise. While the ratification of the convention is most welcome, I must stress it is only the first step. The real measure of delivery of the rights that are contained in the convention will be in its implementation. Persons with disabilities have waited far too long and fought on the streets outside this very House to have their rights afforded through this measure. My concerns remain and, therefore, I call on the Government and the Minister of State, Deputy McGrath, not to stop here and to bring forward this legislation without delay and to engage with us, other parties, the disability groups and persons with disabilities themselves. Let us make sure we get this right.

The Government entering reservations and declarations in relation to Articles 12, 14 and 27 of the convention is also worrying and the wording of these needs to be scrutinised much more closely. We cannot dilute the aims of what the convention seeks to do before the ink is even dry on it.

The best placed persons to oversee and monitor the implementation of all that is contained in the convention are those who have the most to gain from it. Persons with disabilities and those groups who advocate for them need to be part of this process, so I ask the Minister of State what steps have been taken by the Government to establish such a group, and who he expects to be involved in it.

Government Departments and the public service broadly need to become leaders, and a benchmark for inclusion, access and equality for persons with disabilities. An employment strategy for each public body should be rolled out and there should be a place on each State board for people with disabilities. This would be a true and worthy statement of equality and inclusion.

I thank all those persons with disabilities who fought in their own groups, on the streets, in this House and at our committees to deliver ratification of the convention. I also pay tribute to my colleague, Teachta Ó Caoláin, for his work on this, as, most generously, did the Minister of State. It is an issue very dear to him and close to his heart. He is happy to see it ratified. He will pursue, vigorously, that the ratification is not simply a PR stunt but actually means something-----

Deputy Finian McGrath: No better man.

Deputy Louise O'Reilly: -----and makes a real and tangible difference.

For those people who have campaigned and brought us to this point, today is their day and they should be very proud, but they cannot rest here. They must keep the Government on its toes. They must not let the Government rest for a moment on its laurels. I have special thanks for the Disability Federation of Ireland and Inclusion Ireland along with others. Without them, we would not be at this point. The courage and energy of Senator John Dolan, who has done so much work since being elected to Seanad Éireann to advance the rights of those with disabilities, is inspirational.

Deputy Donnchadh Ó Laoghaire: Cuirim fáilte roimh an rún chun daingniú a dhéanamh faoi dheireadh ar choinbhinsiún na Náisiún Aontaithe ar chearta daoine atá faoi mhíchumais. Tá sé déanach ach, é sin ráite, tá fáilte roimhe. It is not a leap to describe this evening as his-

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toric for those who have been advocating for the rights of people with disabilities for many decades. As speakers have already said, it is a ratification which is long overdue, coming close to 11 years since Ireland first signed it. I mostly want to speak to those in the Gallery and those watching at home who have been campaigning for quite some time. Tonight is an opportunity to speak to citizens of our country who have disabilities and let them know they are finally going to be treated as equals in the eyes of the State. There have been inordinate delays in this regard which have, no doubt, caused people great strife and grief in many aspects of their lives that many of us take for granted.

Tonight is an opportunity to let children with disabilities know that Ireland is a country in which they are finally considered by the State to be valued as equals, and given an opportunity to prosper and grow in seeking and reaching their full potential, not inhibited by archaic legislation or an absolute lack of legislation that have seen the rights of many fall through the cracks. Tonight is an opportunity we grasp with both hands, working in co-operation with people with disabilities, recognising that ratification is not in and of itself a panacea, far from it, but part of greater progress.

Just like any other grouping or community in society, as time passes circumstances change, and issues arise that we cannot foresee this evening. However, and I speak as a member of a party that views equality as a core value, we must endeavour to work for and with the people, particularly those who have the greatest interest in the convention, and commit here to never prolong a process of acknowledging human rights as long as we have these rights.

I commend the Minister of State on this move and I commend those such as Senator John Dolan and my colleague, Deputy Caoimhghín Ó Caoláin, who have been working on this for a long time, as well as all the organisations. In addition to recognising the significance of this development, legislatively, actions speak louder than words and if we are to be true to our word, and if the Minister of State is to be true to his speech and the fine sentiments expressed in it, we have to ensure the outstanding issues are addressed. The Disability (Miscellaneous Provisions) Bill is still outstanding. Over 12 months ago, the Dáil was led to understand its passing was required for ratification but perhaps this is not the case. In any event, it is significant legislation with a great deal involved in it, particularly in terms of changes to Ireland's laws on voting, membership of juries and a number of other important civil rights. These issues need to be addressed.

I also cite the issue of the decision support service. The Assisted Decision-Making (Capacity) Act was enacted approximately three years ago, but when representatives of the Department of Justice and Equality who came before the Oireachtas justice committee recently were asked about when it was expected to commence, a Department representative stated it would be ambitious if it were to be achieved even within this year. This is quite a delay to 2015 legislation. It is a very important service and needs to be prioritised and worked towards.

There are a number of other issues to which Deputy O'Reilly alluded. We cannot allow for derogations or reservations. We should pursue ratification in its fullest form and monitoring must include people with disabilities. Mar a dúirt mé, tá sé cuid mhaith déanach i ndáiríre go bhfuil sé seo ag tarlú 11 bhliain ó shínigh an Stát an coinbhinsiún. Más maith is mithid, áfach, agus is rud luachmhar é seo. Iarraim ar an Aire Stáit a chinntiú go leanann sé lena bheith sa tóir ar an ábhar seo. Ná déan ach an coinbhinsiún a dhaingniú ach déan cinnte go n-aithneofar cearta dhaoine atá faoi mhíchumais agus go ndéanfaidh an Stát beart de réir a bhriathar.

Deputy Sean Sherlock: We absolutely and utterly support the resolution before us and we welcome this final step of the ratification of the UN Convention on the Rights of Persons with Disabilities. I do not wish to sound a discordant note on this, but I do not feel there is a strong sense of history about this moment because there was an opportunity here for the Minister of State to outline some vision for the legislation that will be required to give force to this ratification. Like previous speakers, I wish to state the Disabilities (Miscellaneous Provisions) Bill, which we know passed Second Stage last February and is now stuck on Committee Stage, is long overdue and needs to be brought into law and made a reality. Already we have disabled people speaking to us, and I will quote from an email I received today, which stated that while the Government is trying to create a smokescreen to make itself look good, people with disabilities are struggling just to exist in an Ireland that makes no room for them. The email states that the members of this Government are trying to pretend that when they move on, they will have left a legacy of equal treatment of people with disabilities, that the latter continue to be denied liberties and rights that everyone else enjoys and that this is why, as well as ratifying the convention, the Government needs to legislate against the deprivation of liberty in order that there can be real change in how people with disabilities are treated in this country.

Deputy David Cullinane: Deputy Sherlock's party had a chance to do it.

Deputy Sean Sherlock: Tonight, there will be people feeling that there is still a long way to go. I read carefully the statement of Senator John Dolan, somebody who I think we all look towards as a thought leader in this field and from whom we have all sought guidance in recognising the challenges for persons with disabilities. I do not wish to misinterpret what the Senator said. It is probably unusual to quote a Senator's words in this House but I feel the need to do so. He stated:

I must also stress that the disabled people of Ireland and their families will only experience the benefits of the Convention if the implementation phase of this Convention is fully and effectively implemented. And this implementation is entirely the responsibility of government.

That is a carefully couched statement and a very positive way of saying that there is a long way to go before we can feel that we have given true meaning to the ratification of this UN convention. The Senator went on to say:

The UN CRPD simply seeks to ensure that people with disabilities experience their rights. Ireland is a party to the "Universal Declaration of Human Rights, UN, 1948". There are a range of fundamental rights in Bunreacht na hÉireann. Rights related to the person, family, children, education, etc.

The outworking of this is simple. To a large extent, it is a resource issue. As Members of this House, we all put parliamentary questions to the Ministers at the Department of Health. I recently tabled a question to the Minister of State, Deputy Finian McGrath, regarding "the number of children under 18 years of age awaiting an assessment of need under early intervention in County Cork; the waiting time before assessments will be carried out; and the number of staff needed to ensure that all assessments are carried out". I have figures before me showing the number of children under the age of 18 who were on the waiting list for a first-time assessment up to December 2017. I will highlight one element of that. There are 5,182 children aged between five years and 17 years and 11 months who have been waiting for longer than 52 weeks.

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How can we deal with the issue of assessment of needs? I was hoping for something in the Minister of State's speech about the vision for the deployment of resources to give true meaning to the convention but I did not hear it. Perhaps we need to discuss that issue further. In my constituency, there is a three year old child who has been waiting for a specialised wheelchair since last August. I know I am putting hard cases forward here, but these are the people we are talking about. This concerns the person who emailed us about her view, as a person with disabilities, on the Government's ratification of the UN convention and the absence of the legislation we are awaiting. It concerns the mother and father of the three year old child. That is a well-publicised case. The child's name is Adam King. We are told that the Government will spend billions on a new national plan. Ordinary people who are waiting for wheelchairs are asking me where is the money for their requirements. They ask when they will get their assessment of needs. Why is it that their son or daughter has been waiting more than 52 weeks for an assessment of needs?

We need to start joining the dots, if we are out of the recession and there is now money in the kitty. The Minister of State has indicated that he has secured extra funding for respite care. He refers to the fact that €1.76 billion has been allocated by the Department of Health for disability services in 2018 and notes that this is a 4.4% increase on 2017. Fair play to the Minister of State. He is doing his job in standing up for his Department and his set of responsibilities. However, the reality is that when we look at how that increase manifests itself, we do not see evidence of delivery of services. Something is happening within the system. It is not delivering for people who have legitimate expectations.

I am hopeful that we can have a greater interrogation of what the ratification of the UN-CRPD will mean. I hope that we can have a greater interrogation of what the Government amendments to the Disabilities (Miscellaneous Provisions) Bill 2016 will actually be, and the real outcomes of those for people who are struggling as we speak. Notwithstanding all of that, we very much welcome the motion. However, we need to see it buttressed through legislation. We need to see it sooner rather than later.

Deputy Gino Kenny: I would like to welcome everybody in the Gallery. It is always good to see people there. I cautiously welcome the motion, which will allow us to finally ratify the UNCRPD after a long and arduous battle. I sincerely hope that the political will to address the human rights of people with disabilities, which has been absent for a very long time, will emerge in a real and meaningful way. I urge the Government to agree to sign up to the UNCRPD optional protocol as an indication of its commitment to the right of people with disabilities to complain to the UN about issues in respect of which the State may be in breach in the context of the UNCRPD. This will also provide an important advocacy tool for people concerned about violations of their rights.

I pay tribute to the many disability activists who have fought with courage and determination to get us to this point. I particularly want to remember and acknowledge the work of disability activists who are no longer with us. I refer to people like Mr. Martin Naughton, Mr. Donal Toolan and Mr. John Doyle, who participated in many campaigns that sought to win full and equal enjoyment of all human rights and fundamental freedoms for all persons with disabilities. They challenged us to understand disability as a human rights issue. Finally ratifying the UNCRPD will be a lasting tribute to their work.

It is shocking that it has taken so long to get to this point. Many people with disabilities have suffered as a result. The motion to ratify without having made the necessary legislative

amendments highlights the misleading and untrue nature of the statements that the Government has presented year after year as an excuse for not ratifying the convention. It worries me that the legislative amendments have still not been made, and I am concerned about the barriers this will present to full compliance with the UNCRPD. However, I believe that an explanation and an apology should be offered to people with disabilities for using this excuse as a delay of ratification, when in fact ratification could have proceeded a long time ago.

As Ireland is the last EU member state to ratify the UNCRPD, the Government has a lot of work to do to introduce the range of measures needed to ensure that people with disabilities have full and equal rights to participate in society as all other citizens do. Once Ireland has ratified the UNCRPD, quite correctly, we will be monitored and examined by the UN. We should immediately take on board the lessons of our closest neighbour, the UK, in terms of its performance in regard to the UNCRPD.

A report published in 2016 by the UN Committee on the Rights of Persons with Disabilities found that Britain's austerity policies "systematically violated" the rights of disabled people. In this country, successive Governments' policies of austerity disproportionately affected people with disabilities, many of whom were already living on incomes below the poverty threshold. With cuts to vital services, independence payments, independent living funds, respite care grants, education supports and transport, many people with disabilities, who also experience higher levels of unemployment, are now living in far worse positions than they ever were. Poverty and the rate of consistent poverty among people with disabilities have increased.

In conclusion, I call on the Government to publish, as a matter of urgency, a clear deadline for the completion of all remaining areas of law which remain as legislative barriers to full ratification of the UNCRPD.

Deputy Paul Murphy: I compliment and pay tribute to the campaigners for disability rights who have fought for 11 years for the ratification of the UN Convention of the Rights of Persons with Disabilities. We are here today because of their actions and their struggle in putting pressure on successive Governments since 2007, eventually dragging the Irish State to be the final state in the EU to ratify.

As Deputy Gino Kenny mentioned, we should remember that we were told the Disability (Miscellaneous Provisions) Bill 2016 was required for there to be progress on ratification. That Bill has not been fully passed through the Houses, yet here we are, despite what the Government said, ratifying the UNCRPD. I think this is because the eleventh anniversary of the convention going by this month would have proved to be one embarrassment too many for the Government because of the pressure from the outside. More ferocious pressure would have been brought to bear, so it was forced to say, "Okay, we will ratify it". However, we should remember the answers given by this and previous Governments when the Opposition asked, again and again, why it would not ratify. Effectively, they said they did not want to ratify it before they were in a position to give effect to the rights. The Government has now been forced to ratify it without giving effect to the rights but, in turn, that gives a weapon, in a sense, to those campaigners for disability rights to use and to say to the Government, "Now we want our rights as outlined in the convention". That is an important step forward for campaigners.

This links to broader points about the struggle of oppressed groups in recent years to seek recognition and rights, in particular rights to access services in society in general. We have seen inspirational struggles for recognition from the Traveller community, winning the recognition

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of ethnicity and culture a year ago tomorrow. We have seen trans people winning the ability to be recognised as their true gender, the LGBTQ+ community winning the right to marry if they wish and the deaf community winning recognition of their language, Irish Sign Language. Today, we see the Government finally ratifying the UNCRPD. In all of those cases, the rights were won. They were fought for and only given under pressure, not handed down by the political establishment without significant resistance. It is understood by activists from all of those different communities that, over the past 11 years, Fianna Fáil, the PDs, the Green Party, the Labour Party, Fine Gael and various Independents have all been in power and have resisted ratification for many given reasons and excuses.

The UNCRPD puts forward a rights-based approach for the 600,000 people with disabilities in this State. Those with disabilities deserve to be fully part of society as a right and play an active role in our workplaces, communities, sports clubs, schools and colleges. It is society that must now cater for the needs that different people have. I know that those who fought for the past 11 years for this convention to be ratified know that winning rights on paper means little if they are not backed up by adequate resources, for example, the right to the highest attainable standard of health when there is a right-wing Government making cuts to disability services and to the health service.

Deputy Finian McGrath: Not true.

Deputy Paul Murphy: There is a right to fully take part in the workplace on an equal basis but it is still the case that only 31% of people with disabilities of working age are in employment. The rights have to be resourced by the Government. A big part of that is the question of overturning the cuts that were implemented over the course of the crisis. Some of the most shameful acts done by any Government in history of the State are those done by the last Fine Gael-Labour Government. There are too many to list but some of them were as follows: a 9.4% cut in disability services between 2008 and 2015; the drastic decline in disposable income for those with disabilities of almost 10% between 2010 and 2015; and the disability allowance remaining at a very low level. The consequence is 132,000 people with disabilities living in consistent poverty, a rate of 22%, rising from 14% over just five years.

We need to see action. We need to see legislative action and the implementation and full commencement of the Act in regard to what are currently termed wards of court. We need action on the Assisted Decision-Making (Capacity) Act and the full passage of the Disability (Miscellaneous Provisions) Bill. We need to see an advisory committee which is representative of all persons with disability and comprises a majority of persons with disability to support the Irish Human Rights and Equality Commission in monitoring the UNCRPD. We need to see a legislative timetable because waiting 11 years for this is too long and people do not want to have to wait 11 years for everything else that is meant to be coming down the line.

Fundamentally, as a socialist, I think of the treatment of disabled people as falling into the wider context of how capitalism operates. It is an economic system based on the prioritisation of profit above everything else. It is not a system that is inclusive of minority communities with particular needs. We need a society where decisions are not based on profit but, instead, where people's needs, in all the different ways that different people have different needs, come to the fore.

An Leas-Cheann Comhairle: I call Deputy Thomas Pringle, who is sharing time with Deputy Thomas Broughan.

Deputy Thomas Pringle: I am not sure if this day is a cause for celebration or for criticism of the Government's record to date on the ratification of the UNCRPD because, while we celebrate the ratification of the convention, we are standing here 11 years on since Ireland became a signatory. While I welcome ratification, in my opinion, today should constitute an opportunity for the Government to make an official apology for the undue delay that, no doubt, has caused so much distress to people with disabilities. Last year, I spoke of a local disability activist from Donegal, Frank Larkin, during Leaders' Questions, and I read out to then Taoiseach, Deputy Enda Kenny, his account of the difficulties and frustrations he faced waiting for ratification. People with disabilities deserve nothing less than a sincere apology and explanation from the Government today, alongside a firm commitment to the timely implementation of necessary legislation bringing Ireland in line with the articles of the convention.

While I acknowledge the work the Minister of State, Deputy Finian McGrath, has done and his sincerity in regard to today's announcement, it is vital to recognise that this is only the start of the process rather than the end. Ratification without sufficient resources and without full legislative implementation will threaten its progress and the benefits it is to provide for people with disabilities.

I want to welcome Inclusion Ireland to the Visitors Gallery and thank it for its assistance. In the remainder of my time, I would like to discuss two aspects of the ratification process. First, on the issue of sufficient resourcing to allow for the full implementation of the convention, I hope the Government stands here today not only to announce the ratification but to give a firm commitment to allocate sufficient funding and resources necessary to see it through. Until this is done, I do not believe the Government will have anything to be proud of today, certainly not after 11 years of waiting. Ratification needs a disability inclusion focus across the budgetary process, including commitments made in budget 2018 which have yet to be realised and throughout the budgetary process for budget 2019.

In terms of resources, the Government has yet to set up an advisory committee with people with disabilities to support the Irish Human Rights and Equality Commission, IHREC, in monitoring the implementation of UN Convention on the Rights of Persons with Disabilities, UNCRPD. This function will also require sufficient resourcing and funding to enable them to carry out their work. It will be a measure of the Government's commitment to ensuring this process will continue. The significant role of people with disabilities in the monitoring and evaluation process of the UNCRPD cannot be understated. It is not just vital but rather a requirement in the UN convention, and therefore funding must be ring-fenced for this and the various other functions to ensure compliance. Today is an opportunity for the Minister of State to outline to the people how those with lived experience will be resourced and facilitated to play a crucial role in monitoring the implementation of the convention in Ireland and that they will continue to be key constituents in monitoring of the convention into the future.

A major issue obstructing the ratification progress is the outstanding legislative provisions needed to see Ireland's full adherence to the convention. Looking closely, it is shocking to see just how far behind we are in the ratification process despite the announcement today. Most of the so-called "roadmap to ratification" requirements are still outstanding three years later. It appears we have quite an extensive list of breaches to the convention in current legislation and outstanding legislation is required to bring Ireland in line with articles of the convention. Examples of current breaches include elements of recent Bills dealing with sexual offences and assisted decision-making, as well as the wards of court mechanism and the lack of funding for

the decision support service. Outstanding legislation includes the Disability (Miscellaneous Provisions) Bill, which I spoke on over a year ago but has not yet been enacted. That relates to Article 5 of the convention. Legislation relating to deprivation of liberty safeguards is only at the heads stage, and it is required for Article 14 compliance.

The overall picture presents us with a strange dichotomy. On the one hand we have the Government announcing Ireland's ratification of the convention but, on the other, it has failed to carry out the necessary requirements for Ireland's adherence to its articles. This means that Ireland has been told a lie for 11 years, with the usual Government spiel that it could not possibly ratify upon signing the convention because our legislation was not in order. Here we stand today with our legislation still not in order, yet we are claiming victory for ratification. I understand why the Minister has done this but this will require further observance so we follow through. Why did we not ratify 11 years ago and use this as motivation for the Government to get the legislative requirements pushed forward on a timely basis? This may have at least given the Government a bit of a kick in getting its act together in this regard. This Government needs to start being honest with itself and with people with disabilities. We need commitments today, not a masked public relations stunt that could endanger the momentum for legislative change.

Deputy Thomas P. Broughan: I warmly welcome the ratification, at long last, of the United Nations Convention on the Rights of Persons with Disabilities. The Minister of State referred to a number of important developments, including the national disability inclusion strategy and the 100 measurable and time-specific actions to deliver it. I wonder if he could report to the Dáil on what has been achieved. The Minister of State also referred to the living in the community and time to move on programmes, as well as personalised budgets, which are crucial initiatives that need massive funding support from the Government. I wonder what steps have been taken to achieve that also. For example, as a member of the budget oversight committee, I have with other Deputies expressed the view that the health and disability budget is at least €800 million to €1 billion short of what is needed to implement basic programmes. This is the Minister of State's area of responsibility, as is the delivery of the UNCRPD.

Last November, the Minister of State told me:

It is essential that the State is in a position to meet the obligations that it assumes under the terms of an international agreement from the moment of its entry into force for Ireland. Before the State can ratify the Convention on the Rights of Persons with Disabilities, enactment of new legislation and amendment of existing legislation is required to ensure obligations will be met upon entry into force for Ireland.

Unfortunately, this has been the excuse since 2007, which the Minister of State has continued for the past two years in justifying the unpardonable delay in ratifying this important convention. It leaves us in the shameful position of being the last country to do it. Although I warmly welcome the ratification, the reality is that we are ratifying the convention without the necessary legislation and those amendments, referred to by the Minister of State, Deputy Finian McGrath, being enacted. Some advocates in the disability area have referred to the motion as being therefore hollow. The ratification is crucial and welcome but it is disrespectful to those who have advocated for this that the necessary legislative changes have been consistently delayed. For example, the Disability (Miscellaneous Provisions) Bill 2016 should be finally enacted by August 2018 and the deprivation of liberties legislation should be enacted by the end of 2018, according to the Minister of State. Additionally, he said the decision support service should be operational in 2019 but he gave us no timeframe in that regard. Perhaps he will

come back to us in his response. The Minister of State also said the Assisted Decision Making (Capacity) Act 2015 is expected to be fully commenced by January 2019. All these must be implemented. It is critical that we have full information and that the Government brings forward these measures.

I am proud to be a member of the informal Oireachtas disability committee group, chaired outstandingly by Senator John Dolan. I commend my colleague, Senator Dolan, and other disability advocates who have worked tirelessly for the rights of persons with disabilities, including on the adoption of this convention at long last. As I mentioned, the budget for disability services was slashed by €160 million or 10%, as the Minister of State knows well, between 2008 and 2015. The total expenditure was partially restored to €1.66 billion in 2017 and, as the Minister of State noted, €1.76 billion in 2018, and he seems to have only secured €25 million for additional services in 2018. We must remember that the profound damage done to citizens with disabilities and their families by the crash is deeply apparent in continuing cutbacks in services in all areas of disability, including independent living.

The Minister of State and I represent the same constituency and every week we hear from constituents who are either persons with disabilities or who care for a family member, including raising a child, with a disability. The barriers to services they face are never-ending. The Minister of State knows I have made many representations, for example, on behalf of parents of young children awaiting diagnosis and assessment or older school leavers who are unsure if they will have access to daily placement. Those young children are not vindicating their rights under the Disability Act 2005, which stipulates a three-month waiting and operational time.

The motion before us today makes no mention of the UNCRPD's optional protocol, which Ireland had indicated that we would also be ratifying. The protocol would allow for groups or persons to take a complaint to the UN Committee on the Rights of Persons with Disabilities. Will the Minister of State outline the policy in that regard? Inclusion Ireland and other advocates have asked that the advisory committee to be established should consist of a majority of people who have experience of various aspects of disability, as per Malta's advisory committee. That is very important so will the Minister of State confirm that this will be done by the Government. With those caveats I am delighted to support, at long last, the ratification of this convention.

Deputy Michael Harty: I wish to share time with Deputy Mattie McGrath. I welcome the process of starting full ratification - I emphasise the word "starting" - and although it is behind time, it is nevertheless welcome. This is an important milestone for those advocating for the rights as outlined in the convention but we still have some distance to go before we have full ratification. The delay of 12 years has been distressing and I hope the process is finally coming to an end for those people with disabilities. I note the Government committed to ratifying the convention by the end of 2016 but here we are in March 2018 starting the process. The Minister of State is nevertheless to be commended for the efforts put in.

Legislation is required for complete ratification and the Government will enter a number of declarations and reservations to give time and space to allow the legislation to be enacted. It is vital that the necessary pieces of legislation are enacted and commenced as rapidly as possible. The Government will enter three declarations and reservations. One concerns Article 12, relating to legal capacity and decision-making rights; another relates to Article 14, covering liberty and the deprivation of liberty; and the third concerns Article 27, dealing with employment. A number of pieces of legislation need to be enacted, with the first being the Disability

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(Miscellaneous Provisions) Bill 2016, which is to be enacted by the end of 2018. I hope that deadline will be met. Second, the Assisted Decision-Making (Capacity) Act 2015 needs to be fully commenced and I urge the Minister of State to do so as rapidly as possible. The system of wardship needs to be abolished to ensure compliance with this Act. Third, the decision support service, based in the Mental Health Commission, needs to be operational as soon as possible. While the service is currently being developed and it has been allocated a budget of €3 million, the Minister of State has not outlined any timeline for its commencement.

The purpose of the United Nations Convention on the Rights of Persons with Disabilities is to promote, protect and ensure equal enjoyment of all human rights and fundamental freedoms and respect for human dignity. Ratification will mean nothing if people with disabilities are not given practical solutions to their problems. People with disabilities live in poverty and a whole-of-Government approach is required to address their problems. They are deprived of equal opportunity in regard to education and employment. Ratification without recognition of all these challenges and addressing these challenges will not improve the plight of persons with disabilities. Rather, a cross-departmental approach to health, housing, independent living, personal assistants, transport, education, social protection, is required to ensure the rights of persons with disabilities are upheld.

While ratification of this convention and legislation are necessary, funding and a fundamental change in the culture and attitude towards people with disabilities are also required. We need to disability-proof our services. If we do this, our services will be suitable for every member of society, not only those with disabilities. I urge the Minister of State to progress the necessary legislation as soon as possible. The Joint Committees on Health, Education and Skills and Employment Affairs and Social Protection propose to come together to develop a strategy to help people with disabilities transition from education to employment. This is very important because often there is a huge gap between the time when people leave education and transition to employment. If these three committees can devise a strategy to ensure a smooth transition of people with disabilities from education to employment it will be very important. I hope that the Minister of State will pay attention to the findings of those committees.

Deputy Michael Collins: I welcome that the Government is this evening commencing the process of ratifying the United Nations Convention on the Rights of Persons with Disabilities. Ireland is the last state in the EU to do so, despite having signed the framework document in 2007. My Independent colleagues and I will support the Government in ratifying this convention but I would like to know how people with disabilities will benefit from its ratification. Despite the efforts of the Minister of State to change attitudes, people with disabilities are, in many ways, still treated poorly. For example, for the past two years people with disabilities aged over 18 in west Cork have been unable to access transport to the organisations they need to attend daily. That is a sad reflection on society. As I said, I would like to know if, following ratification of this convention, these people will be provided with transport from their homes to their services, as was the case prior to them turning 18 years of age. I have been raising this issue for some time. I have sought a meeting with the HSE but nobody will sit down with me in west Cork to discuss how we can resolve this issue. I am willing to work with others to resolve it but there is a particular gentleman in the HSE, who obviously is being paid by the State, who refuses continually to meet me and the people who are suffering because their parents are elderly and they are no longer able to make the six or seven hour journey to take them to and from their daily services. It is outrageous. This issue needs to be resolved.

I hope that ratification of this convention will help people with disabilities. I will be moni-

toring this process to ensure that it does.

Deputy Mattie McGrath: I, too, welcome that we have commenced the process of ratifying the United Nations Convention on the Rights of Persons with Disabilities, which we first committed to ratify in 2007 when the Minister of State, Deputy Finian McGrath, was on this side of the House. I take this opportunity to commend the disability groups and, in particular, Senator John Dolan, on the work they have done over many decades to bring us to this point. The Minister of State has given a commitment that parts of it will be implemented by the end of 2018 but I hope that it will be implemented in full. Articles 12 and 14, as referred to by Deputy Harty, are very important. To deny any person liberty or to restrict people in any way is not right or fair but to do this to a disabled person is particularly unfair. I welcome the disabilities groups who are in the Visitors Gallery, some of whom I met earlier around the House.

We will be monitoring every step of this process. While it is too little too late hopefully it will be of some benefit. The support group, Every Life Counts, has warmly welcomed the submission of the UN Committee on the Rights of Persons with Disabilities, CRPD, which states that allowing abortion on disability grounds violates the UN Convention on the Rights of Persons with Disabilities. Ms Tracy Harkin of Every Life Counts said that parents were very pleased that the UN committee had also rejected the “incompatible with life” label, which she said has been used to dehumanise and discriminate against babies with a severe disability. In 2015, I travelled with Every Life Counts to the UN in Geneva, where we asked that this label be recognised as a form of discrimination that was undermining the humanity of babies and misleading parents. We are delighted that the Committee on the Rights of Persons with Disabilities has rejected the “incompatible with life” label. The HSE has also sought to dissuade the use of this term. While some sectors have adhered to this, I was shocked to hear many of the so-called experts who appeared before the Joint Committee on the Eighth Amendment of the Constitution still using it. Even after I challenged them on it, and pointed out to them that the HSE no longer uses that term, they continued to use it. It is highly insulting to people. There are many other areas wherein people with disabilities are left behind. As stated by Deputy Michael Collins, they find it very hard to engage with particular sections of the HSE and that is not acceptable.

I welcome this move. It is long overdue. I again thank the Disabilities Federation of Ireland and Senator Dolan for their hard work in campaigning for the ratification of this convention.

An Leas-Cheann Comhairle: Before I call Deputy Shortall, I remind Deputies that debate on this motion is to conclude at 8.10 p.m.. As I am required to call the Minister of State to respond to the debate at 8.05 p.m. and there are a number of groupings yet to contribute, I respectfully suggest that to ensure everybody gets an opportunity to speak those who have a ten minute slot might consider taking only five minutes. Will Deputy Shortfall accept five minutes?

Deputy Róisín Shortall: I am representing the last group.

An Leas-Cheann Comhairle: If the Deputy wants ten minutes, I cannot do anything about that. I also cannot change the order.

Deputy Róisín Shortall: Every other grouping has had ten minutes.

An Leas-Cheann Comhairle: Yes, but there were a number of speakers in each of those groups.

Deputy Róisín Shortall: I will try to not take up all of my ten minutes.

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An Leas-Cheann Comhairle: That is fine but I remind the House that I will be calling the Minister of State at 8.05 p.m..

Deputy Róisín Shortall: It has taken far too long to reach this point. I have a clear recollection of the Minister of State, Deputy Finian McGrath, on announcing that he would be joining the new Government saying that he had a commitment from Deputy Frances Fitzgerald and the Government that the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD, would be ratified within six months. It is now two years since that election, two additional unnecessary years where Ireland continued to not be a society of equals for people with disabilities.

Of course, this unfair treatment of disabled people is not unique to Ireland but is, rather, a deep-rooted problem on a global scale. Twelve years ago, the United Nations agreed on global action in the form of the UNCRPD. Ireland took a leadership position when it signed the convention on the earliest possible date in 2007 but the State has regressed in the intervening years. The recession and the austerity measures introduced since the signing of the convention have been especially and disproportionately severe in their impact on people with disabilities and their families. This was a very short-sighted approach, as well as being completely unjust. Long-term problems relating to a deterioration in conditions and a reduction in the quality of life of people with disabilities are simply being stored up for the future. Ultimately, these problems will impact negatively on individual lives and on public spending in the future, especially in circumstances where disabled children and young people are affected. From the perspective of both basic fairness and financial considerations, it makes more sense to invest in services now rather than dealing with more complex and costly conditions down the road.

The 13% of Irish people who have disabilities and-or mental health difficulties are at significantly greater risk than non-disabled people of experiencing poverty, social exclusion, unemployment and a lack of opportunity in the context of education, training and retraining. It is inexcusable that key legislation to address these issues has been delayed and sidelined for so long. That speaks volumes for this Government's attitude to the most marginalised in Irish society.

Despite ratification, I am concerned that a number of key policy issues are being side-stepped. The Centre for Disability Law and Policy at NUI Galway has highlighted a number of these issues. First, there are a number of declarations and reservations being made as part of this process. It is hugely disappointing that people with disabilities in Ireland will not have the full protection of Article 12 on legal capacity in decision-making, Article 14 on the deprivation of liberty and Article 27 on employment. Ideally, these reservations would not be necessary but if they are to be included, it is incumbent on the Minister of State to ensure that they are not unduly onerous. Second, the Disability (Miscellaneous Provisions) Bill 2016, which is earmarked as necessary for the ratification of the UNCRPD, has still not progressed through Committee Stage in the Dáil. It was last debated over a year ago. This Bill will see important changes to Ireland's laws, including on voting, membership of juries and issues relating to the deprivation of liberty. Third, Article 33 of the convention requires that people with disabilities are involved in the monitoring processes for the implementation of the convention. While the Government has identified IHREC and the National Disability Authority in the roadmap to ratification and the Disability (Miscellaneous Provisions) Bill 2016 as part of the monitoring mechanism for the convention, it has not outlined how people with disabilities will be involved in this process.

The ratification of the convention is, in reality, only the beginning of the process. The con-

vention maps out a very wide-ranging set of requirements along with measurable implementation mechanisms. The aim of these is to improve the lives of people with disabilities across the whole of society, including in the context of economic life, social life, political involvement, independent living in the community, transport, housing and many other policy areas. These plans were developed in consultation with the global movement of people with disabilities, including Irish representatives. I ask the Minister of State to produce a detailed, grounded plan for the establishment of the promised advisory committee of disabled people to support the IHREC in monitoring the convention. This committee must be established, resourced and given training and other supports. It is imperative that this committee be representative of all persons with a disability and comprised of a majority of disabled people as called for by Inclusion Ireland. In addition, the Minister for Health must publish a timetable for all key legislative reform that is included in the roadmap to ratification with specific deadlines for all outstanding matters. There can be no more slippage in terms of timeframes.

Inclusion Ireland has called for a commitment from Government that all information relating to and consultations pertaining to the convention are produced in accessible and easy-to-read format. It has also asked that advice from the Attorney General be sought and published into the conflict between private property rights and reasonable accommodation. It further calls on the Government to commit to establishing the decision support service in 2018. Inclusion Ireland is also seeking an explanation - and, if necessary, an apology - for the 11-year delay in the ratification of the convention. We have not had that explanation or apology to date. Finally, adequate consultation on deprivation of liberty safeguards should take place and a continued commitment to non-institutionalised models of living and community inclusion should be made.

While the convention is aspirational, it can act as a roadmap for some very practical steps the Minister of State could take that would have a real impact on the lives of people with disabilities in the short term. The Social Democrats have previously called on the Minister of State to take a number of key actions. First, he should ensure that personal assistants and other individualised social care services are restored and improved so that the policy of independent living can be honoured. Second, he must remove the barriers to disabled people entering or remaining within the paid work force such as inadequate educational provision, continuing benefit traps as well as discriminatory access rules and attitudes. Third, he must recognise the extra costs of living for disabled people and help them to stay out of poverty through a specific cost of living disability payment, as has been promised but not delivered. These are actions to which the Minister of State could commit now which would make a real impact on the lives of people with disabilities and give some real practical weight to the ratification of the convention.

In the roadmap to ratification report from the Department of Justice and Equality in 2015, an explicit commitment was given to the Irish State signing the optional protocol that would allow for individual complaints to be submitted directly to the UNCRPD committee by individuals and groups of individuals, or by a third party on behalf of individuals and groups of individuals, alleging that their rights have been violated under the UNCRPD. The report states that we “intend to sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities at the same time as the Convention itself is being ratified”. I ask the Minister of State to provide an assurance that this protocol will be signed as part of the ratification process to ensure maximum protection for people with disabilities.

I pay tribute to all of those individuals and organisations that have been campaigning in this area for many years and seeking the ratification of the convention. I particularly want to note the very significant contribution of Senator John Dolan.

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An Leas-Cheann Comhairle: We have only saved half a minute. I am afraid some Deputies will be disappointed but they should not point a finger at me. Deputy Peter Fitzpatrick is next and I understand that he is willing to share time with a constituency colleague.

Deputy Peter Fitzpatrick: I will be as quick as I can and any time remaining in my slot will be used by Deputy Breathnach.

The UNCRPD was adopted by the UN General Assembly in December 2006 and entered into force in May 2008. Ireland became a signatory to the convention in March 2007. The then Fine Gael-Labour Party Government published a roadmap in 2015 which set out the legislative measures needed to meet the requirements of the convention along with declarations and reservations to be entered by Ireland on ratification. The Government authorised the ratification of the convention on 30 January 2018.

The purpose of the UNCRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity. There are 175 parties to the convention, including all other EU member states. Ireland is the final EU member state to ratify the convention. If Ireland ratifies the convention, the convention will enter into force for Ireland 30 days following the deposit of its instrument of ratification.

The convention is an international agreement which involves a charge upon public funds within the meaning of Article 29.5.2° of the Constitution. This means that its terms must be approved by Dáil Éireann prior to ratification. It is intended that the final legislative amendments needed to enable Ireland to comply with the convention will be contained in the Disability (Miscellaneous Provisions) Bill 2016 and in a stand-alone Bill on deprivation of liberty to be sponsored by the Minister for Health or the Minister of State for enactment by the end of 2018. The Bill on deprivation of liberty is required in order that appropriate legal safeguards are provided in respect of Article 14 of the convention, which deals with liberty and security of persons. The Assisted Decision-Making (Capacity) Act 2015 also needs to be fully commenced. That Act repeals the key legislation, which is inconsistent with the convention, namely, the Lunacy Regulation (Ireland) Act 1871 and the Marriage of Lunatics Act 1811. These Acts provide the legislative basis for the system of wardship, which needs to be abolished in order for Ireland to be compliant with the convention. The commencement of the 2015 Act is dependent on the decision support services based within the Mental Health Commission becoming operational.

In the decision of 30 January, the Government agreed that a number of reservations and-or declarations would be made at the time of ratification. It is proposed that Ireland will enter the following reservations or declarations at the time of ratification. On Article 12, Ireland recognises that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Ireland declares its understanding that the convention permits supported and substituted decision making arrangements which provide for decisions to be made on behalf of a person, where such arrangements are necessary, in accordance with the law and subject to appropriate and effective safeguards. To the extent that Article 12 may be interpreted as requiring the elimination of all substitute decision making arrangements, Ireland reserves the right to permit such arrangements in appropriate circumstances and subject to appropriate and effective safeguards.

On Articles 12 and 14, Ireland recognises that all persons with disabilities enjoy the right to liberty and security of person, and a right to respect for physical and mental integrity on an

equal basis with others. Furthermore, Ireland declares its understanding that the convention allows for compulsory care or treatment of persons, including measures to treat mental disorders, where circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards.

In its reservation on Article 27(1), Ireland accepts the provisions of the convention, subject to the understanding that none of its obligations relating to equal treatment in employment and occupation shall apply to the admission into or service in any of the Defence Forces, An Garda Síochána, the Prison Service, the fire brigade, the Irish Coastguard and the ambulance service.

The Disability (Miscellaneous Provisions) Bill 2016 addresses a range of legislative barriers to ratification which were not addressed separately in other legislation, mainly in the Assisted Decision-Making (Capacity) Act 2015. The opportunity is also being taken to progress a number of other miscellaneous amendments to equality and disability legislation. The Bill was published in December 2016 and completed Second Stage in February 2017. A range of amendments are scheduled to be brought forward on Committee Stage, most of which are technical in nature.

The deprivation of liberty provisions will set out a legal process which will aim to ensure that individuals are not unlawfully deprived of their liberty. The provisions are intended to provide safeguards for older people and persons with a disability who are living in or are to be admitted to a relevant facility, where they are or will be under continuous supervision and control and will not be free to leave, and where there is reason to believe that they lack the capacity to make a decision to live in the relevant facility. It is intended that these safeguards will also apply to persons in mental health facilities with mental health issues who are not suffering from a mental disorder and therefore cannot be involuntarily detained under the Mental Health Act 2001. The Government approved the publication of draft heads of a Bill on deprivation of liberty for public consultation at a Cabinet meeting on 5 December 2017. Following that, the Minister for Health, Deputy Simon Harris, and the Minister of State with responsibility for disability issues, Deputy Finian McGrath, announced the opening of a public consultation on the draft provision on 8 December 2017 to run until 9 March 2018.

Acting Chairman (Deputy Eugene Murphy): There are three and a half minutes left and Deputies Fitzpatrick and Declan Breathnach are sharing time.

Deputy Declan Breathnach: There is no need to interrupt Deputy Fitzpatrick. I will wait for my turn.

Deputy Peter Fitzpatrick: Following the end of the public consultation on 9 March, the Department of Health will amend the draft heads of the Bill on deprivation of liberty as necessary, with a view to submitting them to Government in a stand-alone Bill for approval before the summer recess, followed by pre-legislative scrutiny, drafting of the Bill and enactment before the end of 2018. It should be noted that since the deprivation of liberty proposals will require the full operation of the Assisted Decision-Making (Capacity) Act 2015 and the decision support services, provisions cannot in any event be commenced until that service is fully up and running. In addition, the proposal will also have significant resource implications for court services, the Legal Aid Board and the health service. While it is not possible at the moment to provide an exact timeframe for the full commencement of the 2015 Act, and the establishment of the decision support services, every effort is under way to ensure that the decision support service has all the necessary capacity to open for business as soon as possible.

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Respite services in County Louth are at an all-time low. The rumour is that St. John of God in Drumcar is going to be closing very shortly. There will then be no respite services in County Louth. Tomorrow morning at 10 o'clock, all politicians in County Louth will be meeting Jude O'Neill from the HSE social care division for Louth. We will be discussing the future provision of HSE respite care services within County Louth. I hope we will be getting good news. As I said, we have been meeting families for the last number of years. In fairness, the Minister of State has also met people from County Louth. In Dundalk there is a turnkey house that is ready for people to move into straight away and I appeal to the Minister of State to give us good news tomorrow.

Deputy Declan Breathnach: I thank Deputy Fitzpatrick for giving me the opportunity to say a few words. I and my colleagues will be supporting the motion. On entering this House, one of my first discussions with the Ceann Comhairle was about the issue of disability and this Dáil championing it. I am glad at least to see that this convention is going to be passed.

I like to refer to people not as having disabilities, as I have said many times, but as having varying degrees of ability. This evening, I want to address what I see as one of the main first steps in recognising people's rights in the disability sector. Every county and health board area, collectively, should be instructed to compile a complete database of all those classified as having a disability. Local authorities and health boards should appoint an advocacy officer who would act as a one-stop shop for families seeking services for their loved ones, instead of being passed from Billy to Jack.

The second frustration I am experiencing alongside many disability organisations in my area, including the friends of people with disability group in Dundalk, is the lack of communication on issues such as service availability. On the prospect of independent living, the main focus appears to be on the decongregation of those with disabilities currently in institutions, while there is a failure to deliver to those who would like to live independently and prosper with proper service supports. Many of those who have elderly parents just want security and peace of mind going forward and to be assured that their loved ones will be looked after properly after their day.

The Minister of State will be aware that I and many of my colleagues, including Deputy Fitzpatrick, have been arguing for respite care in the county. With the suggestion that St. John of God might possibly close, we would only be left with the Maria Goretti Foundation in Cooley to offer that support. The real issue is respite, and centres around the need for properly planned and managed respite, to give families a real break. The provision of emergency respite is also key. Local authorities and housing bodies should be obliged to have a ten-year strategy in respect of the number of houses to be bought or constructed to cater for those with such needs. This should be based on an audit such as the one I mentioned at the outset.

There are many shortcomings in the delivery of services and some shocking reports from meetings I have attended. I will not go into them but I dealt with the case of a 40 year old person with a disability who was locked into a bus for four hours outside a house and his parents could not find him. That is only the tip of the iceberg in respect of the issues I am trying to address in my constituency. Signing this convention will do no good. It is not just about words; it is about action and giving people the proper services they deserve.

Deputy James Browne: This long overdue motion to ratify the UN convention is welcome. I commend my party colleagues, Deputies Margaret Murphy O'Mahony and Fiona O'Loughlin,

who have persistently called on the Government to ratify the convention. Ratification alone will not end the systemic discrimination that people with disabilities face day in, day out in this country nor will it lead to a short-term improvement in their lives. Access to respite services remains elusive for many, waiting lists for vital treatment continue to increase and barriers continue to impede people with disabilities from fully participating in our society. It is encouraging that the Government is starting to recognise the need to adopt a forward looking model of disability and to move away from the more paternalistic approach. However, as my party's spokesperson on mental health, it is deeply concerning that the Government's commitment may fall short of addressing the lack of rights for people with mental health disabilities. The UN convention sets out the need to avoid any unlawful arbitrary deprivation of liberty, and that the existence of a disability shall in no case justify a deprivation of liberty. However, the Government's roadmap to the convention noted an intended declaration on involuntary detention. Liberty and security of the person is one of the most precious rights to which everyone is entitled. Any declaration in respect of Article 14 of the convention brings into question the Government's commitment to improve services for people with mental health disabilities. The UN has made it crystal clear that any reservation to Article 14 is incompatible with the convention.

In September 2014, the UNCRPD committee stated:

It is contrary to Article 14 to allow for the detention of persons with disabilities based on the perceived danger of persons to themselves or to others. The involuntary detention of persons with disabilities based on presumptions of risk or dangerousness tied to disability labels is contrary to the right to liberty. For example, it is wrong to detain someone just because they are diagnosed with paranoid schizophrenia.

If the proposed declaration is made, questions need to be asked. Why are people with mental health disabilities being singled out? Why are they left behind consistently? Why is the Government keen to disrespect the rights of people with disabilities to equal physical and mental integrity?

In 2013, the international human rights organisation, Mental Disability Advocacy Center, published a legal opinion on Norway's declaration or reservation to the UN convention. It found that the reservation was incompatible with the "object and purpose" of the convention. However, the Government has signalled that it will make a declaration on involuntary detention similar to the situation in Norway.

There is no health without mental health and the ratification of the convention with an exclusion declaration on the rights of those with mental health illness will mean it is incomplete, partly incompatible with the convention and those with mental health disabilities will be sidelined. The Minister of State referred to certain reservations, declarations and notifications in his opening contribution. They were not clarified and, therefore, I ask that he clarifies each of them, explains why and how they are compatible with the convention and, in particular, addresses the issue of Article 14. I hope a declaration is not pursued in respect of the article, but if it is, clarification is very much needed.

Deputy Jack Chambers: Like previous speakers, I welcome and support the motion for Dáil approval. Ratification has been delayed but the Minister of State has tried to progress this, despite the delays. I also welcome the different disability groups in the Visitors Gallery and Senator John Dolan, who has put significant work into this issue. However, I am concerned about the pace at which we are undertaking this simple ratification. If compliance with the

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process mirrors what we have witnessed over the past year and a half, that does not give rise for hope, despite the positive change today because compliance with the convention is crucial. While I welcome many of the positive announcements in the Minister of State's contribution, he has mentioned reservations, declarations and working within the context of the domestic legal context, which means derogations, potential dilution and incomplete ratification. We should not speak about potential derogations at this stage; we should aspire to have Ireland as compliant as possible.

With regard to the Magdalen laundries redress scheme, officials from the Department of Justice and Equality appeared before the Joint Committee on Justice and Equality, of which I am a member, to discuss the delays in establishing it. They used the delay in the ratification of this convention as a means to justify people who needed to be made a ward of court not being paid. Some of them have passed away. They said the relevant capacity legislation will not be commenced or progressed until 2019. Even with ratification, it is fundamentally important that we have legislation, policy changes and progress.

Another example relates to people who need early intervention or diagnosis such as an occupational therapist or speech and language therapist appointment or an appointment with an allied health professional such as a psychologist. They have to wait years. It is important not to label people but some will develop morbidity and difficulties based on their diagnosis unless the State provides them with the republic of opportunity that is central to the programme for Government. UN ratification is an announcement, a step forward and a positive political measure but progress in this regard will be measured by compliance and ensuring every person with a disability gets the intervention they need in the republic of opportunity from the day they are born. People with global developmental delay and multiple disabilities are left lingering in our health and social care system without adequate support. It is important that there is progress in the years to come.

It is also important that the convention is not a panacea to ensuring we finally treat people with disabilities with the respect and dignity they deserve. Some face systemic discrimination daily and the cold snap experienced last week should crystallise this clearly in our minds as public transport services ground to a halt, roads became impassable and timetables went out the window upsetting their carefully planned routines. Public offices closed their doors and carers were unable to make their visits. All this disruption adversely affects those with disabilities more than other groups. I ask that Members be mindful of that in the context of ratification. As Deputy Breathnach said, there should be a full audit at local authority and departmental level to build an inclusive approach in order that those with disabilities are not impeded by the barriers of bad planning and the cumulative neglect generated by the lack of development of an appropriate system in the public service.

Fianna Fáil takes this matter seriously. When we were in government, we published the national disability strategy, which resulted in more residential and respite care places and the passing of important legislation. However, it is inexcusable that there are delays currently, which goes back to my original point about compliance. The enactment of the Disability (Miscellaneous Provisions) Bill 2016 has been too slow, even in the context of the current pace of legislative change. There is unanimous support to bring it through but the Department of Justice and Equality and other Departments are not giving it the attention it deserves to ensure change. It is important that there are no constraints on legislation and that progress is made in this area. Work on the Bill needs to be ramped up and it should be brought to committee without delay, while groups affected by it need to be engaged with genuinely and not just as a

face-saving, box-ticking measure.

I welcome the ratification of the convention. It is a positive day for the Minister of State. He set this out as one of his policy priorities and he has achieved that, but the acid test for him will be to ensure compliance with the convention and to give people hope and an opportunity in order that they do not continue to face the historic barriers and constraints they have faced over many years. He will have the full support of our party in that regard.

Acting Chairman (Deputy Eugene Murphy): We have six speakers plus the Minister of State remaining and the debate must conclude by 8.10 p.m. I ask everybody to stick to their time. The next slot is Sinn Féin's, with each speaker having two and a half minutes.

Deputy Carol Nolan: It is absolutely shameful that we do not have an Irish Sign Language interpreter in the Chamber. Did the Minister of State consider this?

Deputy Finian McGrath: My office did not get a request and the Clerk of the Dáil did not get a request but the option was there.

Deputy Carol Nolan: The Minister of State should have thought of that.

Deputy Finian McGrath: It was thought of but no request was made. It would have been granted.

Deputy Carol Nolan: It is shameful.

Deputy Finian McGrath: Neither the Clerk of the Dáil or my office was asked. Normally when I have meetings with members of the deaf community, they always signal that they need an interpreter. There was no request.

Deputy Carol Nolan: The Minister of State should have thought of it. I want it on the record that I think it is shameful.

I wish to share time with Deputies Funchion, Buckley and Brady.

Persons with disabilities encounter too many socially constructed barriers and the delay in ratifying this convention was one of those shameful barriers that they faced. Today is a bittersweet achievement, as we convene here in this Chamber to ratify the UN Convention on the Rights of People with Disabilities. The fact that Ireland is the last EU country to ratify the Convention casts a shadow of shame upon each successive Government since the signing of it 11 years ago. Although many of us here tonight have spoken on the issue on many occasions previously, let it be known in no uncertain terms that it was the unyielding and relentless campaigning of the disability rights activists throughout the country that brought about this moment. I commend each and every one of those people. The Minister of State, Deputy Finian McGrath, has played a role too - I acknowledge that - along with my colleague, Deputy Caoimhín Ó Caoláin, who has also been relentless in the campaign on this issue.

It is well beyond time that the equal status of persons living with disabilities was vested in law and that the mechanisms of the State were compelled to ensure their full and equal enjoyment of the rights and freedoms of a sovereign society.

I want to point out quickly that the delays in occupational and speech therapy services are shameful. We must tackle that. We must create a truly inclusive society and we must take down

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those barriers and deal with the frustrations that are aggravating people and setting us back in the process.

Deputy Kathleen Funchion: I welcome the opportunity to speak on this motion. I also welcome the important step forward in ratifying the United Nations Convention on the Rights of Persons with Disabilities.

It is a step forward and that is really all we can say on it. While it is welcome, what we need to see in the disability sector is action. We need to see services being adequately resourced with both staff and funding so that they can meet demand. Everybody knows - it has been said by many - that parents who have a child who is waiting for an assessment of need for occupational therapy, early intervention or speech and language therapy have to battle and fight, and family members have to constantly battle and fight for supports that they should be entitled to as a right.

We need to see more autistic spectrum disorder, ASD, units in schools and a far more transparent and easier system in accessing a special needs assistant in the school. I refer to the hoops that parents have to jump through - I would say it is the same when one applies for certain payments, such as disability allowance, carer's allowance or domiciliary care allowance. I can never understand the need for some of the information they look for and then there is a wait of between 16 weeks to 18 weeks before one receives that payment.

Those are the issues we need to see addressed. If we are to take this issue seriously and we want to stand up and treat everybody equally we need to see far more funding and resourcing of places. Places being left without speech and language therapists for two to three years is completely unacceptable.

I want to mention a specific issue in my constituency, Carlow-Kilkenny, where there has been no overnight respite services since December 2015 for children with disabilities. This is disgraceful. It is coming up on three years. It is action, not words, that we need.

I am conscious of the time and I do not want to go over because I have two colleagues who want to speak. We are nowhere near the provision of equal rights for persons with disabilities. The ratification of the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD, is welcome progress in improving conditions for people but we must ensure it is not a tokenistic gesture. I appeal to the Minister of State to look at the funding and resource issues.

Briefly, when persons with a disability go, at age 18, from children services into adult services, we need to make it far easier for them to access employment and third level education. Sometimes it feels like services are waiting until a person turns 18 to say he or she goes onto the adult waiting lists. We need to address those sorts of issues if we are to be serious about addressing issues of disabilities.

Deputy Pat Buckley: I welcome the visitors to the Gallery. I will cut straight to the chase.

The UN Convention on the Rights of Persons with Disabilities is a positive and important development. It is long since time that the Irish State lived up to the standards in terms of the rights and protections for those with disabilities.

Mental illness is often left out of this discussion yet mental health campaigners have been to the fore in pushing forward the rights agenda in this regard, particularly in Ireland. It would

be remiss of me not to pay tribute to Mental Health Reform and its member organisations which have been vital to my work and the causes we are discussing. I also pay tribute to my colleague, Deputy Caoimhghín Ó Caoláin, and Senator John Dolan.

The Government has endeavoured to use the UNCRPD as a way to relieve itself of the responsibility to deal with the enduring rights issues, in particular, for persons with mental ill-health. Ratification means little without the legislative back-up. We have still not commenced fully the Assisted Decision-Making (Capacity) Act, now nearly three years old. The lack of movement on this issue is not only denying the right to persons to have an input into their care but is also holding up further needed reform. Another side-effect is that the survivors of the Magdalen laundries have died without even having redress processed.

We had a bit of flip-flopping tonight - we were talking about this - and it may have inconvenienced some of those who would have liked to be here tonight. However, on the plus side, we got a bit of extra time. I note that as well.

I would go through the litany of issues there is with the Government's approach to this but as I have limited time, I will focus on one important point to finish. The Department of Justice and Equality in its roadmap document highlighted the major work needed to meet standards. It has also made clear the intention to sidestep Article 14 on liberty and security of the person by adopting a Norwegian or Australian approach. The UN clearly stated this contradicts the spirit of the convention. It unfairly discriminates against persons with mental health issues allowing for continued enforced detention and treatment of them. Persons with the disability of mental ill-health need equality. I demand the Government explain this position and commit to equality for all. Otherwise ratification will be merely an empty gesture.

Deputy John Brady: First, I acknowledge the visitors in the Gallery. It is unfortunate that there are not more here. That is down to the flip-flopping around the scheduling of this debate. The discrimination against persons with disabilities where they must give 24 hours notice to use the public transport system has added to that problem. Hopefully, the passing of this will change it.

Deputy Finian McGrath: I got that down to four hours.

Deputy John Brady: For the DART.

I want to remember, first, my late friend and colleague, Mr. John Doyle, who passed away last November. John, like so many with disabilities, had been pushing and campaigning for this day for so many years. It is a real pity he is not with us to see his dream become a reality.

Signing the convention is one matter but enacting rights through legislation is critical. In 1955, Rosa Parks refused to be told to sit at the back of a bus. Here, in this State, persons with disabilities find it nearly impossible to get on the bus or, for that matter, any other public transport in the first place. I commend a constituent of mine, Mr. Pádraic Moran, for exposing the difficulties persons with disabilities face every day in trying to access public transport. Pádraic has done that in the face of fierce opposition by Irish Rail in trying to censor and silence him. I salute Pádraic in everything he does. I also salute two other constituents, Margaret and Ann Kennedy, who have pushed day in, day out, on this issue.

People with disabilities are treated as second-class citizens by this and successive Governments. The mobility allowance and the motorised transport grant were both abolished in 2013

and there is still, to this day, no replacement scheme in place.

In January, the ESRI published a major study on deprivation between 2004 and 2015. The report finds one quarter of families headed by a person with a disability were persistently deprived. These rates are 10% higher than in ten similar EU states. The Government presides over this scandalous discrimination through cuts and underfunding in services right across the board.

Persons with disabilities are no longer prepared to be second-class citizens. They are now in the driving seat of the bus to which I referred. That is down to people like Senator John Dolan, the Disability Federation of Ireland and the other organisations which have pushed this important issue forward over the last 11 years. My own colleague, Deputy Caoimhghín Ó Caoláin, has also pushed this. The Minister of State must now make those rights a reality by enacting the necessary legislation to end the discrimination which all of our disabled citizens face every day.

Acting Chairman (Deputy Eugene Murphy): I thank the Deputy and his colleagues for their co-operation. The debate was supposed to finish at 8.10 p.m. but that will obviously not happen. It may mean we must sit five minutes later tonight. Is that agreed? Agreed. There are two speakers left before the Minister of State replies, namely Deputies Maureen O'Sullivan and John Brassil. Would they be happy with five minutes each?

Deputy Maureen O'Sullivan: People with disabilities experience inequality more acutely than anyone else. They tell us they are a long way from the kind of society in which they would like to live. The facts of inequality speak for themselves, not to mention the extra costs imposed on those who live with a disability. There has been progress on equality for others, including LGBT people. We had the marriage referendum. It is an unequal world, however, for those who live with a disability and that was exacerbated by budgets in the austerity years. Ireland took a different approach to ratification and is the last member state of the EU to ratify the convention. I can understand how that failure to ratify has been seen by those with a disability as an indication that they were a lower priority for successive Governments. We have had a great deal of lip service.

I have looked at the reactions of those with disabilities. Senator John Dolan of the Disability Federation welcomes ratification but his statement also made the point that we cannot be happy with that alone and must look at the implementation plan and its timeframe. The Universal Declaration of Human Rights of 1948, to which Ireland is a party, and our Constitution, Bunreacht na hÉireann, contain a number of rights which have not extended to those with a disability. Ratification must be the start of a process which will mean planned, resourced implementation to create real outcomes for people with a disability. That must be reflected in budgetary measures. As we talk about gender-proofing and equality proofing budgets, we should focus in particular on disability proofing. That is something at which our budget oversight office could look at.

I have looked at the response of Inclusion Ireland. Those with an intellectual disability have very particular needs. I acknowledge those who work in the intellectual disability area and the challenges they have. They welcome ratification but have concerns and note the need for a clear timetable for implementation. The Minister of State said himself that it will take a whole-of-Government approach. As such, their call for a single focal point in the Department of the Taoiseach makes sense and would show a real commitment to people with a disability. They have called for a monitoring mechanism because post-ratification the EU will monitor and

examine implementation. We would like a good report in that regard. A way to bring that about would be to appoint an advisory and monitoring committee of people with disabilities. That committee should be resourced, trained and supported.

I refer to carers. We have heard many harrowing stories from parents and other relatives caring for someone with a disability. There is an awareness of the significant savings to the Government where those with a disability are cared for at home. I am struck greatly by the realisation that those of us in the Chamber cannot know what kind of intellectual or physical disability we may face in years to come. Ireland played a key role in the sustainable development goals and disability is part of that. As we want to bring about equality in the wider world, we could start here in Ireland with a commitment to end poverty for those with a disability. I hope ratification means an end to protests by people with a disability like the one which took place outside the Dáil overnight. I remember the late Martin Naughton, also, in particular from my leaving certificate English class many years ago. I want to remember another voice, namely one for those with intellectual disability and mental health issues. I refer to the late John McCarthy of Mad Pride who was from Cork.

I liked the point the Minister of State made about the need to focus on ability not disability. There is cause for him to celebrate this evening. He sat through successive Governments which failed to ratify the convention, which might still not be ratified had he not been appointed to his office. This is only one step, however, and there are many more left to take.

Deputy John Brassil: I compliment the Minister of State on the ratification of the convention and welcome the contributions of Members. In particular, I recognise the great work done by Senator John Dolan in this area. Many speakers have said that ratification without implementation is meaningless and that is worth repeating. However, I note the Minister of State's commitment and look forward to working with him to implement as much as we can in as short a period as possible. There are a few issues on which I wish to focus specifically while the Minister of State is in front of me. He met with a group from Ashfield House, Listowel, last summer and gave them a commitment that he would come to the town to meet them. Events like the recent bad weather have delayed that but I ask him to consider a date and to set it as soon as possible. I recognise the delivery of Kilmorna respite house which will open in April and which the Minister of State and I worked together to achieve. I acknowledge that in the House. I also acknowledge the delivery of a nurse for the Nano Nagle school, which we also worked on together. The Minister of State met with the parents on that. I want to go for a hat trick with Ashfield House, in which regard I look forward to meeting the Minister of State in Listowel shortly.

When disabled children, in particular profoundly disabled children, become adults, there are a few things that can make life easier for their parents. Where those children used to get a disabled person's grant from the HSE to provide for necessary equipment, it is replaced when they become adults with the mobility aids grant. If, on becoming an adult, a person needs a new hoist, he or she must go through the application process again, obtain occupational therapy reports and face every sort of blockage. That should be an automatic entitlement. The advance of information technology will hopefully facilitate that, but it is very unfair in the meantime to ask parents with profoundly disabled children to apply for equipment again when those children become adults for whom they continue to care. It is a protracted process which a little tweaking and common sense could solve.

The primary medical care certificate is next to impossible to get. The Minister of State

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must review who qualifies for it. A previous speaker referred to the mobility allowance and motorised transport grant. I know it is on the Minister of State's desk, but it needs to move on to delivery. Electronic health records and an individual health identifier for disabled persons would be very welcome and we need to progress those measures. Another issue which must be considered is the qualification of carers of disabled children for a free travel pass. In many cases, the nature of a disability means both parents must be available to travel with a child. The carer should be allowed to nominate the second parent to travel with the child to hospital in Dublin, for example. If we do not allow this, parents will have to drive up, which adds to congestion. The new children's hospital will be at St. James's Hospital which is down the road from Heuston station and linked to the DART via the Luas line. We must ensure that parents who qualify for the free travel pass can nominate a partner to travel with them free of charge to avail properly of the facility.

Carers do not qualify for the fuel allowance but many others in receipt of State payments do. The Minister of State could look at that. Where there are two parents looking after a profoundly disabled child, the Minister of State should consider one and a half times the carer's payment as opposed to a single carer's payment. One parent will often be able to work only limited hours to be available to help the caring partner. If the rate were increased to one and a half times, it would be hugely beneficial for many parents. Those are just a few practical issues which I ask the Minister of State to consider in the short term. It would be greatly beneficial for those caring for children with disabilities. I look forward to working with the Minister of State as we have done over the past two and a half years to get key items over the line.

Acting Chairman (Deputy Eugene Murphy): I thank all the Deputies for their co-operation. The Aire Stáit, who is also co-operating, has five minutes in which to conclude.

Minister of State at the Department of Health (Deputy Finian McGrath): I thank all my colleagues for their contributions and particularly for their positive comments and constructive suggestions. I was very interested in some of the negative comments and I will deal with those in a few minutes.

The ratification of the convention is a common goal that should unite us all. All political parties and Independents support the ratification of the UN convention. Civil society groups and stakeholders are keen to see it ratified. As I said at the start, we are dedicated to continuous improvement where equality and human rights are concerned. I firmly believe equality is about creating circumstances in which it can be ensured that every individual has an equal opportunity to enjoy his or her rights. I accept, however, the point made by many of my colleagues that rights are of no use unless there are services and implementation. It is a valued argument.

When I took over as Minister of State, we saw the restoration of the carer's grant to €1,700. The extension will have benefited 1,000 families. Medical cards were made available to 11,000 children in receipt of the domiciliary care allowance. Some €3 million was allocated for the Decision Support Service, which Members should remember is the engine room of the convention. Some €10 million was allocated for the ability programme, which concerns the training and employment of young people. Some €167 million extra was allocated through the HSE in respect of the social care plan for the period 2017 to 2018. Recently, following lobbying from many of my colleagues, €10 million was made available for respite services. It is important that we acknowledge that we are implementing certain measures.

I will address the Members' concerns about ratification. I am very confident that all the

Departments will work with them on this. The necessary legislation will be in place before the first phase of reporting under the convention. A clear timescale has been drawn up to address the remaining implementation issues in line with the proposals for the progressive realisation of services that operate in respect of compliance with the convention. Priority drafting has been approved for the disability (miscellaneous provisions) Bill and a stand-alone Bill to deal with the deprivation of liberty. There were delays and I accept the criticism in that regard. As I stated, €3 million was allocated in budget 2018 to facilitate the establishment of the Decision Support Service. We have already appointed the director, Ms Áine Flynn, and we are experiencing some technical delays in the appointment of the project manager.

The reservations and declarations have to be entered at the time of ratification and can be reviewed. In each of these areas, it is the Government's view that there is a reason to make a declaration or issue a reservation to allow for compulsory care and treatment under the Mental Health Act to permit substitute decision-making in limited circumstances as a last resort where there are considerable capacity issues and to deal with specific occupational requirements for employment in the Defence Forces or emergency services.

With regard to the monitoring framework, Deputy Maureen O'Sullivan and some others raised the possibility of involving people with disabilities. The convention provides in Article 33 for the establishment of a monitoring framework. This will be facilitated by the Irish Human Rights and Equality Commission with the support and technical expertise of the National Disability Authority. More important, as Deputies pointed out in the debate tonight, it is essential that the monitoring be carried out by persons with lived experience of disability. I accept that, and it will be acted on. I assure the House tonight that this is a key principle of the arrangements that will be put in place by the Irish Human Rights and Equality Commission.

Consultation is taking place. The advertisements were put out in September and people have made detailed submissions. Last December, we put the advertisements in the newspapers. The provisions are designed to address the issues of safeguards for older people, persons with a disability and some categories of people with a mental illness to ensure they are not unlawfully deprived of their liberty in certain residential facilities. These are the points the Deputies raised. The approach proposed in the draft provisions represents a significant cultural change by comparison with the *status quo*, whereby third parties often make decisions on behalf of vulnerable people.

I thank everybody for contributing to the debate. I did not get to cover many of the points I wanted to cover. My focus, however, has been on ratifying the convention. I accept this is a first step. We need to implement and deliver the services. I commit in the Dáil tonight to doing my best and I urge everyone to support the motion.

Acting Chairman (Deputy Eugene Murphy): I thank everybody, including the very attentive audience we had.

Question put and agreed to.

Northern Ireland: Statements

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I am very pleased to open the statements on Northern Ireland on behalf of the Government. It is

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very important that the House has this regular opportunity to discuss Northern Ireland matters. I look forward to hearing views on all sides, which will certainly inform the Government's approach. There have been a number of significant developments since our last discussion in this format in December. I first want to address briefly developments in the Brexit negotiations, which are of such fundamental importance for the peace process, founded on the Good Friday Agreement. The draft withdrawal agreement was published by the European Commission last week. The protocol on Ireland and Northern Ireland, which is an integral part of the draft withdrawal agreement, translates into legally binding terms the firm commitments made in December, including the guarantee of avoiding a hard border, protecting the Good Friday Agreement in all its parts and maintaining the common travel area.

On the Border issue, the Government has always been clear that our first preference is to avoid a hard border through a future relationship agreement between the EU and the UK. We share this view with the British Government. We have also made clear our commitment to exploring specific solutions to be proposed by the UK, if or when these are tabled. At the same time, and should it prove necessary, there is now the required legal provision to implement the backstop of maintaining full alignment in Northern Ireland with those rules of the Single Market and customs union necessary to protect North-South co-operation and to avoid a hard border.

The Government welcomes Prime Minister May's reiteration in her speech last Friday of the UK's steadfast commitment to the Good Friday Agreement and the agreement reached last December, including on avoiding a hard border. These commitments now need to be translated into concrete proposals. We look forward to the UK setting out its proposals in more detail across the negotiating table in Brussels. In this context, the Government will continue to advocate to the British Government, as our partner in the peace process and our closest neighbour and friend, that it pursue a future relationship that maintains the near-invisible Border we enjoy today. That is by far the most effective and least disruptive way of maintaining the open Border, which brings such benefits for people, businesses and communities, North and South.

I met Michel Barnier in Brussels last week and participated, with him, in the General Affairs Council the next day, where we reviewed progress on the Article 50 negotiations overall. Michel Barnier and his team are at one with the Government as we work together to protect the Good Friday Agreement and the broader gains of the peace process. I want to express again the Government's continued appreciation for the work of Michel Barnier and his task force and the professionalism and good judgment they are bringing to the role they have taken on. The strong and unstinting solidarity from other EU member states was also affirmed at the General Affairs Council again last week. This support is vital and is deeply appreciated by the Government. Ireland is now considering the draft withdrawal agreement with our EU partners, in advance of the task force's negotiations with the UK on the proposed text.

As a co-guarantor of the Good Friday Agreement, the Government has worked intensively over many months, with the British Government, to facilitate talks between the political parties on the formation of a new executive in Northern Ireland. The devolved, power-sharing institutions of the Good Friday Agreement are the only way forward for Northern Ireland, and are urgently required now. I have been engaged in the discussions at Stormont over the last nine months, working with the Secretary of State for Northern Ireland and engaging with the negotiating teams of political parties, in particular the two largest parties in recent months, to seek a way forward. The developments at Stormont three weeks ago today, with one party asserting that the negotiations could not reach a successful outcome, are obviously of very serious

concern. The Government is now working with the British Government to decide on the best way forward.

The Irish and British Governments, as co-guarantors of the Agreement, have a shared responsibility to make every effort to seek a route that will get the devolved institutions operating again as soon as possible. We believe that significant progress was made in the discussions between Sinn Féin and the DUP in recent weeks at Stormont, as they sought to address the main outstanding issues. This included progress on legislating for the Irish language in Northern Ireland and also to demonstrate and promote a culture of respect more broadly, including for Ulster Scots language, heritage and culture. We understand there was also productive engagement between the parties on enhancing the sustainability of a new Executive.

There was also very important progress through the discussions both this year and last year at Stormont on dealing with legacy issues, which are very emotive and important for so many people in Northern Ireland. In that regard, a definitive move forward is urgently required with regard to a public consultation process on establishment of the Stormont House legacy bodies, and on adequate support for legacy inquests in terms of financial contribution. The Government remains determined to see that there is progress in the period ahead on these and other outstanding legacy issues, including the three all-party motions adopted by this House on the Dublin and Monaghan bombings.

I acknowledge also that the smaller Northern Ireland political parties, which are also entitled to participate in the executive, contributed in important ways to the process in recent months, advocating for workable compromises, and underlining the imperative of getting a functioning executive in place has been helpful, albeit extraordinarily frustrating for the parties concerned. There was very significant commitment to a positive engagement from the SDLP, UUP and Alliance which will remain essential as both Governments seek a way forward.

The enhanced engagement that finally gained momentum at Stormont in January and February cannot simply be cast aside despite the significant setback of three weeks ago. People in Northern Ireland are entitled to expect that every effort will be made to secure the operation of the devolved institutions that they mandated in the last assembly election and that are at the heart of the Good Friday Agreement. I am in very regular contact with the Secretary of State, Karen Bradley, and we are fully in agreement that the two Governments will continue to seek ways to reset and restart the engagement between the parties. That objective will remain at the core of the Government's approach in any future scenario.

The Government's firm position is that the Good Friday Agreement and subsequent agreements must be implemented and operated in full. The Taoiseach has been clear in his discussions with Prime Minister May - as I have in my engagement with the Secretary of State - that the Government does not want to see the introduction of direct rule in Northern Ireland. As co-guarantors of the Good Friday Agreement, the British and Irish Governments have an obligation to uphold and protect the letter and spirit of the Good Friday Agreement, and we are also considering how best to do so in the current situation which is not straightforward.

It is very striking that at this moment, where there is a shortfall in political engagement at Stormont, that civic society has come to the fore to speak up for the interests of people living and working and co-operating together in Northern Ireland. There have been important contributions in recent weeks from civic representatives of nationalism, North and South, and also from civic unionism this week. The Taoiseach and I were glad to meet with representatives of

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the nationalist group in Dublin last week. The meeting itself went on for twice as long as it was scheduled, if I recall correctly we met for nearly three hours.

We also very much want to engage with the civic unionist group which has formed recently, as we do regularly with other unionist representatives in politics, business and at community level. There are different perspectives of course, but what I hear from people at the community level and from civil society - whether nationalist, unionist or neither - is a vision for a Northern Ireland that works on the basis of mutual respect, parity of esteem and partnership, the core principles of the Good Friday Agreement of 20 years ago. It is incumbent on politics and politicians to live up to that, in this House and north of the Border.

As a co-guarantor of the Good Friday Agreement, the Government will continue to do everything possible to see that the power-sharing institutions of the agreement can be established as quickly as possible - and that they operate effectively on the basis of those core principles, in the interests of everyone in Northern Ireland.

In just over a month, we will mark the 20th anniversary of the signing of the Good Friday Agreement. A few weeks after that, on 22 May, we will mark 20 years since the agreement was overwhelmingly endorsed by the people in referendums, North and South. These are anniversaries worth celebrating despite the current political challenges in Northern Ireland. Indeed, in some ways, the current impasse makes celebrating the principles of the Good Friday Agreement all the more important. These were transformational moments in the shared history of this island, and indeed these neighbouring islands of Ireland and Britain. Our prospects were profoundly changed for the better, both over the last 20 years and into the future. I think that certain glib and politicised suggestions from some quarters outside this House about the Good Friday Agreement have been definitively and resoundingly answered in recent weeks. In that regard, we wholeheartedly welcome the clear messages of support for the agreement from the British Government and the many friends and supporters of the peace process in Westminster and elsewhere in British political and civic life.

The Government is contributing to and supporting a programme of events to celebrate the 20th anniversary of the agreement in Belfast, Dublin, London, Washington and elsewhere in the weeks ahead. I was very glad to have the opportunity two weeks ago to address one of the first such events, organised in New York by Co-operation Ireland, with Senator George Mitchell and so many other friends of Ireland and supporters of the peace process from the US. It is extraordinary how powerful that support remains on the other side of the Atlantic, and the level of detail that they want in order to understand what is preventing the re-establishment of devolved government in Northern Ireland.

We are co-guarantors of this agreement. The Government holds fast to the evidence and the certainty that the agreement represented a new beginning for peace and reconciliation, which must be protected and deepened. I know this view is shared across the House and thank Members for their support for what we are trying to do. The Government will continue, as it has always done, to do all that it can to ensure the verdict of the people in 1998 which was a resounding call for peace and reconciliation can be represented and realised through the institutions and full implementation of the Good Friday Agreement in letter and spirit. I look forward to hearing colleagues' views and having an opportunity to respond at the end of the debate.

Deputy Micheál Martin: By any objective measure, this is an exceptionally serious moment for Northern Ireland, North-South relations and relations with the United Kingdom. The

core building block of 20 years of progress is endangered and there remains a threat of new economic and social divisions. The breakdown three weeks ago was not an isolated event. It was the logical conclusion of practices over a lengthy period and the additional instability of the disastrous decision in an English-driven referendum. Given that we have been denied a full debate in recent weeks on the Brexit negotiations, I will address this issue later in my statement.

The specific issue which appears to have been the cause of the failure to agree to establish an executive is dramatically smaller than the long list of issues that have been overcome in the past. It is not in the same universe as getting agreement in place in the first place, getting the armed wings of political movements to decommission, establishing a police service with cross-community support, achieving the devolution of policing powers or the many other much more intractable problems. There is simply no way of avoiding the fact that the cycle of dysfunction and breakdown to which we have been pointing for years is the cause of the crisis and it is only when the underlying problems are addressed that will we be able to deal with it.

The draft agreement that was leaked to the media has not been confirmed by either Government and it is not sure that either Government actually has a full copy of it. It appears, however, to be a reasonable and balanced compromise. In it Sinn Féin completely reverses its position on the core issue it cited when collapsing the institutions.

Deputy David Cullinane: That did not take long.

Deputy Micheál Martin: That is welcome. Where once the renewable heating initiative and Arlene Foster were so fundamental that the Executive and the Assembly had to be brought down, now they are barely worth a mention. I can certainly believe an agreement between the two parties at negotiator level was blocked subsequently by the DUP's wider leadership. In this it is quite similar to the situation where an agreement reached by the late Martin McGuinness was blocked by the wider Sinn Féin leadership. The game of claim and counter-claim was just as loud then. Fundamentally, the DUP's objections are worse than flawed. They are based on a refusal to address an important issue in the broader agenda of respect for diverse backgrounds. The procedure of three acts representing one overall policy is highly convoluted, but the net effect of what is being proposed is a reasonable accommodation which respects the Irish language and strengthens the distinct tradition of the Ulster Scots. If it was subject to a balanced legislative process and implemented without sectarian intent, the proposal has the capacity to take this issue away from the political sphere.

Is dona an mhaise go bhfuil an Ghaeilge tarraingthe isteach i lár easaontais i mBéal Feirste le roinnt blianta anuas. Tá sé sin ag imeacht go mór ó spiorad Chomhaontú Aoine an Chéasta agus comhaontuithe eile ina dhiaidh sin nuair a bhí Fianna Fáil páirteach go díreach sna cainteanna sin. Chreideamar riamh gur bealach é cultúr agus teanga le hathmhuintearas a chothú idir traidisiúin éagsúla seachas deighilt a chothú.

Nuair a bhí mise ag bunú coiste reachtúil chun maoirsiú a dhéanamh ar ábhair a chur ar fáil do scoileanna lán-Ghaeilge, chuir Sinn Féin in iúl dom go raibh siad i gcoinne obair an pháirtí a cheangal leis an ngné uileÉireann. It is appalling that the Irish language has been allowed to be perceived as a sectarian issue. This goes against the reality of a history where it was absolutely not a means of dividing people. The Church of Ireland produced the first printed book in Irish. For centuries Protestants have been key leaders in every stage of the protection of the memory of the Gaelic language and traditions, including the language revival movement. My first visit to Northern Ireland, as Minister for Education and Science, was to look at Irish-medium educa-

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tion in west Belfast and discuss additional supports for teacher training to serve Irish-medium education. I also made funding available for supporting Irish language teaching materials that could be shared with schools in Northern Ireland. Nothing approaching the current party political divide on the issue was present at the time. The offensive and sectarian statements made by some DUP politicians about the Irish language are reflective of a dramatic move backwards. While the recent speech of Arlene Foster was temperate and encouraging, the aggressive push-back against simple legislation should lead that party to reflect more.

The comment of the last Sinn Féin leader, Deputy Gerry Adams, that the equality agenda was “the Trojan horse of the republican strategy” caused immense long-term damage. He did not speak for the overwhelming majority and those comments are no excuse for blocking the legislation. The use of petitions of concern to block marriage equality is a clear abuse of a process which was purely designed to protect legitimate community interests. It is offensive that it can be used to prevent people from getting married and Fianna Fáil will support any reasonable agreement that will deliver marriage equality through overriding the illegitimate use of petitions of concern. Should these issues be overcome, it remains the fact that there will be another issue sometime soon that may lead to a similar breakdown. Unless we change the fundamental dynamic of discussions and engagement, the cycle of crisis, resolution, complacency and renewed crisis will continue. This is the fundamental challenge: how do we stop doing the same thing again and again? How do we return to the dynamic that previously delivered major breakthroughs and had broad support on all parts of this island and in Britain?

The situation has been made dramatically more difficult by the impact of the appalling Brexit process, but this does not mean that we should simply throw our hands in the air and give up on the Northern institutions. The strength and importance of the Good Friday Agreement are the reason Ireland has any real status in the Brexit negotiations. We have to expect some destructive Brexiteers to increase their pressure to undermine the agreement. Let there be no doubt that a unilateral movement by the British Government to abrogate the agreement would be a very dark moment in its history. It is an international agreement, assented to in referendums and parliamentary ratification. It is reflected in the domestic laws of both countries and acknowledged by international organisations. Nothing in the Brexit referendum gives it the right to abandon the agreement. Doing so would mark a dramatic move away from the rule of law and destroy the United Kingdom’s international status. Democratic states that respect laws do not unilaterally abrogate solemn agreements. To be fair to Prime Minister May, last week she stated she was absolutely committed to the agreement. Let us take her at her word and act accordingly. The first requirement is that we re-establish some credible partnership with the government in London as leaders of the peace process, not just guarantors and participants.

As part of a wider tetchiness, the Tánaiste and the Taoiseach appear to be outraged at the idea that anyone should question them or the approach of their party towards the peace process in government. The Tánaiste, in particular, seems to believe anyone who questions him “doesn’t know what they are talking about.”

Deputy Simon Coveney: It depends on the criticism.

Deputy Micheál Martin: Let me make it very simple: no one has the right to question Fianna Fáil’s good faith in relation to Northern Ireland. I refer to speech after speech made in the House and elsewhere that show how for seven straight years we have been pointing to the inevitability, unfortunately, of reaching this crisis point if the two Governments did not change their behaviour. We would much rather have talked about how great the progress was, but during the

years the facts did not support this. The current Government does not appear to understand the difference between the number of meetings one holds and the level and quality of that engagement. The fact is that no one can credibly claim that the scale and quality of engagement has been anything near what it was under the Ahern-Blair or Cowen-Brown leaderships. A critical difference then was that there was no negotiating over the airwaves or obsession with briefing before and after every contact. There is no comparable example of the fiasco of the visit of the Taoiseach and British Prime Minister to Belfast, which appears to have actually accelerated the breakdown. Having participated in relations between our Government and the unionist parties, I find it disappointing to see the current palpable lack of trust. We have gone from a position whereby I was allowed to chair a strand one session to one whereby key parties now refuse even to attend a meeting with the Taoiseach. Equally, we have been too silent on the near systematic exclusion of nearly 45% of the Northern electorate from representation in the talks. I noted the Tánaiste's remarks in this regard, but it is time for this to be changed. I am surprised by the lack of self-reflection we have seen from the Taoiseach and Tánaiste in identifying failed dynamics in recent years. It is also unhelpful that media briefings and statements are now so central to dialogue. In the past, the previous Sinn Féin leader adopted the approach-----

Deputy Simon Coveney: The Deputy should try to be accurate on an issue as important as this.

Deputy Micheál Martin: I did not interrupt the Tánaiste.

Acting Chairman (Deputy Eugene Murphy): Deputy Martin, without interruption.

Deputy Micheál Martin: I make these comments in a very constructive-----

Deputy Simon Coveney: The Deputy is misleading the House-----

Deputy Micheál Martin: They are very constructive comments, actually.

Acting Chairman (Deputy Eugene Murphy): Deputy Martin without interruption.

Deputy Micheál Martin: I will just make the point-----

Deputy Simon Coveney: On an issue such as this-----

Deputy Micheál Martin: Deputy-----

Deputy Simon Coveney: There have been virtually-----

Acting Chairman (Deputy Eugene Murphy): Please, Minister.

Deputy Simon Coveney: -----no media briefings on talks-----

Deputy Pearse Doherty: Even Deputy Martin's former party leader is critical of his approach to the North.

Acting Chairman (Deputy Eugene Murphy): Deputies, please. Allow Deputy Martin to continue. Deputy Martin, over to you.

Deputy Micheál Martin: I thank the Acting Chairman. I have been making very constructive speeches on Northern Ireland here for the past six years. People should listen to and reflect on what I am saying. The fundamental dynamics have not been working over the past six or

seven years.

Deputy David Cullinane: The Deputy called for the institutions to be pulled down.

Deputy Micheál Martin: Even the DUP and Sinn Féin would have attacked me three years ago for pointing this out. I regret we are where we are in this regard.

Deputy Pearse Doherty: The Deputy called for the institutions to be collapsed-----

Acting Chairman (Deputy Eugene Murphy): Deputy Martin, without interruption.

Deputy Pearse Doherty: Deputy Martin will ignore that point.

Deputy Micheál Martin: Deputy McDonald's predecessor, Deputy Adams, adopted the approach of angrily refuting the idea that Sinn Féin had any case to answer on any issue. High Court findings of sectarian behaviour, media revelations of funding abuses, sectarian comments about getting one over on the Protestants in elections and so on were ignored. Instead we got ever more elaborate attacks on the motivation of the people asking the questions. I hope Deputy McDonald will take a different approach during her leadership.

The draft agreement does show serious movement in Sinn Féin's position. If it had adopted a similar position a year and a half ago, the Northern institutions would never have collapsed. I respect the right of any party to say it will not go to Westminster. What is unjustifiable is the decision to block anyone else from going. The money and effort which was put into preventing any nationalist voice in Westminster, even to the extent of handing a seat to the DUP, may soon have a disastrous effect for Ireland if only a few votes are involved in rejecting a fair customs solution for the Border.

Deputy David Cullinane: The Deputy is blaming the electorate now.

Deputy Micheál Martin: However, the Northern institutions are quite different. At a moment when the radical Brexiteers are trying to undermine the Good Friday Agreement, the failure to have a working assembly and Executive makes Ireland even more vulnerable. Given that Deputy Adams said Brexit is the defining challenge of this age, allowing the institutions to be re-established should surely be the priority.

The Governments can surely come up with a mechanism for delivering the language legislation, which was in any event originally due to be legislated for in London. The same applies for marriage equality, with both the British Labour Party and the Scottish National Party willing to ensure non-government time is provided if needed. A unilateral decision by Sinn Féin to return to the assembly and the Executive, even for a limited period, could dramatically change the dynamic of Brexit discussions. It would allow the anti-Brexit majority in Northern Ireland to have a voice and to provide the practical mechanisms which would be essential for any special economic zone or customs zone to function. This is the hard reality. No backstop or special zone can work without a devolved government in Northern Ireland. What we cannot do is to keep pushing ahead with the same strategy and hope things turn out differently.

My party believes that the Governments should take direct charge. They should revert to the independently chaired all-party process and stop leaving everything in the hands of the two main parties. Whatever is wrong with the relations between the Governments, there is a problem and they should acknowledge it. The enormous agenda which is ahead of us is becoming more urgent by the day. Whatever Brexit scenario becomes the final one will require huge

work, ranging from a special economic zone to the chaotic Brexit to which the increasingly frantic hypernationalists in England appear attracted. The path of peace has involved overcoming enormous hurdles. The spirit of co-operation and common objectives, built in hundreds of contacts away from the media, delivered for this country. We urgently need a return to that spirit.

Acting Chairman (Deputy Eugene Murphy): The next slot is Sinn Féin's. Deputy Doherty was jumping out of the trap earlier but he may speak now. He is sharing time with Deputy Cullinane.

Deputy Pearse Doherty: I am. Over the past 13 months, Sinn Féin has been involved in negotiations to implement previous agreements, secure the rights of citizens and re-establish the power-sharing Executive on the basis of equality and respect. We engaged in good faith at all times. We were proactive and we stretched ourselves in search of a positive outcome. We reached a draft agreement with the DUP leadership. We were disappointed the DUP decided to walk away from this draft agreement, as a result of which it collapsed the talks process. If the DUP leadership had stayed the course, the Executive would have been re-established to implement the agreement, set a budget and work to deliver for all. Tuigim gur aontaigh an Rialtas go raibh bunús réitigh ann, agus ba mhaith liom aitheantas a thabhairt don mhéid a bhí déanta ag an Tánaiste agus ag a oifigigh agus iad i mbun na hoibre seo. Tá muidne i Sinn Féin iontach buíoch dóibh as a gcuidiú. The rights we advocated are not Sinn Féin issues; they are the people's issues. They are rights for a whole society. As Michelle O'Neill said, and it cannot be repeated enough, what we win now, we win for everybody. This has been Sinn Féin's guiding mantra in our efforts to restore the political institutions.

I am aware that this Government is aware of the changes in society and the attitudes of Irish citizens living in the North. As the Minister mentioned, he recently met representatives of civic nationalism who have made the case for the Irish Government to act, to protect rights and to build an inclusive society. Ba chóir dom an mhuintir ó Thuaidh agus ó Dheas a mholadh de bharr na tacaíochta atá á thabhairt acu don tionscnamh seo. Tá athrú mór tagtha ar an tsochaí agus, mar atá a fhios againn, agus tá sí ag athrú go fóill. Níl an DUP sásta aghaidh a thabhairt ar an fhírinne seo. Gaeilgeoirí want rights. LGBT citizens want their rights. Citizens waiting for the truth about what happened to their loved ones want their rights. No matter how hard the leadership of the DUP might wish it were otherwise, this changed society will not disappear simply because the DUP refuses to share power on the basis of integrity, respect and equality. Likewise, republicanism is not going anywhere. This is the social and political landscape with which the DUP must get to grips.

This regressive approach also dominates the DUP's approach to the issue of Brexit. The DUP has hitched itself to the Tory Brexiteer wagon. We note that the European Union, in its draft withdrawal treaty, has recognised the need for special arrangements for the North, this including remaining within the customs union. This is welcome progress. The DUP and Tory wrecking agenda cannot prevail, and it is the job of the Government to defend Irish interests against that agenda. The British-Irish Intergovernmental Conference, in our view, must be convened as a matter of urgency. It is important that I say I do not believe that the regressive attitudes and approach of the DUP are shared throughout all of unionism. I genuinely believe that many people from the unionist community want to live in a shared rights-based society, want the political institutions working on the basis of equality, are in favour of marriage equality, recognise the importance and the value of the Irish language and its promotion, seek reconciliation and respect their nationalist neighbours. They have no truck with those who still hold a

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candle to the days of the old Orange state and they do not want to see a return to a harder border. I welcome the recent letter from members of Civic Unionism, which laid out the need for the diverse voices of unionism to be heard.

Recently, Deputy Mary Lou McDonald and Michelle O'Neill met the British Prime Minister in London. It is clear that the British Government has no plan to move things forward, save to say we need a period of reflection. I am not entirely sure what that means to Mrs. May, but to us it means inertia. To me, it means the very dangerous prospect of a vacuum opening up and rather than things getting better things becoming more entrenched. I have to say that for the head of the British Government not to have a thought out, proactive position hand in hand with Dublin is to me alarming.

I am also mindful of the fact that the Tory government is propped up by the support of the DUP. This robs the government of even the pretence of impartiality in the minds of many. My party has a concern that the Prime Minister, Theresa May, is seeking to put things on the long finger in order to protect that arrangement. For our part, we made it clear that the collapse of the talks by the DUP cannot be an excuse for the continued denial of rights to citizens in the North and the refusal to implement previous agreements. Sinn Féin is a party of dialogue and we want to be involved in dialogue. Of course, we remain open to discussing avenues for progress with all parties and both Governments. However, let me repeat what we have said time and again. We cannot have a never-ending cycle of negotiations and impasse because one party has decided that certain people must remain sitting at the back of the bus. That simply cannot happen.

Ní fiú cainteanna ar mhaithe le cainteanna amháin. Ba cheart go soláthródh idirbheartaíocht torthaí dearfacha agus follasacha do shaoránaigh. Thug muid gealltanas nach dtig linn dul ar ais chuig an status quo, agus tá tiomantas daingean againn don ghealltanas sin.

A way forward must be found and this House should play a part in finding it. Hurling from the ditch, sadly the approach so often taken by the leader of Fianna Fáil, is not going to solve anything. No matter what happens in the North, the default position of Deputy Micheál Martin is to criticise Sinn Féin in order to score cheap political points and he did it again tonight with his single transferable speech. He continues to refuse to acknowledge that he himself called for the suspension of the institutions a number of years ago.

Deputy David Cullinane: Hear, hear.

Deputy Pearse Doherty: If he wants to be the voice of nationalists in the North, there is a by-election in West Tyrone and he can fight that election and if he wins it he can represent that community in Westminster.

Deputies: Hear, hear.

Deputy Pearse Doherty: Deputy Martin's approach is narrow-minded and unhelpful and though it is unsurprising it remains disappointing. I am sure that what has happened after many other speeches he has made recently in the House will happen again after tonight. His colleagues on the backbenches and some on the Front Bench will come to me and other members of our party and apologise and state Deputy Martin's views do not represent the views of grassroots Fianna Fáil. This happens on a regular basis on the corridors of these Houses and outside these Houses.

Deputy David Cullinane: Hear, hear.

Deputy Pearse Doherty: I say to Deputy Martin and to others that we need to be constructive. The DUP is calling for a return to direct rule, a form of direct rule that was ended a generation ago and cannot be allowed to return. Direct rule is destructive. Direct rule ended with the Good Friday Agreement, which is the people's agreement. The Irish Government, the Tánaiste's Government, is a co-equal guarantor of the people's agreement. The Government needs to be unequivocal that direct rule is over, that it is outside of the agreements and is not returning. However, we cannot allow a political vacuum to develop or tolerate the continued denial of rights of citizens. The two Governments must act now. The Good Friday Agreement provides for a British Irish Intergovernmental Conference to reflect the co-equal and co-guarantor status of the two Governments. The two Governments must initiate this conference as a matter of urgency and move to implement previous agreements. These include an Irish language Act, the release of funds for legacy inquests and progress on the legacy mechanisms as well as safeguarding the rights of citizens, including the right to marriage equality. The people, North and South, deserve no less.

Deputy David Cullinane: We have juxtaposed the speech and contribution of the Tánaiste, and bear in mind the Tánaiste was somebody who was at the heart of those negotiations and efforts to secure the restoring of the institutions in the North, and that of the classic hurler on the ditch, Deputy Micheál Martin, who again has come into the Chamber not to be constructive, as he said, but simply to repeat the very partisan speeches he has made on the North since he became leader of Fianna Fáil. As Deputy Doherty said, he made the single transferable speech that is made every single time. The vast majority of nationalists in the North see through it. The vast majority of them want us to be constructive and the vast majority of people-----

Deputy Micheál Martin: That is why you collapsed the institutions.

Deputy David Cullinane: The vast majority of people outside the House who are nationalist in the North want all the parties to be constructive and they understand the motivations that lie behind the attacks which come from Teachta Martin. They are not about making sure we deal with the real complexities and challenges that present in the North. It is all to do with what he sees as the electoral challenge from Sinn Féin in the South and that is deeply disappointing. He has been, without a shadow of a doubt, the most cynical and divisive leader of Fianna Fáil in the history of his party when it comes the North. This is something he should really reflect on. It is deeply disappointing to nationalists in the North.

The biggest issue facing the North, as the Tánaiste knows, is Brexit. Of course we need to get the institutions up and running again. We had a draft outline agreement with the DUP and it walked away from it. We want the institutions to be up and running but they have to be on the basis of equality. We cannot cherry pick equality. We know what needs to be done to get the institutions up and running. Brexit is the big fundamental challenge. Last week we had three big events. We had a significant speech and contribution from the leader of the British Labour Party, Jeremy Corbyn, in which he moved his party's position to a more sensible and practical one on wanting a customs union between Britain and the European Union. This is something the vast majority of people in the House would want to see. It is in the best interests of the people in Britain and in the best interests of the island of Ireland. We then had the legal text that gives effect to the backstop agreement and the joint report agreed a number of months ago between the British Government and the European Union. That speech was rejected out of hand by Downing Street and Theresa May. She said no British Prime Minister could countenance what was proposed in the legal text, except she had done so only a couple of months earlier. We then had the speech from Theresa May on Friday, which again rejected what was said by the

European Union. She reiterated her view that the North would come out of the customs union and the Single Market, as would Britain, and that we can in the same way and at the same time avoid a hardening of the Border and protect the Good Friday Agreement.

We had a very lengthy discussion today at the stakeholder forum, which the Tánaiste chairs and at which I was present. What we are all trying to do is decipher what is spin, what are the obvious utterances coming from the British Prime Minister which are simply to appease the hard Brexiteers in the Tory Party and the DUP, and what is the actual position of the British Government. I have long said, and I have said it to the Tánaiste several times and I have said it in the House, that what we need to do in this State and what we need to do across the island is, in the first instance, to protect the interests of the people of Ireland but also to find common cause with people in Britain who want to protect the Good Friday Agreement and want to avoid a hardening of the Border. We will do this, in my view, by working with those in the Tory Party and the British Labour Party who want a form of customs union between Britain and the European Union and, in fact, want Britain to stay in the customs union. This is the best outcome. The Government stated the backstop arrangement was bullet-proof and copperfastened and would be absolutely the bare minimum we would get.

How is that the case when Prime Minister Theresa May said categorically on Friday that there can be no border in the Irish Sea, while at the same time saying that there will not be full alignment in regulations and standards between Britain and the European Union? In that scenario, how will the backstop agreement be implemented? When the European Union put the backstop agreement into a legal formula, it was rejected out of hand by the British Government. Where, then, is the bulletproof backstop arrangement which we were promised and which the Taoiseach told us was in the bag, a claim reiterated by the Tánaiste on several occasions? That is not a criticism of the Irish Government or the Tánaiste, by the way. It is a criticism of the British Government's lack of ability to bring forward practical and tangible solutions that will deal with the issues facing Ireland, and the afterthought that the British Government and the hard Brexiteers have given to the impact on Ireland.

We sincerely wish the Tánaiste, the Irish Government and the European Union well in their negotiations with the British Government. However, the frustration felt by people in the North with the attitude of the British Government is very real. It is Groundhog Day; we seem to go back to the same space every time. It gives us the high-level principles and say that it wants to protect the Good Friday Agreement and avoid the hardening of the Border, but does not give us any practical solutions as to how it is going to bring it about. That is deeply frustrating.

Deputy Brendan Howlin: Like other speakers, I welcome the opportunity to address the House on the issue of Northern Ireland and the various issues that impact on Northern Ireland and the island of Ireland as a whole. The normal process available to us to do that is through Taoiseach's Questions, and we have repeatedly said that it is wholly inadequate. The notion that we occasionally have 15 minutes to make statements is not really good enough. We need a better format for dealing with these issues, and the Taoiseach has acknowledged this. Maybe it is because it is so seldom that the contributions of Members are from a party political perspective, as we have heard already tonight. That prevails instead of an openness to hearing other people's views and a genuine respect for the fact that we actually have different perspectives, because we have different traditions - very deep traditions going back to the foundation of the State in the case of my party. We all have valid things to say and we should respect each other where these matters are concerned.

This time last year, there were 37,611 people on the housing waiting list in Northern Ireland. Some 23,694 were deemed to be in housing stress. Some 11,889 people were deemed to be homeless. Despite our manifest housing crisis in the Republic, there were more homeless deaths in Belfast than in Dublin. Yet Northern Ireland is being denied a government to tackle these fundamental social problems.

As of June, there were more than 250,000 people in Northern Ireland waiting for an appointment to see a consultant. Of that 250,000, 65,000 had been waiting for more than a year. There are 110,000 people awaiting a diagnostic test in Northern Ireland. Some 72,500 people are waiting for inpatient or day care. Yet for a full year, the people of Northern Ireland have been denied a government. In this House we know that solving these really difficult social problems in housing, health and elsewhere is not easy. However, solving them without a government is immeasurably more difficult.

The economy suffers too. An EY economic eye report in December put growth in Northern Ireland at less than a third of the growth rate in the Republic of Ireland. That means jobs, living standards and the future of young people there, whether nationalist or unionist, are falling further behind with every month that goes by. That is before we address the lunacy of Brexit. Yet that hardly merits a thought. It certainly has not merited a government.

To analyse the blame game of who is responsible for the failure to establish the Northern Ireland Executive is effectively to be joined to it. We have heard echoes of that already tonight. Pointing out the contradictions in the positions of either side leaves one open to the charge of being party to one side or to the other. One side is pursuing a Brexit deal in the House of Commons, for which it has no mandate from the people of Northern Ireland. It is belligerent to the point that it is supporting a Brexit deal designed by England, anathema to the regions, which British Government studies suggest will hit Northern Ireland hardest. That side is terrified to concede advances on any issue, because to do so is automatically viewed by hardliners as a political defeat.

The other party, as is its wont, eschews its responsibility to ensure that Northern Ireland's voice is heard, protests the Border, reminds others of their duty, but does not show up where it can make a difference. Too happy with a European backstop position that annoys the British and the unionists, it is less focused on the damage that an east-west border will do to the economic well-being of the people of the island of Ireland as a whole. In fact, an east-west border will be much more economically damaging than the very unwelcome North-South Border. It is afraid to take its seats in Westminster to vote on an issue of existential importance to the island of Ireland and to the people of Ireland.

It seems clear that we have reached a point where both sides cannot be satisfied with what satisfies others almost by definition. I listened to the Tánaiste's speech tonight, and he said, as instanced by Deputy Cullinane, that the Government welcomes Prime Minister May's "steadfast commitment" to the agreement reached last December. Steadfast commitment?

Deputy Simon Coveney: That is what she said.

Deputy Brendan Howlin: She rejected the legal statement of that agreement, absolutely and totally. Deputy Martin, quite reasonably, said that we must take the woman at her word.

Deputy Micheál Martin: That is in relation to the Good Friday Agreement.

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Deputy Brendan Howlin: The problem is which word. Is it her word when she that she signed up to the agreement reached last December or is it her word that no Prime Minister could sign up to the agreement that she signed up to last December? Earlier, I raised with the Taoiseach the statement which today set out the negotiating position of the EU 27 in very stark and clear terms. What we are undoubtedly heading towards is a hard border on this island and between these islands. We can pretend and talk in pretence, but that is where we are heading.

Deputy Simon Coveney: It is not.

Deputy Brendan Howlin: Both of those are economically damaging to the peoples North and South. It is lovely to say that it is not. I am encouraged by that and I respect the Tánaiste's view, but the conundrum of last December has not been resolved. There cannot be a situation where there is no border between North and South and no border between east and west, but the North is in a different customs union to the South. What, then, is the solution?

Deputy Simon Coveney: We are not at the end of the negotiations.

Deputy Brendan Howlin: The Tánaiste says the solution is the backstop, but the backstop cannot be implemented by the British Government. Let us stop the pretence. Let us not delude ourselves that the backstop is available when all else fails. The hardline position being taken by the EU 27 may be understandable because they have been extraordinarily helpful in giving space to a British Prime Minister under a lot of pressure. However, reality has to come home some time.

For too long, the people of Northern Ireland have been left without a say in the critical Brexit talks that have been under way over the last year. Unfortunately, the two main parties have diametrically opposed positions on the issue of Brexit itself, but a functioning executive and devolution would at least provide a political structure to begin to address these issues. At precisely the time when the island of Ireland most badly needed to make its voice to be heard in these critical discussions, that is not happening and it is not going to happen, and no blame game changes that hard reality.

We are a long way from the spirit of the Good Friday Agreement when, as touched on by Deputy Micheál Martin, intractable, generationally difficult challenges were overcome by people who set out to overcome those issues. The middle ground has been demoralised and sidelined while hard-liners exploit issues for sectarian electoral advantage. Both Governments have responsibilities in this regard. We have all known that the pending disaster that is Brexit would crowd out other issues, and so it is with Northern Ireland. Bluntly, the sight of the Taoiseach and the Prime Minister rushing to Belfast, to be joined in an outcome in which they were not sufficiently involved to know that it was still in jeopardy, would be comic if it was not so tragic, if it did not have such deep and disturbing social and economic consequences for all of us.

The backlash and recriminations that followed from the most recent failure to secure a deal makes it less likely that a compromise will be reached in the coming days, weeks or even months. We are on the eve of the 20th anniversary of the Good Friday Agreement that the Tánaiste says will be celebrated in Washington, here and everywhere else. I remember so well the joy it brought to the people of this island, the relief after the real physical and emotional pressure on people across the island, but particularly in Northern Ireland. Given that, the lack of progress towards restoring the fundamentals of that agreement - a power-sharing Executive

in Northern Ireland - is enormously disappointing on this 20th anniversary. It appears Northern Ireland will remain without devolved government for the foreseeable future.

The breakdown also has implications for the Republic of Ireland. Ultimately, these are people's livelihoods and well-being we are talking about. What has been lacking in Northern Ireland is political will, and a significant cause of that is the confidence and supply deal and the enhanced role of the DUP in Westminster. It may be time for a new approach to ensure the institutions are set up again. If republicans believe they cannot have faith in London because of inter-party Westminster arrangements, then we must be imaginative. None of us says other than that those fears are well-founded - how can one have trust in the impartiality of a government that is dependent on one side in the North? How are we going to address these issues? Direct rule cannot be countenanced. However, there have been calls for a British-Irish intergovernmental conference, most vocally by the SDLP. It has not been convened since 2007, principally because the institutions were working for those years. Nonetheless, it is clear that the bones of a deal between the two parties had the potential to be agreed a fortnight ago. That deal should be put on the table at such a conference. It should be agreed between the Governments that the most difficult parts of it, namely, the Irish language, legacy issues and the issue of marriage equality, should be implemented through a package of legislation in Westminster. By removing these road blocks, it would create the space for a devolved administration to return.

The two Governments, as guardians and guarantors of the agreement, have the responsibility to forge forward a new path. We must get parties back to the table under the umbrella of getting back to work for all the people in Northern Ireland. Unionist fears and Nationalist concerns are well founded and they always have been, but each of them took a step of courage in the past. Another step, with a new generation of political and civil leaders, must be taken now.

Deputy Mick Barry: On 12 February the Taoiseach and the British Prime Minister arrived in Belfast. They were full of hope. The British Prime Minister said the agreement would be up and running very soon. The Taoiseach said he was hopeful the two parties could come to an agreement this week. However, people should not count their chickens before they hatch.

The breakdown of these talks is a reflection of, and a product of, sectarian polarisation. The two election campaigns of 2017 were best described by commentators as the mother of all sectarian headcounts, with Sinn Féin and the DUP consolidating their positions as the largest political forces in their respective communities. Both parties have continued to beat the sectarian drum. The most naked reflections of this sectarianism can be seen in the comments of the DUP's Gregory Campbell in defending the erection of Parachute Regiment flags outside Derry in the run-up to the anniversary of the Bloody Sunday massacre, and in the sectarian buffoonery of Sinn Féin's Barry McElduff, whose video on the anniversary of the Kingsmill massacre caused widespread anger across both communities.

Arlene Foster is partly the victim of her own success. For most, the DUP adopted an increasingly hardline approach on an Irish language Act. In doing so, they stirred up sectarian tensions and fears with unfounded claims, including the claim that the Irish language would become compulsory in all schools. After the DUP had said "Yes", its previous mantra was its undoing as it came under pressure from grassroots Unionism. Sinn Féin also hardened its position in recent months, making little effort to counter provocative proposals from some Irish language activists, including in the press, that street signs in predominantly Protestant areas such as the Shankill and east Belfast should be in Irish and that quotas for Irish language speakers should be introduced for jobs in the public sector.

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Socialists support legal protection for the Irish language, Ulster Scots and other minority languages. State funding should be provided to facilitate those who wish to learn and use these languages, as well as funding for the development of the cultural aspects of these traditions, such as literature, music and dance. At the same time, we are opposed to the turning of these issues into sectarian footballs, including the degrading of any language or culture, which happens with both Irish and Ulster Scots.

The leaked version of the document released by journalist Eamonn Mallie is very revealing. It reflects significant compromise by both parties, including by Sinn Féin in dropping its demand that Arlene Foster could not be the First Minister while the RHI inquiry continued. Importantly, on marriage equality, the document states that the parties recognised they both hold different mandated positions on the issue. In other words, Sinn Féin accepted the DUP has a mandate to block marriage equality. The rights of the LGBT+ community were to be sacrificed on Sinn Féin's altar of pragmatism.

Deputy Pearse Doherty: That is not what it stated.

Deputy Mick Barry: So much for no return to the *status quo*.

Deputy Pearse Doherty: It stated the DUP could not block it. The Deputy could read the text of the agreement.

Deputy Mick Barry: I am quite clear on what was in the agreement. The LGBT community and the 68% in the North who support marriage equality clearly can have no faith in any of the establishment parties in Stormont. People power is needed in order to win marriage equality. Despite all the rhetoric in this talks process about rights, all the parties stand for the *status quo* when it comes to denying women the right to choose. A new report by the United Nations Committee on the Elimination of Discrimination Against Women states that Northern Ireland's abortion laws are a "systematic violation of rights", with the committee's vice chairperson indicating that "the situation in Northern Ireland constitutes violence against women that may amount to torture or cruel, inhuman or degrading treatment".

Despite the two largest parties in the North being led by women, both have spoken of their opposition to the Abortion Act 1967. Sinn Féin and the DUP are complicit in this systematic violation of rights, despite the fact that opinion polls demonstrate that a majority supports abortion rights. As in the South, a new generation of young people, LGBTQ people and women will not accept systematic violations of rights. The repeal referendum here can be an historic blow to a conservative establishment and win bodily autonomy. ROSA, the socialist feminist movement, will be organising women and young people from the North to help strike a blow against the Southern conservative establishment and it will step up its fight to have the Abortion Act 1967 immediately extended to the North. Women in the North will not be happy that, once again, they are being left behind, and they will organise to win their rights. Politicians who have denied women their rights will find themselves on the wrong side of a movement demanding a real break with the *status quo*.

The document also illustrates that the DUP and Sinn Féin also agreed to continue the *status quo* when it comes to implementing cuts and privatisation, with the leaked document mentioning public sector reform and agreeing to "the undertaking of a major transformation project in health, education, housing and justice, including progressing the existing consensus on the reforms set out in the Bengoa report". The reference to the Bengoa report is revealing, as it is

the latest blueprint for privatisation and rationalisation of the health services in the North. This is unacceptable to health campaigners and it has already been met with community and trade union resistance.

This April marks 20 years since the Good Friday Agreement and the anniversary is likely to pass with Stormont in crisis and Northern Ireland under a form of “direct rule lite”. The peace process is riddled with crisis because rather than seeking to overcome sectarianism, it has institutionalised it. Some 20 years on, working class communities are divided by peace walls and segregated housing and education, and 20 years on, working class communities have not received a real peace dividend. There is a need for a new peace process for the 99%, which would unite ordinary people in a common struggle for a better life for working people, irrespective of religion, waged in a spirit of real mutual respect. To do that requires a break with the dead end politics of unionism and nationalism with the rebuilding of those labour and socialist traditions that have a proud history of uniting both Catholic and Protestant.

An Leas-Cheann Comhairle: Deputy Maureen O’Sullivan is sharing her time with Deputies Breathnach and Donnelly.

Deputy Maureen O’Sullivan: It is very true to say that in order to understand the present we must look back to the past; that is nowhere more true than in Northern Ireland. We can go back to the Nine Years War and the plantation of Ulster, right to the Ulster volunteers and the Troubles. These are why it is very significant that we have a Good Friday Agreement, as it has meant a whole generation of people in Northern Ireland have not experienced living with violence and bloodshed, as those did who lived through the Troubles.

There is no doubt that Brexit is undermining and threatening the Good Friday Agreement. As a member of the Oireachtas Committee on the Implementation of the Good Friday Agreement, I know we have spent a huge amount of time giving space and listening to individuals, groups and organisations, allowing them to discuss how Brexit is having an impact on them or how they see Brexit having an impact in future. It has gone across a wide range of areas, including economics, agriculture, industry, businesses, health and education, transport, movement, community issues and language etc. We respected the democratic vote of the UK but there is also a need for a reciprocal respect for our vote here on the Good Friday Agreement and all it entails.

I will speak to some particular matters, the first being legacy issues. There is a danger that legacy issues will be relegated in the grand scheme of things in Brexit. I have heard the frustration and despair of families still waiting on information and justice with respect to Troubles-related incidents and crimes. I now chair the Oireachtas group on Justice for the Forgotten after the work of Deputy Crowe. We meet regularly and I know the people in that group have been waiting for so long. Three motions were passed in these Houses relating to the Dublin-Monaghan bombings and if three similar motions had been passed in the House of Commons, they would not react with the same patience we have shown here. There should be a strong stance from the Government in representing the families of those victims of that single and dreadful atrocity. Other families are also waiting for answers. I mention the matter of the hooded men, and how much longer will that affected group have to wait?

I acknowledge that the overwhelming majority of people on the island fully supported the Good Friday Agreement but some did not for various reasons. Rather than labelling and ostracising the group, we should be inclusive and bring them into a shared future vision. I, along

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with other Members of this House, visit prisoners in Northern Ireland at Maghaberry, both republican and loyalist, and we know that repression breeds resistance. There have been a number of agreements, such as that between prisoners and authorities, and the International Red Cross and independent parties have been in, but they are still not being implemented. There seems to be very little interest from those who can bring about change, apart from our visiting group.

It is difficult to keep up with the British position. For a long time it was not clear and it keeps changing. Just yesterday they announced the UK would withdraw from the Digital Single Market, which means there will be roaming charges for those travelling North. I know it is a minor detail but it is an example of this ever-changing landscape that is Brexit. The Tánaiste knows my concerns about animal welfare, and this is another matter that could be relegated in the talks about Brexit details.

It is very unfortunate the Irish language is being politicised and is being used almost like a political football when it is so clearly defined in the Good Friday Agreement. Language should be a means to bring us together rather than pulling us further apart. When our committee was in Belfast recently, we met Irish language groups, including a unionist group that was delighted to tell us about all its efforts in learning Irish. That must be commended and encouraged.

It is ironic that we will celebrate the 20th anniversary of the Good Friday Agreement in the current atmosphere. Within the sphere of elements that are unclear and constantly changing, I acknowledge the Tánaiste's work, as well as the work of the officials in the Department. It has been extremely difficult for all of them to do this kind of work when we did not know what would happen after the Brexit vote. Even now, things are changing as we speak.

Deputy Declan Breathnach: I thank Deputy O'Sullivan for giving us some time to say a few words. The blame continues, even in this House tonight. As far as I am concerned, there is far too much shadow boxing relating to both Brexit and the formation of the Northern Assembly. Respect is a two-way process. In this House people are entitled to hold and express opinions, as in any democracy. As far as I can see, some people and some parties thrive on crises. The solution is to stop shadow boxing and get down to the business of forming the assembly. In the interests of both countries, particularly the people of Northern Ireland, elected members, rather than engaging in squabbles and quarrels, need to take their seats in Westminster to ensure there is no prospect of a hard border. Having lived close to the Border for many years, I know that there is a middle ground on most issues. I often describe these people as the silent majority. Our children, whether nationalists or unionists, will not forgive us if we do not take the action that is required to ensure there is a soft border. The people of Northern Ireland are looking for leadership. We need to do what is right at this point.

The Good Friday Agreement has been the cornerstone of the fragile peace process in Northern Ireland. As mentioned by the Minister, any efforts by Brexiteers aimed at undermining the agreement are extremely unhelpful and risk undoing decades of hard work. We do not want to return to the days of the Troubles. In this context, we need also to be reminded that while the levels of violence post-Good Friday Agreement have disappeared from our television screens and the media, the reality is that in excess of 150 people have been killed in Northern Ireland since the signing of the Good Friday Agreement as a result of paramilitary activity on both sides, not to mention the hundreds of people that have been maimed. If one entered the term "paramilitarism in Northern Ireland" on Google one will come across at least three, if not four, instances in the last three or four days which show how fragile the peace process is.

The lack of agreement on reforming the assembly in the North has many consequences in this regard. Prior to Christmas, a Northern Ireland department of finance briefing paper set out how there could be significant staff reduction across the wider justice system, including in the PSNI and the prison service, which is shocking at a time when paramilitary threat remains alive. Only last week, the Chief Constable of the PSNI said that he feared that a fortified frontier or any attempt at a hard border, which would have to be policed around the clock, would put his officers' lives in great danger from anti-peace process paramilitaries. He outlined that there is still an ongoing threat from hardline factions from the New IRA and those using the names of the UVF and UDA who have split from those who bought into the dream of the peace process. He also said that in 2017 the PSNI, in its counter-terrorist operations, had made many arrests. Any attempt to water down or dumb down the Good Friday Agreement would be a retrograde step and I suggest that the Brexiteers who attempt to do such do not have a grasp of the important role the Good Friday Agreement has played in creating an all-Ireland economy and in encouraging communities, North and South, to face each other to create an island for all.

We cannot speak of the Good Friday Agreement without focussing on the legacy issues which, as mentioned by Deputy Maureen O'Sullivan, still exist on all sides of the divide, especially in the North of Ireland. Like Deputy O'Sullivan, I have been on many visits to Northern Ireland with the Joint Committee on the Implementation of the Good Friday Agreement. It is abundantly clear to me that the perspective of most people, whether nationalist or unionist, on most issues are identical. They feel let down and they feel that the legacy issues in particular have become generational. Those involved now have families and those families are suffering. On and on this cycle goes. We need a voice for the North to pave a way forward so that the framework of legacy institutions provided for under the Stormont House Agreement can be implemented. The failure of the parties in the North to form a functioning executive comes at one of the most critical times in the history of Northern Ireland. While the MLAs in the North still take their salaries and may still be doing parish pump work, they are not representing those who elected them or dealing with the issues that need to be dealt with in Northern Ireland in terms of education, health and the other issues referred to earlier by Deputy Howlin.

There is a lack of urgency on the part of the Irish and British Governments, and the protracted deep freeze of over a year of an impasse between the DUP and Sinn Féin is feeding into the zero sum politics that currently exist. This has debased real politics, despite the urgency of Brexit and the need for leadership as opposed to one-upmanship. It is incredible that so many democratically-elected Northern Ireland representatives cannot park the contentious issues and deal with the issues that are much more important at this point. Deputy Howlin referred earlier to the EY study published in December. It clearly shows that Ireland's GDP is expected to grow by 4.9% this year compared with 1.4% for Northern Ireland. The report goes on to say that the state of the economy of Northern Ireland is not helped by the absence of a devolved Government and that the economy in Northern Ireland remains challenged owing to inflation, reducing consumer spending and the absence of a Government, disrupting state spending programmes.

In regard to Brexit and the Border, the Prime Minister, Theresa May, said in her recent speech, "We chose to leave [...] we have a responsibility to find a solution." I would suggest the "we" is the royal we. The context and legal standing of the solutions which were put forward on December 15 were unclear and I welcome the proposal to put this text in a legal format. Prime Minister May also spoke about hard facts. She needs to listen to those on the ground, particularly those in the Border region, about the hard facts. I call on the parties concerned to park their differences in light of Brexit and to ensure the future peace and prosperity of this island. I

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respect the Irish language and I accept that there is need for respect in regard to all of the other issues but they need to be parked at this point.

Deputy Stephen S. Donnelly: I want to direct my comments to the Northern Ireland Border. The UK Government has repeatedly stated its commitment to ensuring no Border controls, which is welcome. It signed up to an agreement in December which committed to no Border controls, which is also welcome but I put it to the Tánaiste that this agreement is being unpicked.

The agreement contains three layers of protection. First, that the UK will remain aligned to the EU but the UK Government has clearly stated that this is not going to happen. The second layer of protection is that the UK Government proposes specific solutions to address the unique circumstances of the island of Ireland. This relies on technological solutions that do not exist anywhere in the world, confirmed by the ex-head of the World Trade Organisation, WTO, and obviously nothing has been forthcoming from the British Government on this. The third layer of protection - the backstop - which is probably the only real layer of protection is that in the absence of agreed solutions, the UK will maintain full alignment with the rules of the Internal Market and the customs union which, now or in the future, support North-South co-operation, an all-island economy and the protection of the 1998 Agreement. At least some senior members of the British Government believe this commitment to be more limited than the EU or the Irish Government believe it to be. They talk of minimal controls. Worryingly, the US-Canada border is being referenced with regularity, including by the British Prime Minister yesterday in the House of Commons. They are talking up and normalising border controls.

The EU guidelines put the backstop first. They say that at the end of the transition period, if the British are not aligned to the EU, which we do not expect them to be, or they insist they will not be, and if the British have not come forward with a technological solution, which we do not expect them to do although obviously we are very open to that conversation, the legal reality on the ground for the people of Northern Ireland and the geography of Northern Ireland would be a legal tie-in to the Single Market and the customs union. It is very important that this is the reality the day after the transition period ends. Worryingly, Prime Minister May dismissed this out of hand. Having signed up to the December agreement she dismissed out of hand the legal reality, stating that it would be a threat to the UK constitution. There is expert advice which states that that is not the case.

Fianna Fáil has been, and will continue to be, very critical of the Government's domestic response on Brexit. On the international front we will continue to support the Minister but we are seriously concerned that this agreement and the protections being bulletproof, rock solid and cast-iron were over sold. I thank the Leas-Cheann Comhairle for his indulgence and will finish with a point for Sinn Féin.

Deputy Pearse Doherty: I think the Deputy is over time.

Deputy Stephen S. Donnelly: The absence of an Executive has left the people of Northern Ireland unbelievably badly exposed to what is hitting them, so I would implore Sinn Féin to do what it can. I will finish-----

An Leas-Cheann Comhairle: Deputy Mattie McGrath is next.

Deputy Pearse Doherty: Does Deputy Donnelly really believe that an Executive will change the DUP's position on Brexit?

Deputy Stephen S. Donnelly: There is an upcoming vote in Westminster-----

An Leas-Cheann Comhairle: Deputy Donnelly, please.

Deputy Stephen S. Donnelly: I respect Sinn Féin's abstentionism but there is an upcoming vote in Westminster which could turn the direction of Brexit in favour of the people of Northern Ireland-----

An Leas-Cheann Comhairle: Deputy Donnelly, please. Deputy Mattie McGrath is next.

Deputy Pearse Doherty: An Executive is going to change the DUP's position on Brexit - does Deputy Donnelly really believe that?

Deputy Stephen S. Donnelly: -----and I would implore Sinn Féin to take a look and see if that is something it would consider voting on.

An Leas-Cheann Comhairle: Deputy Mattie McGrath has 15 minutes.

Deputy Mattie McGrath: I am happy to speak on Northern Ireland. It is fair to say that it is only since the onset of Brexit and the reality of what that will mean for Ireland has the position and role of the North started to receive the kind of sustained political attention it deserves and needs. We are all only too aware of the complex nature of the position in which we find ourselves. Thanks in part to our history and geography in the context of our nearest neighbours, the problems have been even more complex. To date we have witnessed enormous confusion around the approach that should be adopted. Most of us are agreed that there is an absolute need to avoid a hard border, but that idea is receiving a mixed reaction in both Europe and the UK. For some it is a possibility while for others it is inevitable that a hard border will have to be constructed. I travel once a year to Croatia and Bosnia and Herzegovina and have seen the border that has been constructed there, using EU funds. It is enormous and is nothing like anything we saw in the North in the past. I have travelled to the North many times, through Aghnacloy and Caledon but the buildings and the structures on the Croatian border are nothing like what were in place in the North. The Croatian border was built by Europe, and much as we might say that we will not have such a border here, I think we will and that is the problem. That will set us back economically, culturally and politically. It will be a huge setback.

The respected international think tank, Copenhagen Economics, has found that in all scenarios Brexit will have negative impacts on Irish trade, with adverse and knock-on effects on Irish production and ultimately on Irish GDP. Its recent study found that increased trade costs will lower Irish exports of goods and services by approximately 3% to 8% by 2030. Brexit will lower Irish GDP by approximately 3% to 7% by 2030. The following five sectors account for the vast majority of the total impact of Brexit: agrifood, pharma-chemicals, electrical machinery, wholesale and retail and air transport. I have a lot of relations and friends along the Border. There are farms along the Border that are only divided by barbed wire fences and it is just impossible to imagine the impact that Brexit will have on cross-Border trade, on movements of milk, butter and so forth. These are profoundly disturbing findings and should be a source of concern to us all. Leaving aside the economic issues for a moment, there is also a real and pressing fear that the bonds that enabled us to move forward in an era of reconciliation are fast disintegrating. At this point I wish to pay tribute to all of those who were involved in the peace process, in particular to two people from Tipperary, the late Reverend Alex Reid and the former Senator, Deputy and Minister of State, Mr. Martin Mansergh. They played a huge role in the process along with many others, including the late Albert Reynolds and the former Taoiseach

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Bertie Ahern. They developed very special relationships and that cannot be forgotten. However, old ways of talking and thinking seem to be re-emerging and a noticeable animosity has crept back in between North and South. The fragmented loyalties within the DUP and the British Conservative party are making progress almost impossible. The situation is very delicate in that regard. There seems to be very little capacity or willingness to rise above internal disputes and to move toward the strengthening of the Good Friday Agreement and the peace that it has brought. We must not have the agreement undermined in any way, but it is becoming the victim of a return to the type of tribal politics that we had hoped we had seen the back of. Indeed, young people today have no memory of the Troubles in the North. Of course, passions and loyalties run deep, but in the past these were able to be acknowledged with respect in an effort to gain peace, and that was a huge achievement. That objective seems to be weakening all of the time. That said, I have faith in the Minister for Foreign Affairs and Trade, Deputy Coveney and his ability to talk the talk and to be patient. I remember his patience, stamina and energy during the Government formation talks two years ago and he will need all of that now. If we add to this the fear and uncertainty that the economic consequences of Brexit may bring, then what we have is a potent and dangerous combination that may have very long-lasting consequences.

To return briefly to the findings of the study by Copenhagen Economics, we see that the reliance on the UK market is even greater for certain Irish exports such as cheddar cheese at 65% and butter at 54%. Raw milk and fresh milk is normally not traded outside the UK but there is some trade in milk with Ireland. Approximately 600 to 700 million litres of milk is imported from Northern Ireland for processing in Ireland. Anyone who goes to Monaghan will see the milk trucks crossing over and back at the Border. This North-South milk trade may not be commercially viable if tariffs and border costs are imposed. That is but one example. Another is the effect on the retail sector. The Copenhagen Economics analysis found that the retail sector is dependent on the free movement of people and employees between Northern Ireland and the Republic of Ireland. We all remember the days of the checkpoints and the customs posts. One would often meet checkpoints along the roads beyond the Border too. I travelled across the Border many times, from Aughnacloy up to Omagh and beyond. The retail sector would be negatively impacted by an inability to operate on an all-island basis from both a product and a people perspective. We cannot slip back to the days of smuggling, fuel laundering and so forth. It is unthinkable that we would revisit that scenario.

All of this spells clear trouble ahead if there is no satisfactory political resolution. I was interested to watch a recent vox pop from Belfast last week and the majority of people interviewed on the streets expressed clear and unambiguous frustration and anger with the political culture that has produced so much stagnation over the last year and half. Since the untimely passing of the late Martin McGuinness, relations seem to have deteriorated rapidly. Arlene Foster seems genuinely unable to muster the kind of open or reconciling approach that characterised her predecessors. That is not a personal criticism but it does speak to how we may have to prepare ourselves for a longer-term lack of political movement, and that is a pity.

In terms of the actions of our own Government, I welcome the sincerity and openness which the Minister for Foreign Affairs and Trade, Deputy Coveney, has adopted in his approach. I also welcome his willingness to be extremely blunt and frank with both the political leadership within the EU and with the political leadership of the North when it comes to expressing the interests of the Republic. I am afraid the same cannot be said of the Taoiseach who, along with Mrs. May, was left humiliated a fortnight ago when their joint meeting fell absolutely flat, with no positive outcome achieved. He was too certain about the bulletproof agreement and was

too gung-ho before Christmas and now he is paying the price. If he had shown any interest in the talks and the issues pertaining to Northern Ireland, he would have seen that there were huge difficulties and that the situation was hugely fraught. He should have known that the talks could have been derailed at any time. He was more gung-ho than he should have been. We had hoped that some breakthrough was possible given that both the Taoiseach and the British Prime Minister had travelled to the North, but unfortunately that did not happen. I also think that was premature. It created expectations that were too high. They were badly advised, whoever advised them or brought them up. It was way too soon and enough groundwork had not been done. Indeed, he could take a lesson from the former Taoiseach, Mr. Bertie Ahern, in having patience. Mr. Ahern left his own mother's graveside to return to those talks.

This, it seems, is something like the Taoiseach's firm assurances that the agreement he had reached some months ago in Europe was made of cast iron political guarantees. We now know this was far from being the case. If that is the kind of cast-iron guarantees he is talking about, the scrap metal Bill that I tried to introduce and that the Government would not enact should be brought in for some of the Taoiseach's wordings. All the spin in the world from his new communications unit will not make that a reality. What we need is hard graft, although I do not think the Taoiseach is known for that, and patience. I genuinely do not say that to criticise. I say that because there is more than an element of jumping the gun at play here. The Taoiseach rushed out to the nearest camera and shouted, "Victory in Europe", only to be politically embarrassed by his so-called partners a short time later.

Northern Ireland needs and deserves strong and capable political leadership that can put the interests of its people ahead of party political rivalries. The saying used to be, "A lot done, more to do". Tús maith, leath na hoibre - but that was a false start that the Taoiseach announced before Christmas.

There are too many open sores in Northern Ireland, from the Dublin and Monaghan bombings to the Omagh bombing. I have worked with a group in the last number of years and I have a lot of connections with Omagh. My wife spent seven years there working in the Tyrone and Fermanagh Hospital and I have been up and down to Omagh. Sadly, the families in Omagh have been let down by the former Taoiseach and former Fine Gael leader, Deputy Enda Kenny, who, at a Fine Gael Ard-Fheis, pointed to them in the audience and told them what he would do for them. He said they would get no justice from the Fianna Fáil Government of the day but that they would get it from him. Then he ran away from them, let them down and abandoned them. They came in one day and sat up in the Gallery and during Leaders' Questions I asked the then Taoiseach to wave at them when there were no cameras on him. Sadly, they were let down.

The anniversary of Mr. Aidan McAnespie, who was murdered at Aughnacloy, is around this time and there is little or nothing happening as regards a proper investigation and having all his remains returned to be buried with the rest of his body to enable his father to get some semblance of justice at this stage of his life. I knew people who worked with him in Monaghan Poultry and the blackguarding he got was unbelievable. I salute RTÉ for the recent item on the Mary Wilson show - I do not know which of the journalists did it, the name will not come to me. It gave a five-day chronology of the events and interviewed people. That has to be dealt with and brought up. Justice delayed is justice denied and there was no justice. It was summary justice he got with the fobbed off story that a gun slipped and a bullet ricocheted. That was proven beyond all doubt to be untrue by the autopsy but his rib cage was never returned from the hospitals in Northern Ireland, although it should have been. It is just not acceptable that those sores are left open. Those issues have still not been dealt with.

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I was in Omagh the morning after the bombing and met Prince Charles and the then Secretary of State for Northern Ireland, Ms Mo Mowlam, who was quite ill at the time, but she was there. I saw the horror and devastation that was there. There are unanswered questions as to why that bomb was not stopped or derailed when people knew it was on its way. Sources and agents had to be protected. It was and is disgraceful and the families have not got any honest answers. So much time has passed since it happened. Those issues will remain even if we get this agreement back on the road. We need an honest appraisal of what went on and we need answers. I have met Sergeant John White several times and he became a scapegoat in my opinion. I have met the families. His name eludes me now, but I asked a man after the film was produced how true it was and he said it was 95% accurate. That is what happened. Agents of our State were literally colluding. That bomb was known to be travelling and it was a travesty that it was not taken off the road because of fear of protecting sources. What sources were worth leaving 29 people dead, including a baby in the womb?

These things have to be sorted out. Justice delayed is justice denied and time is not on our side. I appeal to the Minister, Deputy Coveney, and I will be appealing to the Taoiseach during Leaders' Questions very soon to take up where the former Taoiseach, Deputy Enda Kenny, fell down badly in giving such hopes to the Omagh families at a Fine Gael Ard-Fheis just to get votes. He put them on the television for the whole country to see and then in this House he would not meet them and ran away from them in a corridor.

Deputy Róisín Shortall: It is quite ironic that twice in the past few months, this Government has had a very good photo opportunity scuppered by the DUP. We all remember that day in December just gone, when journalists watched and waited outside Government Buildings for the Taoiseach to appear and announce that a deal would happen that would allow the UK to progress to phase two of the Brexit negotiations. The DUP had other ideas and, embarrassingly, we were left looking at a cancelled press conference with no deal to be seen. Fast forward a few weeks to Belfast, another chance for a photo opportunity on a so-called "closed deal" and another embarrassing misfire - no deal, no news, and it was back to Dublin.

In many ways, this approach is emblematic of the Irish approach to Northern Ireland over some years now, showing up when the deal is done but not putting in sufficient effort to sustain and promote the cross-community governance that was agreed to 20 years ago in 1998. The Social Democrats takes a somewhat different view from other parties in respect of Northern Ireland. While we accept that the Good Friday Agreement and the associated suite of agreements will remain the cornerstone of Northern Ireland policy, we strongly believe that a fundamental rethink of the type of governance is urgently required. The reality is that Stormont is stale, the model of power sharing that was agreed in 1998 is dysfunctional and the voices of those who wish to move beyond the orange and green divide are systematically excluded.

In many ways, the *status quo* of direct rule suits everybody. Sinn Féin can appear to be whiter than white in pushing its requests, the DUP can revert to its "Never, never, never" position and the British and Irish Governments can retreat to their minimalist and hands-off approach to the impasse. My party believes that these positions are unacceptable. They are not in line with the principles of the Good Friday Agreement. They are incompatible with the roles of the two Governments as co-guarantors of the agreement and they do a disservice to the people of Northern Ireland at a time of great political uncertainty with Brexit looming.

The sad truth is that perhaps the most effective way to force both sides back to the table may actually be to fully implement the Good Friday Agreement. Elements of the deal, which the

Irish Government is never shy of lauding, remain unimplemented or are now in serious peril owing to Brexit. Such elements include the promised bill of rights, the applicability of the European Court of Human Rights to Northern Ireland, the promised civic forum and so on. The two Governments should, in the absence of a cross-party agreement, push ahead strongly with implementing these elements of the agreement along with reforming the mechanisms of power sharing. The use of the petition of concern in Stormont should be re-examined in order to end its ongoing abuse as a stick to beat vulnerable groups in Northern Ireland.

The Social Democrats believe an enhanced Civic Forum, as originally constituted in 1998, is the one element of the deal that could force the parties back to the table. The Civic Forum, as a counterbalance to the “green and orange” straitjacket of Stormont, would serve as a voice for those whom the peace process has left behind and those groups that find themselves marginalised by the very nature of power-sharing but which continue to work for the community, women’s organisations and those fighting for LGBT rights, community groups and so on.

In the past few weeks elements of the Brexit la-la land fringe in the Conservative Party have touted the Good Friday Agreement as an impediment to their imagined forthcoming splendid “isolation”. Even since last week, the British Prime Minister has rejected out *10 o’clock* of hand elements of the so-called bulletproof deal from December as if they were new to her, while the Foreign Secretary has stated the Border will be comparable to crossing through different boroughs in London. There is no doubt that continuing uncertainty surrounding the British version of what Brexit will mean and the reliance of the Conservatives on the DUP at Westminster are complicating factors in seeking to break the current impasse. In the end the Agreement may prove to be the trump card against having a hard border in Ireland, but we should not forget that it came about as a result of a recent, long and terrible, conflict. It is incumbent on all sides to ensure the devolved government is restored, but it must be made to work for everyone in Northern Ireland, not simply be the hostage of the DUP and Sinn Féin.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney): I thank all speakers for their contributions, some of which have been helpful, in particular, Deputy Brendan Howlin’s. It was a reminder of the consequences of not having devolved government in Northern Ireland for everyday life in the provision of health care and education and dealing with many other challenges. If a severe weather event was to cause devastation in Northern Ireland, we simply would not have politicians to make decisions and would have to rely on some of the incredibly dedicated public servants I have met there in recent months who are trying to keep the show on the road but who are not geared up to making the political decisions necessary for policy interventions.

I will split my comments into three areas, on which there has been commentary - Brexit, our efforts to have a devolved government and an executive up and running, and legacy issues.

On Brexit, it is important to stress that the negotiations on the future relationship and to finalise a withdrawal treaty have only just begun; therefore, there are different perspectives that, at times, sound contradictory in the context of the commentary we hear from Westminster, which is frustrating for everybody. However, we have to operate on the basis of the negotiating teams on behalf of the British Government and the European Union through the Barnier task force. The European Union’s position on its understanding of what was agreed to politically in the joint paper in December has been published in draft form. It is going to all member states right now for commentary and I suspect it will not change at all or, if it does, it will be minor. It will certainly not change on the Irish side on the Irish issues. That will be the basis for the

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European Union to progress between now and October a finalisation of the withdrawal treaty or agreement. While the British Government and the DUP rejected what they regarded as an EU interpretation of a commitment made in the joint paper in December and stated they were constitutional concerns - something I do not accept - that reaction was not that unexpected. The European Union will maintain solidarity and focus in the legal language published which reflects our understanding and the collective understanding of the Union of what was agreed to in December. If the British negotiating team and the British Government have a different interpretation, let us hear it. Let us see it and have it as part of the negotiations which have yet to begin to finalise a withdrawal treaty, as well as a transition period and a framework agreement that could result in a future relationship. I suspect the agreement will happen at some point in the next two to three years because that is how long a detailed FTA finalised between the European Union and the United Kingdom will take.

Our perspective and interpretation is that we have cast-iron guarantees on what was agreed to in December as regards the outcome, which means no hard border, which means North-South co-operation and a functioning and protected all-island economy. One cannot reinterpret a statement that states we will provide an absolute guarantee that there will be no hard border, no border infrastructure and no associated checks or controls. That is categorical in terms of a commitment from the British Government, from which it is not resiling.

Deputy Brendan Howlin: It talks about Canada.

Deputy Simon Coveney: I accept that is contradictory, but in the British Prime Minister's official speech last Friday which was welcome she did not resile from option C, as they saw it - the backstop or fallback position. I made a commentary on the A and B options which she reiterated. She essentially repeated some of what had been published in a British paper last summer when it was looking at two options - a customs union partnership and largely exempting approximately 80% of business activity back and forth across the Border. That would be a hard sell to the European Union that will look to maintain and protect the integrity of the Single Market.

There is a long way to go in the negotiations and the House should not draw quick conclusions about what that means. I am convinced that we will find a way through maintaining strong solidarity with our EU partners to ensure infrastructure will never again be installed at the Border. I believe the British Government is serious about trying to make that happen, but it certainly wants to try to persuade us that there is another way of doing it that is different from the backstop negotiated.

An Leas-Cheann Comhairle: Is it agreed to give the Tánaiste another five minutes? Agreed.

Deputy Simon Coveney: I thank the Leas-Cheann Comhairle.

With regard to the Good Friday Agreement and the Executive, the way it will be done is through human interaction where people will start to trust each other and agree to compromise. Some of the earlier commentary in interpreting what had happened in the past nine months was not accurate. I have no quarrel with Fianna Fáil on the North. Fianna Fáil leaders have done great things for Northern Ireland and I have spoken to Bertie Ahern on this issue to get his perspective on some of the personalities with whom we are trying to negotiate. I have no quarrel either with Deputy Micheál Martin, but if people are going to start drawing conclusions

from how they perceive the negotiations went in the past eight or nine months, they could, at least, ask me privately about what happened before commenting publicly. That is my only quarrel here because I believe Deputy Micheál Martin wants the same things for Northern Ireland that I want. The truth is that these negotiations happened in private and there was no political media management around those negotiations. There was virtual media silence for eight months, coming from both the DUP and Sinn Féin but also both Governments. Virtually nothing was said, which was hugely frustrating for the other three parties and for many others who care about Northern Ireland and its future, but we believed in providing that environment for the two parties to begin to trust each other again, and the two negotiating teams to tease through multiple issues, including concerns around legacy, parades, the petition of concern, bill of rights, marriage equality and the Irish language. There were 12 or 14 really difficult issues on which they had to find a middle ground. By and large, they managed to do that in the end within the confines of that quite protected political environment where the two Governments tried to create the space for the leadership and the negotiating teams of Sinn Féin and the DUP to find a way of doing that. Unfortunately, it was in the aftermath of a proposed solution, when the debate in terms of what might be in that became more public, that it started to unravel on one side, and that is hugely regrettable. I believe the trust that had been built up over that nine months, but particularly in January and February, has been fundamentally undermined even further over the past three weeks because there has been tit for tat commentary on who said what, who agreed what, etc., and that is unfortunate.

I am conscious that I am only speaking to one of the parties concerned in the House this evening but there is a big obligation on Sinn Féin, which has a clear and strong leadership and focus in its negotiating team. Of course, there is an obligation on the DUP too. There is a particular obligation on both parties to resist the temptation to have a go at each other, to tone down language, which there has been an effort at doing, and to find a way of privately re-engaging. The Governments will do all they can to encourage that. Also, the Governments are talking in detail about how they can re-energise and restart a process that perhaps will be more inclusive this time - the structures will be different - and involve the other three parties in a much more real and direct way because I think that is necessary.

I defend the strategy that we adopted which, in terms of achieving compromises in difficult areas, worked in terms of the negotiating teams and their engagement to the credit of both parties. The unravelling of that, for both Governments, was both a surprise and an enormous frustration, but that is where we are and we need to pick up the pieces and put them back together. There was a need to allow a little time to pass but my experience in Northern Ireland is that time does not solve problems. In fact, sometimes it makes them worse.

Unfortunately, we have a series of extra complications in trying to get a deal done in Northern Ireland between the two large parties and the others which is linked to a very difficult Brexit negotiation. It is also linked, obviously, to the relationship between the DUP and the British Government in the context of that Brexit negotiation and the tensions, unfortunately, that have occurred at different moments in those Brexit negotiations when the Irish Government has had to take a stand on certain issues which have caused stresses and strains, in particular, with the DUP, and at times with the British Government too, although at no point in the Brexit negotiations has the relationship on Northern Ireland between the British and Irish Governments been strained. My relationships with the former Secretary of State, Mr. James Brokenshire MP, and his successor, Ms Karen Bradley MP, are very good. I still maintain contact with James Brokenshire even though he is no longer in that position. He is a very fine person, as, indeed, is

Karen.

One can expect that after the St. Patrick's Day travels the two Governments will really try to re-energise an effort to get this process back on track. Some of what Deputy Micheál Martin stated tonight is absolutely true. When one considers what parties in Northern Ireland coming from such a different background and perspective managed to achieve 20 years ago on enormous issues it can, I hope, put some context on the barriers to progress right now around structures in terms of Irish language legislation and trying to counterbalance that with recognising the diversity of culture and language in Northern Ireland in a broader context.

In relation to legacy, we are absolutely committed to this. Families, of whom I have met many, need a process that moves towards the truth. We cannot have amnesties. We cannot have different standards applying to different communities or different people. Whether one is a unionist or a nationalist, whether one is a former member of the Defence Forces or the British Army, the same rules should apply to everybody here in terms of establishing the truth. We will work with the British Government to ensure that we can influence positively the consultation that will take place and be launched, I hope, shortly, on that legacy process consultation. Of course, we also want to see the financing of legacy inquests being forthcoming, as has been called for by the chief justice in Northern Ireland. Just in case my comments are interpreted as only an ask of the British Government, we recognise the responsibilities that we, as a Government, have to pass legislation that can help get to the truth of inquests that are currently taking place or will take place in Northern Ireland. What I mean by this is passing groundbreaking legislation which we are committed to doing, and which the Minister for Justice and Equality, Deputy Charlie Flanagan, is bringing forward, which will allow hearings for inquests in Northern Ireland to essentially hear evidence here in Dublin and the High Court to get to the bottom and truth of some of the atrocities that have taken place in Northern Ireland - Kingsmill being the best example but I am sure there are others.

I take Deputy Howlin's commentary on board. I suspect his view is shared by many others in the House. Our engagement on Northern Ireland needs to be more comprehensive than it currently is. Perhaps some of the frustrations in Fianna Fáil would not be what they are if there were a forum that could tease through what is happening, why it is happening, why the Governments are taking the approaches they are, some of the difficulties Sinn Féin has faced and some of the difficulties unionism genuinely faces in terms of the politics they are currently trying to grapple and deal with in Northern Ireland.

I believe all of the parties want devolved government. The Governments have to find a way of getting that deal done, in particular, between the two large parties, but in a more inclusive way in the next round of negotiations that involves the other three parties as well. I look forward to the support and co-operation of all parties in the House to get it done. I commit this evening to bringing forward some new ideas which we can share with the other parties on ways in which we can have a more comprehensive engagement on a regular basis on the issues in Northern Ireland.

An Leas-Cheann Comhairle: I thank the Members present for their indulgence. We have gone on 15 minutes longer but it is an important issue.

The Dáil adjourned at 10.20 p.m. until 12 noon on Thursday, 8 March 2018.

