



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

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# DÁIL ÉIREANN

*Dé Máirt, 27 Márta 2018*

*Tuesday, 27 March 2018*

Chuaigh an Ceann Comhairle i gceannas ar 2 p.m.

***Paidir.***  
***Prayer.***

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## **Death of former Ceann Comhairle: Expressions of Sympathy**

**An Ceann Comhairle:** Before beginning Leaders' Questions, I wish, as Ceann Comhairle, to record my deep sadness at the recent death of my distinguished predecessor, Mr. Seán Treacy. We will schedule time in the near future for formal tributes from Members but I think it would be appropriate for me to record today the sympathy of this House to Seán Treacy's family and friends. He served in this House for 36 years as well as in the European Parliament. I attended his funeral yesterday in his beloved Clonmel and it was clear from those present that Seán gave his heart and soul to the people of Tipperary, serving that county and this country with true patriotism, integrity, dignity and a deep sense of social justice.

*Members rose.*

**An Ceann Comhairle:** I call Deputy Micheál Martin for Leaders' Questions.

**Deputy Micheál Martin:** Are we expressing sympathies later?

**An Ceann Comhairle:** We will have formal tributes later.

**The Taoiseach:** Will there be an opportunity to say something?

**An Ceann Comhairle:** If Members want to, they can do so during Leaders' Questions.

**Deputy Micheál Martin:** We were told we would have a minute each before Leaders' Questions.

**Deputy Mary Lou McDonald:** Yes.

**An Ceann Comhairle:** Nobody told me that, but off you go.

**Deputy Micheál Martin:** Ba mhaith liom i dtús báire mo chomhbhrón a dhéanamh. B'fhéidir gur cheart don Taoiseach labhairt ar dtús.

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**The Taoiseach:** I would like to begin by offering my condolences and those of the Government to the family of Seán Treacy. As a member of the Labour Party and as an Independent, he served the people of Clonmel, Tipperary South and the country with great honour and distinction. I would like in particular to extend my condolences to Deputy Howlin and former Members from the Labour Party, who all knew him so well. I never had the opportunity to meet the former Ceann Comhairle but as a young man interested in politics, watching it on television, I remember being struck by Seán Treacy, a man with gravitas, dignity, authority and, of course, a booming voice. Over the course of a remarkable career, he was a Deputy for 36 years and sat in the European Parliament for three.

Across three different decades - the 1970s, 1980s and 1990s - he served as Ceann Comhairle and saw his role as putting manners on Deputies. This is never an easy job, and sometimes even taoisigh need to be reined in. The only reward for an often thankless task is that the holder of the office is constitutionally entitled to be returned automatically in the next election. In 1997, Seán Treacy decided against being automatically returned, something that was praised by my forbear as a unique and selfless act and as further evidence of how he always put the public interest before himself. In his own words, he handed down “the torch of unsullied public service to others in the hope and belief that they too will continue to uphold the best and noblest traditions of the premier county”. When he stepped down in 1997, there were many tributes paid to him in this House and they were all well deserved, although with typical modesty he said he felt that he needed to kick himself just to make sure he was still alive. I am glad that he was honoured in that way in his lifetime. Ar dheis Dé go raibh a anam.

**Deputy Micheál Martin:** Ba mhaith liom ar son mo pháirtí agus ar mo shon féin comhbhrón a dhéanamh le clann Seán Ó Treasaigh as a bhás. Bhí sé dílis dá phobal agus d’oibrigh sé go dian dícheallach ar son an chórais daonlathach agus ar son a dhúiche féin. He was a committed public servant at local, national and European level. He had very strong personal convictions as a Deputy. He was always incredibly fair-minded and independent in his role as Ceann Comhairle on four occasions. An extremely popular politician, being returned seven times as a Deputy, and, of course, serving as an MEP from 1981 to 1984 for Munster. He first ran in 1957 for the Labour Party, when it was the minority party in an outgoing Government; never an easy task, as Deputy Howlin would testify. At his first attempt, he polled very credibly. Four years later, however, he topped the poll and took the seat which he held for 36 years, an extraordinary achievement.

He was very much part of a rural Labour Party tradition that often held the fort, or, indeed, the seats, irrespective of what the prevailing political trends might have been elsewhere, particularly at national level. It did not seem to affect the endurance or longevity of a Deputy like Seán Treacy. In a similar mode to John Ryan in Tipperary and Dan Spring in Kerry, he was rooted in his county. In his opinions and his outlook, he was happy to reflect those of his constituents. He served another ten years as Ceann Comhairle after 1987. In 1973, he saw the position and he pledged to strive earnestly to uphold the dignity and the decorum of the House. No one can say that he did not honour that pledge. In fact, in 1987, he said, “All Members may rest assured that their rights and obligations in this House will be treasured and safeguarded by me”.

I recall, as a Deputy from 1989 onwards, thinking that I could use that sort of tolerance flexibly, but I quickly discovered that, as Ceann Comhairle, Seán Treacy had an extraordinary capacity to mow down, in a staccato manner, any Deputy who had the potential to be disorderly on the Order of Business. It was a most extraordinary talent and it rendered one rooted to one’s seat even as one about to rise because he could almost spot that one was not going to be in con-

formity with the Order of Business. I am not suggesting, a Cheann Comhairle, that you look back on the film clips of those occasions-----

**An Ceann Comhairle:** I have a lot to learn.

**Deputy Micheál Martin:** -----but he was very effective indeed as Ceann Comhairle. The Taoiseach is fortunate that he will not have to face that staccato fire. In a different era, Seán Treacy brought decorum, he brought honour and he brought status to the office of An Ceann Comhairle. He fitted the position very easily and he earned the fondness and affection of Members on all sides of the House. Ar dheis Dé go raibh a anam dílis.

**Deputy Mary Lou McDonald:** Ar mo shon féin agus ar son Shinn Féin, ba mhaith liom comhbhrón a dhéanamh le clann agus cairde an iar-Cheann Comhairle, Seán Ó Treasaigh, a fuair bás ag an deireadh seachtaine. On my own behalf and on behalf of Sinn Féin, I extend sincere and heartfelt sympathies to the family, friends and, indeed, Labour Party colleagues of the former Ceann Comhairle, Seán Treacy, who passed away at the weekend. Bhí gairm fhada aige in oifig poiblí agus táim cinnte go bhfuil a mhuintir bródúil as sin. I have no doubt that his family are extremely proud of his long and distinguished career as a public representative. He spent almost four decades in political life, serving as a Deputy for Tipperary South, a Member of the European Parliament and as Ceann Comhairle. He was widely recognised for his unflagging commitment to the people of his constituency. His passing will be felt by so many, particularly those in Tipperary, to whom he gave immense service for so many years.

I join others in extending sympathy and condolences to Seán's family, in particular, and former colleagues and friends at this sad time. Ar dheis Dé go raibh a anam dílis.

**Deputy Brendan Howlin:** I am obviously saddened but happy to have the opportunity to pay tribute to my friend and colleague, a person I served with in the parliamentary Labour Party for a decade. As is often the case in the parliamentary Labour Party, there was an eclectic crew representing all facets and strands of public affairs and public life in this country, from the urban intellectual to the knowledgeable rural representative grounded in the earth. Seán Treacy added immeasurably to our discussions. He started off as a trade union official humbly organising and looking after the rights of working people. That remained the hallmark of his entire political life. Although he rose to become Ceann Comhairle of Dáil Éireann, a position to which he was elected in four different Dáileanna, which was a remarkable signal of the respect in which he was held across the political divide in this Chamber. He never lost contact with what grounded him in his native Tipperary. He was an extraordinarily passionate defender of the interests of the county of Tipperary or, as he put it himself, South Riding in particular, and of course his beloved Clonmel.

Of all the great attributes Seán had, the most notable was his ability to understand the needs of his community and represent it well. Of all the accolades that he achieved in his life, none meant more to him than to be made a freeman of the town of Clonmel, an honour I know was very important to him. He was a mayor of Clonmel, a chairman of Tipperary County Council and a distinguished Member of this House for the best part of four decades. He served in various capacities. He was a member of the European Parliament representing the constituency of Munster and he implemented at that forum the needs of the region of Munster but also those of his own community. He has certainly written his name into the annals of this House and his native place. On behalf of all his colleagues in the parliamentary Labour Party and the wider Labour movement - the organised side in addition to the political side - we send our condolences

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and deepest sympathies to Seán's extended family. He will long be remembered.

**Deputy Michael Lowry:** On behalf of the Tipperary Members of the House, I wish to be associated with the tributes to Seán Treacy and the condolences to his family and many friends in Tipperary. When I came into the House first, in 1987, I found Seán to be very helpful and obliging. As a Tipperary man, he often gave us the nod when we least expected it.

The one thing that stood out about Seán Treacy was that he had a total appreciation of and respect for the office he held. He conducted his duties with consistent fairness, great authority and decorum, which was observed by many. He was very particular about the procedures and protocols of the House and he always stood up for the rights and entitlements of its Members. Overall, Seán Treacy was a man of great courtesy. He led delegations of both Houses of the Oireachtas and was an exemplary ambassador in that capacity. His greatest moments, which I observed, were when he welcomed with great flourish and style President Bill Clinton and Nelson Mandela. They were the best of many moments as Ceann Comhairle of the House.

He always led with great gravitas and style and the people of Tipperary were indebted to him for his commitment, dedication and many years of service to his community. He was particularly interested in and looked after those in our community and society who were vulnerable. Seán Treacy's door was always open to those who needed support and assistance. We remember him as a great Tipperary man and a great public servant. He was a man of the people and he will be missed greatly.

**Deputy Mick Wallace:** On behalf of Independents 4 Change, I extend our condolences to the family of Seán Treacy. I did not know him but if I had met him while he was alive, I certainly would have extended my sympathy to him for having spent 36 years in this place.

**Deputy Brendan Howlin:** It is not compulsory, Mick.

**Deputy Mick Wallace:** It seems to be for Deputy Howlin. He was 93 years of age and so he got a good spin out of it. My own mother is 93 also. No matter at what age people die or how long they live, we miss them when they go. All the best.

**Deputy Róisín Shortall:** On behalf of the Social Democrats, I extend our condolences and sympathy to the family, friends and colleagues of the late Seán Treacy at this sad time. There is no doubt that he had a long and distinguished career. He was a colourful character and, in many ways, a magisterial one. The most important thing about him was that during his long period in the Chair, he treated all Members of the House with great fairness and respect. He will always be remembered for that. Ar dheis Dé go raibh a anam dílis.

### Leaders' Questions

**Deputy Micheál Martin:** Education is the bedrock of our democratic society and the key platform for our economic and social development. In that context, the role of the teacher is crucial as the quality of the learning environment is dependent on a regular supply of quality teachers and their retention within the education system itself. Pay equality for new entrants to the teaching profession is a very important factor in recruitment and retention. Regardless of whether people admit it, there is a crisis in teaching supply currently, in particular at second level, with a drop of more than 60% in applications to postgraduate teaching courses between

2011 and 2017. There are real concerns about shortages in key subjects including maths, science, Irish and modern languages. The Association of Community and Comprehensive Schools has warned that subject choice for students and the quality of teaching are at risk unless teacher supply is tackled. Again, languages, maths, science and home economics were instanced. The Irish Primary Principals Network has stated that surveys show real difficulties in recruiting substitute teachers at national school level. The pattern is repeated nationally, with Dublin being particularly problematic. A survey by the Catholic Primary Schools Management Association found that 90% of principals had experienced difficulty in sourcing a substitute teacher in the current school year. Mr. Seamus Mulconry has stated the evidence is in, the debate is over and we have a crisis in primary schools. Mr. Ger Curtin of the ASTI has noted oral examinations face challenges as a result and Education and Training Boards Ireland has stated shortages will affect subject choices. The situation is compounded by the housing crisis, an inability to buy houses anywhere close to the schools in which people teach, high rents and high insurance costs. Young teachers entering the profession face an unprecedented level of costs, particularly in cities, which compound the situation in terms of pay inequality.

My party asked for a report as part of the Public Service Pay and Pensions Act 2017. That report was published and it outlines the challenges relating to this issue. It would cost €200 million in the round, including €60 million for teachers and €80 million for education generally. I acknowledge that there has been some progress in narrowing the gap but there is still a wide divergence. Given the crisis, particularly in the area of recruitment, I ask the Taoiseach if he can outline when talks will commence with the trade union sector to outline a roadmap for the restoration of pay equality for new teachers and new entrants generally.

**The Taoiseach:** I think I am correct in saying that since the Fine Gael-Independent Alliance-Independent Government came to office, we have managed to increase the number of teachers employed by the State by 2,000. We have 2,000 more teachers working in the education system than we had just under two years ago. Overall, we are able to recruit teachers but we acknowledge that we are encountering difficulties in some areas, particularly when it comes to substitution and certain specialised subjects. That is in part because we have taken on so many additional teachers and many of the younger teachers who might have been substituting in the past are now in full-time jobs or taking up permanent positions.

We have already made some progress towards pay equalisation. In 2016, the Minister, Deputy Bruton, concluded an agreement with teachers unions that provided for pay increases of between 15% and 22% for newly-qualified teachers. Those increases took effect in January 2017 and, most recently, in January 2018. That now means that a newly-qualified teacher straight out of college has a starting salary of just under €36,000 a year, which is not a bad starting salary for a graduate when compared to what is available in various parts of the private sector. Notwithstanding that, we, as a Government, acknowledge that there are 60,000 public servants who joined the public service since 2011, that they are on lower salaries than their peers and that this creates a difficulty.

We have pay restoration now across the public service and pay increases in most parts of the private sector. When we entered into pay restoration and pay increases - because of the sacrifices that Irish people made and on foot of decisions of Government which made that possible - we decided that we would start with the lowest paid. That is where pay restoration started and that was done with the agreement of the trade unions. However, we acknowledge that there are now 60,000 public servants - some of whom have been in the public service for seven years - who are on lower pay scales and that this creates difficulties. It creates discord

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in the workplace that some public servants are on different pay scales to others. We are also conscious that among those 60,000 public servants are younger people, often in their 20s and 30s, who face expensive bills, such as those relating to rent, who are struggling to save to buy homes and who often face high child care costs. Bearing this in mind, the Minister for Public Expenditure and Reform has published the report on analysis of this and it is his intention in the next couple of weeks, once the unions' conference season is over, to begin an engagement and negotiation with the trade union movement with a view to achieving pay equality for public servants over a number of years.

We need to bear in mind, as Deputy Micheál Martin rightly pointed out, that this would cost €200 million in one year in return for which we would get no extra hours and no extra staff. It is not the kind of thing we can do either in one go or in one year, but we do want to enter negotiations with the trade unions in the next couple of weeks on a pathway to achieving that.

**Deputy Micheál Martin:** When the population increases, the number of teachers we employ also rises unless the Government increases the pupil-teacher ratio. The extra teachers are a function of retaining the existing pupil-teacher ratios, although last year my party was successful in forcing the pace in terms of getting the pupil-teacher ratio at primary level reduced.

In terms of the pay equality issue, one of the biggest factors, particularly in Dublin and other cities, is the high living costs associated with the crises in the areas of housing and insurance. These costs make it almost impossible for young people in particular to eke out a reasonable standard of living. Rents are exorbitant and it is now almost impossible to buy houses, given the inflation in house prices in some locations. Consequently, teachers must commute long distances to the schools in which they teach. That is a factor for workers across the private and public sectors in our cities.

**An Ceann Comhairle:** The time is up.

**Deputy Micheál Martin:** Can the Taoiseach be more specific about the time schedule? Is he talking about two years or a longer period? When he says he is prepared to enter talks, does he accept there needs to be a specific timeline for all involved?

**The Taoiseach:** As is always the case in negotiations, it is difficult to set a timeline because it depends on the willingness of the two parties in the negotiation to compromise and meet each other half way. Having been involved in some negotiations, I believe that setting a deadline oneself can be counterproductive because having done so, it makes it harder to achieve the outcome one wants. We will not set a deadline on it but if the trade unions are willing to compromise and come to an agreement with us, as we have done in recent months, the Government will not be found wanting. However, we need to bear in mind that this is taxpayers' money.

Another important point is that Deputy Micheál Martin is absolutely correct to say that housing and rental costs are very high. They are especially high for younger and new entrant workers. However, we must be careful. We have been here before. I remember some of the factors that led to the last economic crash where there was a cycle of increasing house prices and rents, which led to increasing pay demands, which led to increasing inflation. We all know where that ended. We, as a Government, are determined not to repeat the mistakes made by other parties in office. We need to make sure that we do not end up in an inflationary spiral.

**Deputy Mary Lou McDonald:** In the past hour, we heard of the Government's decision to expel a Russian diplomat because of the nerve agent attack in England. I absolutely agree

with the Tánaiste's statement that the use of chemical weapons in any circumstances is wholly unacceptable. He is correct in that. I also fully understand the need to protect what is called national security, which is also correct. The expulsion from Ireland of Russian diplomats acting as intelligence officers is a more than suitable action to be pursued if indeed they are behind the attack in England on Sergei and Yulia Skripal. Regardless of this particular attack, diplomats of any country acting as spies should be expelled from any state or jurisdiction. However, we do need to see the evidence underpinning this decision. It is not sufficient to simply cite solidarity with Britain. Such a significant and dramatic Irish foreign policy decision should be dictated by Irish security analysis. In this case, it seems as though a decision has been based on information from a foreign security intelligence service, which is unprecedented. Essentially, the Taoiseach is asking us to trust Boris Johnson, which, dare I say, might not be the wisest course of action.

The move shows a disregard for Irish military neutrality and is completely in line with the efforts of Fine Gael and the Government to undermine and dismantle that neutrality. The Government has pushed for a more militarised EU through its support for permanent structured co-operation, PESCO, which would see Ireland participate in EU military operations and funding EU military research that is intended to complement NATO missions and strategic goals. As recently as the beginning of this month, Fine Gael's four MEPs published a document which seeks to tear up Ireland's military neutrality. The document proposes to give the Government the power to deploy Irish troops as part of military missions that do not have UN approval and this would eventually see Irish resources deployed at the behest of NATO.

The principles of neutrality and independence have always been at the centre of Irish foreign policy and Irish people overwhelmingly support the continuation of this policy. It is the Taoiseach's job to defend and reinforce that neutrality. We cannot allow Government decisions to be based on assessments by British intelligence which - let us face it - does not have a good track record when it comes to Ireland. Does the Taoiseach intend meeting with the representatives of political parties in the Dáil to offer a full and frank explanation as to what has led to this dramatic shift in policy?

**The Taoiseach:** At last week's European Council meeting EU leaders unanimously agreed with the assessment of the Government of the United Kingdom that the Russian Federation is highly likely to have been responsible for the attack in Salisbury on 4 March and that there is no plausible alternative explanation. We affirmed that all EU member states stand in unqualified solidarity with the United Kingdom in the face of this grave challenge to its security, or rather our shared security. The use of chemical weapons, including the use of toxic chemicals as weapons by anyone anywhere, is particularly loathsome and reprehensible. The attack in Salisbury was not just an attack on the United Kingdom, but an affront to the international rules-based order on which we all depend for our security and well-being.

In light of the conclusions of the European Council, and following an assessment carried out by our security services, Defence Forces intelligence and Garda intelligence, in consultation with the Department of the Taoiseach and the Department of Foreign Affairs and Trade, the Tánaiste briefed the Government on our intended course of action this morning. The Secretary General of the Department of Foreign Affairs and Trade has met with the Russian ambassador and informed him that the accreditation of a named member of his staff with diplomatic status is to be terminated in line with the provisions of the Vienna Convention on Diplomatic Relations. The individual in question is now requested to leave the State. This is very much an act of solidarity with the United Kingdom. As a country, Ireland has no quarrel with the Russian people, whom we respect and many of whom live here. Let us not forget that this is a dark and

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difficult time for the Russian people, who are mourning following the death of more than 60 people, including 40 children, in a shopping centre in a fire that reminds us of the great Stardust tragedy. I extend our deepest condolences to the Russian people on their loss.

As I mentioned, in terms of evidence the decision was made in solidarity with the UK but the decision on which person to ask to leave was based on intelligence and advice from Garda intelligence and Defence Forces intelligence. The Minister for Foreign Affairs and Trade already briefed the spokesperson for the major Opposition party at his request. He is also willing to convene a briefing for party leaders and party spokespeople today if that would be helpful. We are happy to do that. On our neutrality, Ireland is a neutral country. We do not join military alliances, we will not be joining NATO and we will not be part of a European army. However, when it comes to terrorism, assassinations, the use of chemical weapons and cyberterrorism, we are not neutral. We are joined with other neutral countries including Finland and Sweden, who have taken the same course of action as us, in expelling diplomats.

**Deputy Mary Lou McDonald:** I suggest to the Taoiseach that it is not sufficient that he selectively brief his colleagues in Fianna Fáil on such a major development. This story, the abhorrence of anybody using chemical weapons in any circumstances, and not least the attack itself have caused unease and disquiet. I do not think that anybody would argue but that the State and Government have to take action where there is a *prima facie* case and where there is absolute concrete evidence of any such action and that a diplomat or diplomats must be expelled or an embassy punished in such circumstances. The story in the public ether however is that this is a matter of solidarity with the UK and that alone. I asked the Taoiseach if he would brief the leaders of the parties in this House. I take from his response that he will, but I put it to the Taoiseach - he should acknowledge this - that his position on military neutrality and an independent Irish foreign policy is threadbare. The recent actions of his four MEPs have served to reinforce the fact that he does not care a whit for that policy. The Taoiseach might tell us who on the Fianna Fáil benches was briefed and explain why it is that Fianna Fáil enjoys such selective treatment.

**The Taoiseach:** As I mentioned earlier, the Tánaiste will be happy to brief spokespeople or party leaders. The Deputy is welcome to send her spokesperson or to attend herself if she wishes. I will be here for the next few hours and then I will be back in Cabinet. I then have an Article 28 meeting with the President so it is just not possible for me to do it today, but the Tánaiste is available to do so.

I apologise. I have forgotten the second part of the Deputy's question.

**Deputy Jonathan O'Brien:** Why Fianna Fáil-----

**The Taoiseach:** There is a provision in the confidence and supply agreement that there should be no surprises. We thought it appropriate that there should not be a surprise in this case.

**Deputy Thomas Byrne:** We asked for it.

**The Taoiseach:** There is no such agreement with Sinn Féin.

*(Interruptions).*

**An Ceann Comhairle:** Order, please.

**The Taoiseach:** I would point out as well that when this was done by other countries - and in the past, it was done without even a Government decision - it was done simply as a decision

of the foreign Minister. However, we decided not to make our decision at the same time as the 14 other European countries that acted yesterday afternoon because we thought it appropriate to brief Cabinet on that decision this morning, and that was done. However, as I said, we are happy to provide a briefing to party leaders or spokespersons today.

**Deputy Mick Wallace:** The Attorney General's attack on the justice committee last Friday night was not one of his finer moments. It is wholly inappropriate of the Attorney General to make comments on the policy direction of the Judicial Appointments Commission Bill 2017. That is not his role. His role is to advise Government on the legalities of the Bill only. It is not his place to speak publicly about his opinions on policy decisions in respect of how judges are appointed. He is not an elected member of Government but, rather, a legal adviser to same. If the Bill has ended up a "dog's dinner", it has more to do with the fact that the Bill presented by the Government was a mishmash between the original Private Members' Bill of the Minister for Transport, Tourism and Sport, Deputy Ross, and what Fine Gael could live with than with the efforts of the Opposition on the justice committee to correct the Bill.

The Government came up with a convoluted system to overcome the fact that the presidents of the District Court and the Circuit Court were being excluded from the commission in an effort to avoid it being too big. If the Attorney General had bothered to follow what went on at the justice committee, he would know that we had already established and argued that the Bill would need substantial change in order to make it fit for purpose. The justice committee has had to try to overcome the small detail that the original Bill was poorly drafted. Perhaps the Attorney General would prefer if we had no interest. It is interesting that the only specific point he chose to single out relates to his own role in the process. What does this tell us? Has he forgotten that the Law Society and the Irish Council for Civil Liberties, ICCL, recommended the Attorney General's removal from the commission? Does he know that his counterparts in England, Wales and Scotland do not sit on the commission? The reasoning behind our amendments on this issue are based on the fact that the Attorney General has his say and influence at Cabinet when it sits to choose one of the three candidates presented to it by the commission. What would be the point in having the Attorney General involved in both processes?

The truth is that the judicial appointments process needs reform. It would be a pity if this opportunity were lost because of various political interests. The overriding aim of the Bill should be to lessen political influence over the appointment of judges. The Government Bill that arrived at the justice committee may have lessened the influence of the legal world in choosing judges but it left political influence very much intact. We tried to address that fact at the committee. It may be that Fine Gael does not want the Bill to go through - I do not know - and perhaps the Attorney General's comments were carefully orchestrated to turn the tide of public and media opinion against the Bill in order that it would be shelved without replacement.

Does the Taoiseach think the Attorney General's comments on Friday night were fair? Were they in line with how an Attorney General should behave? Was the Taoiseach happy with the Attorney General's performance?

**The Taoiseach:** The Judiciary has, in the main, served us very well. It has acted impartially and in an unbiased way and has been very objective and professional in discharging its functions down the years.

Regarding the appointments system, as the Deputy knows, the Constitution provides that the Government appoints judges, and we do not propose to change this. However, the Govern-

ment can take advice on who is appropriate for appointment to the Judiciary and we can have an application process. This exists already to a certain extent with the Judicial Appointments Advisory Board, JAAB, but it is the strong view across the Government - Fine Gael, Independents and the Independent Alliance - that the time has come for reform and modernisation of the system, which is now 23 years old. This is a Government proposal to reform the way in which we appoint judges. We want it to be more modern, we want it to be merit-based, we want it to be open to applications and we also want to have more lay members involved in advising the Government on who should be appointed to the Judiciary. That is what the Bill is all about.

The Bill has the full support of the Government and all of its members, as I mentioned. We are concerned that some of the amendments which were put down and got through on Committee Stage create difficulties. We do not agree with the removal of the Presidents of the Circuit and District Courts and the Attorney General from the appointments board. We have some difficulties in regard to the constitutionality of requiring the Government to explain why it does not make a particular appointment.

The Bill is coming back on Report Stage. We all know how the Dáil works. A Bill is not perfected on Committee Stage. That is the whole point. It is supposed to come back on Report Stage in order that we can have another look at it. I appeal to people across parties to ensure that the Bill is no longer a political football. Our Judiciary and judicial system is too important to be kicked around. We should not allow it to be a political football.

In that regard, I am very much encouraged by the comments of the Chair of the justice committee, Deputy McGuinness, who spoke about us working on the Bill on Report Stage to refine it. I am also encouraged by the comments of Deputy O'Callaghan on the radio during the weekend. He seemed to indicate that further amendments were possible on Report Stage. I encourage all Members of the House to work together to get the Bill through Report Stage in April, through the Dáil and into the Seanad long before the summer recess.

**Deputy Mick Wallace:** I have no doubt it is difficult to be on top of every issue but Deputy Ó Caoláin is the Chair of the justice committee. The Government's Bill did not have the Presidents of the Circuit and District Courts on the commission; we have tried to put them on it.

The Taoiseach did not address any of the issues I raised in respect of the role of the Attorney General. His comments were so outrageous that one could be forgiven for thinking that he is either deliberately trying to scupper the Bill or is displaying a serious lack of judgment, which is very concerning given the position he holds. If that was not bad enough he went on to pontificate about what the Supreme Court might do regarding the Angela Kerins case. The Attorney General works on the Executive side. He has stepped over the line relating to the separation of powers and has created a constitutional issue. In legal terms, he has scandalised the court.

The Government is a named defendant in the case of Ireland and the Attorney General *v.* Kerins. The Attorney General is involved in the nomination of Supreme Court judges. Should he be second-guessing their decision-making in public before the decision is made? A previous Government nearly fell over the behaviour of an Attorney General. Does the Taoiseach not think he should look for a new one? He might need to look for one himself if he does not.

**The Taoiseach:** I stand corrected; I am getting my committees mixed up. It is indeed Deputy Ó Caoláin who is the Chair of the committee and not Deputy McGuinness. It is very difficult for me to comment or form a view on remarks which somebody made off the record

and in private. That is virtually impossible to do. However, I spoke to the Attorney General yesterday and sought clarification on the matter.

He has made no public comment on the case in question. However, he made a comment at a private luncheon organised by the Association of European Journalists. It is important to say-----

*(Interruptions).*

**The Taoiseach:** It has been general practice for a long time for journalists to observe Chatham House rules and I am disappointed that Deputies are laughing at their inability to do so. That is another day's work. It is important to point out that the case has already been heard. The hearings are over. There is no jury. The judgment is reserved. Taking account of these facts and circumstances, I am satisfied with his clarification. The Supreme Court will, of course, make its judgment in due course based solely on the submissions made, including submissions made by the Attorney General, and the applicable law.

**Deputy Róisín Shortall:** On 7 March, the House approved the terms of the UN Convention on the Rights of Persons with Disabilities. This was a long overdue action because the original convention was signed by this country 11 years ago. Ratification of the convention was warmly welcomed by all sides of the House, people with disabilities and campaigning groups. The Taoiseach highlighted it in one of his weekly messages. During the course of that debate I, and others, sought clarification from the Minister of State, Deputy Finian McGrath, in respect of the associated optional protocol to the convention. This question was studiously avoided by the Minister of State. It later transpired that the Government had no intention of ratifying the optional protocol. This was in spite of the fact that a commitment was given in the 2015 roadmap that the convention and the protocol would be ratified simultaneously. The failure to ratify this protocol renders the convention toothless because people with disabilities will be denied access to the complaints mechanism of the convention. The purpose of the optional protocol is to enable people to make complaints to a recognised UN body where their rights under the convention have been violated. Without it, it is not possible for people to vindicate their rights and ensure that the Government lives up to its responsibilities.

If the Government is serious about supporting people with disabilities to be full and active citizens, what does it fear in adopting the protocol? The Education for Persons with Special Educational Needs Act 2004, the Disability Act 2005, the Citizens Information Act 2007 and the Assisted Decision-Making (Capacity) Act 2015 are all on the Statute Books but have not been fully enacted. The failure to fully commence this legislation means disabled people have no rights to educational supports or assessments of need, no rights to community supports and services and no rights to independent advocacy. The excuse for not adopting the protocol, provided in replies to parliamentary questions, is that we first need to achieve a cultural change in regard to disability rights. It is true that we do need to achieve a cultural change but surely the best way of achieving that cultural change is to make the convention enforceable.

Will the Taoiseach live up to the commitments in the roadmap and accept the necessity to adopt this protocol as a matter of urgency?

**The Taoiseach:** The Government agreed at Cabinet on 5 December 2017 to proceed with the ratification of the United Nations Convention on the Rights of Persons with Disabilities. A motion allowing us to do so and to approve the terms of the convention was passed in Dáil

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Éireann on 7 March. The purpose of the convention is to promote, protect and ensure full and equal human rights and fundamental freedoms for all people with disabilities and to promote and respect their inherent dignity. The Tánaiste signed the instrument of ratification and it was deposited with the UN treaty office last week and the convention will enter into force in Ireland 30 days after deposit. I am pleased to note that Deputy Shortall is paying close attention to my weekly videos, which will continue notwithstanding decisions made on another matter.

In the speech I made on my election as Taoiseach, I mentioned that ratification of the UN Convention on the Rights of Persons with Disabilities, holding a referendum on the eighth amendment, enactment of the Technological Universities Bill 2015 and producing a ten-year capital plan were among a list of substantial things I would do as Taoiseach. I am glad that we are ticking them off at a good pace.

On the optional protocol, while a commitment was given in 2015 to ratify it at the same time as the convention, our focus has been on ratifying the convention as a first step. This does not preclude us ratifying the optional protocol at a later stage. The protocol and the convention cover a broad range of commitments, some of which require substantial cultural change. Work is continuing on the reforms necessary for Ireland's compliance with the convention requirements. In the early implementation phase it is essential that the resources are appropriately focused on the enhancement of services needed for compliance with the convention and not diverted to other areas, such as the optional protocol, before we are fully ready to engage with it. For this reason, we have decided to adopt a phased approach as the most practical way of moving ahead. Accordingly, the optional protocol is not being ratified at this time but it will be ratified as soon as possible, at the latest following the completion of Ireland's first reporting cycle, which will identify any actions needed with regard to compliance with the convention.

**Deputy Róisín Shortall:** The Taoiseach's response is very disappointing. Ninety-two states have ratified the convention and the protocol. The majority of EU member states have ratified both. There is no reason we cannot do it here if there is the political will to do so. The Taoiseach has caused huge disappointment across the community of people with disabilities, who had such expectations about the convention and its associated protocol being adopted this year. Surely the Taoiseach cannot stand over the denial of people's rights. The phased approach has not worked with the legislative measures I have mentioned and it will not work with this either. The Taoiseach appears to be using this as an excuse for not delivering on the promises he made to people with disabilities. Will he think again on this? I cannot accept what he is saying and I do not accept that he is refusing to allow people to have a right of recourse under the convention. Surely the Minister of State, Deputy Finian McGrath, will not stand over that denial either.

**The Taoiseach:** As I indicated in my reply, it is our intention to ratify the optional protocol following the completion of our first reporting cycle, at the latest. That makes sense. After years and decades of delay we have now ratified the convention and it is our intention to ratify the optional protocol as well after the first reporting cycle.

**Deputy Róisín Shortall:** Whenever that is.

**The Taoiseach:** After promises for many years by many Governments this has been done. I compliment the work of the Minister of State, Deputy Finian McGrath, on making sure it was done. Vindicating the rights and freedoms of people with disabilities and providing opportunities for them goes way beyond conventions. It includes matters such as: the increase in the dis-

ability allowance, disability benefit and carer's benefit which takes place this week; extending medical cards as a right to children with severe disabilities in receipt of the domiciliary care allowance, which took place last year; extending free general practitioner, GP, care to carers and people in receipt of carer's allowance and carer's benefit, which we will do this year; and the additional money we have provided for respite care. We cannot do everything in one year and we cannot do as much as we would like to do in any year, but I do not believe any reasonable person can argue that we are not making a great deal of progress on all these issues, not just with regard to the convention and legal instruments but also in respect of practical matters such as income support and access to services.

### **Order of Business**

**Deputy Róisín Shortall:** Today's business shall be No. 8, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2018, without debate; No. a26, statements on the Government response to the Salisbury attack; No. 9, motion re proposed approval by Dáil Éireann of the report by the Minister with responsibility for defence regarding service by the Defence Forces with the United Nations in 2016, back from committee and to conclude within 40 minutes; No. 1, Vehicle Registration Data (Automated Searching and Exchange) Bill 2018 [Seanad] - Second Stage. Private Members' business shall be No. 178, motion re. disabilities, selected by Sinn Féin.

Wednesday's business shall be No. 9a, motion re report of the Joint Committee on Housing, Planning and Local Government under Standing Order 114 on the proposal for a directive of the European Parliament and of the Council on the quality of water intended for human consumption, recast, COM (2017) 753, without debate; No. b26, post-European Council statements; No. 9, motion re proposed approval by Dáil Éireann of the report by the Minister with responsibility for defence regarding service by the Defence Forces with the United Nations in 2016, back from committee, resumed if not previously concluded; No. 26, Childcare Support Bill 2017 - Order for Report, Report and Final Stages; No. 26a, Telecommunications Services (Ducting and Cables) Bill 2018 [Seanad] - Committee and Remaining Stages; No. 5, Industrial Development (Amendment) Bill 2018 - Order for Second Stage and Second Stage; and No. 1, Vehicle Registration Data (Automated Searching and Exchange) Bill 2018 [Seanad] - Second Stage (resumed). Private Members' business shall be No. 179, motion re HPV vaccine, selected by the Labour Party.

Thursday's business shall be No. 10, motion re Planning and Development Acts 2000 to 2017 (Increase in Number of Ordinary Members of An Bord Pleanála), back from committee, without debate; No. 10a, motion re appointment of seven commissioners to the Irish Human Rights and Equality Commission, to conclude within 40 minutes; No. 5, Industrial Development (Amendment) Bill 2018 Order for Second Stage and Second Stage; No. 1, Vehicle Registration Data (Automated Searching and Exchange) Bill 2018 [Seanad] - Second Stage, resumed; and No. 27, statements on affordable housing, to adjourn at 5 p.m., if not previously concluded; No. 11, Report of the Joint Committee on the Future Funding of Public Service Broadcasting by the Joint Committee on Communications, Climate Action and Environment shall be debated in the evening slot.

I refer to the first revised report of the Business Committee, dated 27 March 2018. In relation to Tuesday's business, it is proposed that: (1) motion on the Finance Act 2004 (Section 91)

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(Deferred Surrender to the Central Fund) Order 2018, shall be taken without debate; (2) statements on the Government response to the Salisbury attack shall be confined to a single round for a Minister or Minister of State and the main spokespersons of parties and groups, and shall not exceed ten minutes each. There will be a five-minute response from Minister or Minister of State and all Members may share time. The statements shall be brought to a conclusion after 85 minutes, if not previously concluded, and, if concluded after 8 p.m., shall be followed by Private Members' business for two hours and the Dáil shall adjourn on the conclusion of Private Members' business; and (3) speeches on the motion re proposed approval by Dáil Éireann of the report by the Minister with responsibility for defence regarding service by the Defence Forces with the United Nations in 2016, back from committee, shall be confined to a single round for a Minister or Minister of State and the main spokespersons of parties and groups which shall not exceed five minutes each and the motion shall be brought to a conclusion after 40 minutes, if not previously concluded, and all Members may share time.

In relation to Wednesday's business, it is proposed that: (1) motion re report of the Joint Committee on Housing, Planning and Local Government under Standing Order 114 shall be taken without debate; (2) post-European Council statements shall commence immediately after Taoiseach's Questions and be followed by the suspension of sitting under Standing Order 25(1) for one hour. The statements will be brought to a conclusion after one hour and 45 minutes if not previously concluded. Speeches of a Minister or Minister of State and the main spokespersons for parties and groups, or a Member nominated in their stead, shall be ten minutes each and a Minister or Minister for State shall take questions for a period not exceeding 20 minutes, with a five-minute response from Minister or Minister of State, and all Members may share time; and (3) the order of the Dáil of 21 March 2018 referring the Telecommunications Services (Ducting and Cables) Bill 2018 [*Seanad*] to select committee be discharged and that Committee Stage of the Bill be taken in committee of the whole Dáil on Wednesday, 28 March 2018.

In relation to Thursday's business, it is proposed that: (1) motion re Planning and Development Acts 2000 to 2017 (Increase in Number of Ordinary Members of An Bord Pleanála), back from committee, shall be taken without debate; (2) motion re appointment of seven commissioners to the Irish Human Rights and Equality Commission shall commence immediately afterwards and be followed by the weekly divisions. Speeches shall be confined to a single round for a Minister or Minister of State and the main spokesperson of parties and groups and shall not exceed five minutes each. The motion shall be brought to a conclusion after 40 minutes, if not previously concluded, and all Members may share time; (3) statements on affordable housing shall commence not later than 3.30 p.m. and to adjourn at 5 p.m., if not previously concluded, and the order shall not resume thereafter. In the opening round, statements of a Minister or Minister of State and the main spokesperson of parties and groups, or a Member nominated in their stead, shall not exceed ten minutes each. All other Members shall not exceed ten minutes each and there shall be a five minute response from a Minister or Minister of State. All Members may share time; and (4) the Dáil on its rising shall adjourn until 2 p.m. on Tuesday, 17 April 2018.

**An Ceann Comhairle:** There are three proposals to be considered by the House. Is the proposal for dealing with today's business agreed?

**Deputy Richard Boyd Barrett:** It is not agreed. After the Business Committee concluded the business for today the Minister for Foreign Affairs and Trade issued a statement, first to the media and only in the past 30 to 40 minutes was it posted to his website, making what I believe to be a pre-emptive, stupid and reckless decision to expel Russian diplomats without any evi-

dence of Russian culpability for the Salisbury atrocity-----

**An Ceann Comhairle:** We are making proposals to have a debate on that matter.

**A Deputy:** The Deputy is on a soapbox.

**Deputy Richard Boyd Barrett:** Absolutely but that decision has been made in advance of the debate with no provision for a vote on a decision, which I and other Deputies believe fundamentally attacks our international reputation as a neutral country, without any evidence and which is frankly riddled with hypocrisy in respect of the justifications that provided for it.

**An Ceann Comhairle:** We cannot enter into that debate now.

**Deputy Richard Boyd Barrett:** I certainly will not be agreeing to the order of business unless the Government concedes that there will be a vote on this decision because it has profound implications for Ireland's neutrality and is based on no evidence whatsoever.

**An Ceann Comhairle:** The Deputy has made his point.

**Deputy Mattie McGrath:** I too think it is a funny way to do business, to have a short debate this evening after the decision has been made. I disagree with it also and support Deputy Boyd Barrett.

**An Ceann Comhairle:** The debate is happening because there was a request to have a debate.

**Deputy Richard Boyd Barrett:** On a point of order, the Minister issued his statement after that decision was made, pre-empting the debate.

**An Ceann Comhairle:** The Deputy has made that point.

**The Taoiseach:** The timing of a debate is a matter for the House but 17 countries in Europe have made this decision as have 23 around the world. These are government decisions. I am not aware of any country that makes these decisions based on a parliamentary debate and vote.

**Deputy Richard Boyd Barrett:** We are a neutral country.

**A Deputy:** So are Finland and Sweden.

Question put: "That the proposal for dealing with Tuesday's sitting be agreed to."

<i>The Dáil divided: Tá, 72; Níl, 37; Staon, 0.</i>		
<i>Tá</i>	<i>Níl</i>	<i>Staon</i>
<i>Aylward, Bobby.</i>	<i>Boyd Barrett, Richard.</i>	
<i>Brassil, John.</i>	<i>Brady, John.</i>	
<i>Breathnach, Declan.</i>	<i>Broughan, Thomas P.</i>	
<i>Breen, Pat.</i>	<i>Buckley, Pat.</i>	
<i>Brophy, Colm.</i>	<i>Burton, Joan.</i>	
<i>Bruton, Richard.</i>	<i>Collins, Joan.</i>	
<i>Burke, Peter.</i>	<i>Collins, Michael.</i>	
<i>Butler, Mary.</i>	<i>Connolly, Catherine.</i>	

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<i>Byrne, Thomas.</i>	<i>Crowe, Seán.</i>	
<i>Cahill, Jackie.</i>	<i>Doherty, Pearse.</i>	
<i>Canney, Seán.</i>	<i>Ellis, Dessie.</i>	
<i>Cannon, Ciarán.</i>	<i>Ferris, Martin.</i>	
<i>Carey, Joe.</i>	<i>Funchion, Kathleen.</i>	
<i>Casey, Pat.</i>	<i>Healy-Rae, Danny.</i>	
<i>Chambers, Jack.</i>	<i>Howlin, Brendan.</i>	
<i>Collins, Niall.</i>	<i>Kelly, Alan.</i>	
<i>Corcoran Kennedy, Marcella.</i>	<i>Kenny, Gino.</i>	
<i>Cowen, Barry.</i>	<i>Kenny, Martin.</i>	
<i>Creed, Michael.</i>	<i>Martin, Catherine.</i>	
<i>Curran, John.</i>	<i>McDonald, Mary Lou.</i>	
<i>D'Arcy, Michael.</i>	<i>McGrath, Mattie.</i>	
<i>Daly, Jim.</i>	<i>Mitchell, Denise.</i>	
<i>Deering, Pat.</i>	<i>Munster, Imelda.</i>	
<i>Doherty, Regina.</i>	<i>Murphy, Catherine.</i>	
<i>Dooley, Timmy.</i>	<i>Murphy, Paul.</i>	
<i>Doyle, Andrew.</i>	<i>O'Reilly, Louise.</i>	
<i>Durkan, Bernard J.</i>	<i>O'Sullivan, Jan.</i>	
<i>English, Damien.</i>	<i>Ó Caoláin, Caoimhghín.</i>	
<i>Farrell, Alan.</i>	<i>Ó Laoghaire, Donnchadh.</i>	
<i>Fitzgerald, Frances.</i>	<i>Penrose, Willie.</i>	
<i>Fitzpatrick, Peter.</i>	<i>Quinlivan, Maurice.</i>	
<i>Fleming, Sean.</i>	<i>Ryan, Brendan.</i>	
<i>Harris, Simon.</i>	<i>Ryan, Eamon.</i>	
<i>Haughey, Seán.</i>	<i>Sherlock, Sean.</i>	
<i>Heydon, Martin.</i>	<i>Shortall, Róisín.</i>	
<i>Humphreys, Heather.</i>	<i>Smith, Bríd.</i>	
<i>Kehoe, Paul.</i>	<i>Tóibín, Peadar.</i>	
<i>Kelleher, Billy.</i>		
<i>Kyne, Seán.</i>		
<i>Lahart, John.</i>		
<i>Lawless, James.</i>		
<i>Lowry, Michael.</i>		
<i>MacSharry, Marc.</i>		
<i>Martin, Micheál.</i>		
<i>McEntee, Helen.</i>		
<i>McGrath, Finian.</i>		
<i>McGrath, Michael.</i>		
<i>McGuinness, John.</i>		
<i>McHugh, Joe.</i>		
<i>McLoughlin, Tony.</i>		

<i>Moran, Kevin Boxer.</i>		
<i>Murphy O'Mahony, Margaret.</i>		
<i>Murphy, Eoghan.</i>		
<i>Naughten, Denis.</i>		
<i>Naughton, Hildegarde.</i>		
<i>O'Callaghan, Jim.</i>		
<i>O'Connell, Kate.</i>		
<i>O'Dea, Willie.</i>		
<i>O'Donovan, Patrick.</i>		
<i>O'Loughlin, Fiona.</i>		
<i>O'Rourke, Frank.</i>		
<i>Ó Cuív, Éamon.</i>		
<i>Phelan, John Paul.</i>		
<i>Rabbitte, Anne.</i>		
<i>Ring, Michael.</i>		
<i>Rock, Noel.</i>		
<i>Ross, Shane.</i>		
<i>Scanlon, Eamon.</i>		
<i>Stanton, David.</i>		
<i>Troy, Robert.</i>		
<i>Varadkar, Leo.</i>		
<i>Zappone, Katherine.</i>		

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

Question declared carried.

**An Ceann Comhairle:** The business for today is agreed. Is the proposal for dealing with Wednesday's business agreed to?

**Deputy Brendan Howlin:** On Wednesday's business, No. 9a, motion regarding the report of the Joint Committee on Housing, Planning and Local Government under Standing Order 114 on the proposal for a directive of the European Parliament and of the Council on the quality of water intended for human consumption, I do not know what that recommendation is and the Labour Party does not have a member on the committee. I cannot ascertain, since I looked at the Order Paper, what exactly is proposed and I certainly could not accept a resolution without debate without knowing what it is. Perhaps the Minister will explain what it is and what exactly is recommended. Is the directive on water quality being accepted, transposed into Irish law or amended?

**An Ceann Comhairle:** Perhaps the Government Whip or the Minister for Housing, Planning and Local Government could advise on this.

**Minister for Housing, Planning and Local Government (Deputy Eoghan Murphy):** My understanding is that the committee made a decision on this matter only this morning. I have

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not been informed of the details of that decision myself but the committee agreed it.

*(Interruptions).*

**An Ceann Comhairle:** The Minister is being asked a question. Do him the courtesy of letting him answer.

**Deputy Brendan Howlin:** Perhaps the Chair of the committee might respond.

**Deputy Maria Bailey:** The committee has sent back a reasoned opinion and I believe it will be on the agenda tomorrow.

**An Ceann Comhairle:** There is a time limit-----

**Deputy Brendan Howlin:** How can we accept a motion without debate when we have not seen what the resolution is or what the reasoning is?

**Deputy Timmy Dooley:** The Deputy can read it tonight.

**Deputy Brendan Howlin:** It was not circulated to Members.

*(Interruptions).*

**Deputy Barry Cowen:** The all-party committee agreed it.

**An Ceann Comhairle:** The all-party committee has discussed it and arrived at an agreement. One can trust it.

**Deputy Brendan Howlin:** My own party is not represented on that committee. I think it is reasonable for all Members of the House to know what they are voting on. I do not think that is an outrageous ask.

**Deputy Eoin Ó Broin:** To be helpful, we had a detailed presentation by Irish Water, the Department of Housing, Planning and Local Government and the Environmental Protection Agency last week and we agreed unanimously that we would consider the report that was in front of us today. I have no difficulty with the debate or the Business Committee re-examining the issue. I think when people see what the committee is unanimously proposing this morning, they will see it is reasonable and proportional but there is nothing controversial in our recommendation.

**Deputy Barry Cowen:** We cannot trust it. It is like buying a pig in a poke.

**Deputy Timmy Dooley:** Deputy Ó Broin is one of the establishment now, is he?

**A Deputy:** He is on the wrong side of this one.

*(Interruptions).*

**An Ceann Comhairle:** Can we have a little bit of order, please? There seems to be a little confusion about this. My understanding is that it was agreed that this matter would be taken this week because there is a time constraint. It was discussed both at the Oireachtas joint committee and at the Business Committee last week and there was a clear understanding there that if the reasoned opinion was considered acceptable to the joint committee - Deputy Ó Broin has said it unanimously agreed on the matter - it could be taken here today.

**Deputy Barry Cowen:** The Government, led by the Department, has a responsibility to respond to the directive and make a recommendation to the Commission as it sees fit. I note, for example, that elements of it were in excess of the recommendations of the World Health Organization, WHO. We were supportive of the Department bringing together the various stakeholders to bring their opinions to bear on the Government concerning the recommendation to the Commission, in order to have it watered down, to use an expression. That was an unfortunate pun. As Members will know, the issue has been extensively debated in various forums. However, I refer to this proposal.

**Deputy Brendan Howlin:** The motion is tomorrow.

*(Interruptions).*

**An Ceann Comhairle:** The business will be amended tomorrow to allow for brief contributions. Is the proposal for dealing with Thursday's business agreed to? Agreed.

**Deputy Micheál Martin:** My question relates to forthcoming legislation. The Tánaiste has proposed that a two-thirds majority should be required for any changes to legislation arising from the recommendations on abortion of the Oireachtas Committee on the Eighth Amendment of the Constitution, if there is an affirmative vote in the forthcoming referendum. It seems to me that as things presently stand, that would be an unconstitutional move. The Tánaiste's proposals would require a constitutional amendment to be put into effect. I believe he was to call on this in Cabinet this morning. A lot of us are at a loss to explain the rationale behind it within the current constitutional framework. Can the Taoiseach confirm whether he agrees with that proposition? Second, is it the intention of the Government to bring forward a further amendment to the Constitution to facilitate the Tánaiste's desire for such a provision?

**Deputy Mary Lou McDonald:** I will be brief. I am assuming that the Tánaiste misspoke on this matter. I would like the Taoiseach to confirm that. If not, how on earth does the Government propose to insert into legislation something which clearly contravenes the Constitution? I would also like to know when the legislative package or the heads of Bill that the Government is considering today will be published and made available for scrutiny by the rest of us.

**Deputy Brendan Howlin:** I pointed out this morning that as this suggestion was carried in five national newspapers today, presumably it was promulgated by the Government itself. For the new Bill to require a two-thirds majority of this House to amend would be unconstitutional. I too would be interested to know whether that is being entertained, because several Ministers were reported in the newspapers as saying that they support it. Before this gets out of control, the Taoiseach should be very clear in saying that this is unconstitutional and will not happen.

**Deputy Richard Boyd Barrett:** What the Tánaiste is proposing is not only unconstitutional, it is fundamentally undemocratic. It is further confusing people on this issue, and frankly, this kind of thing is going to endanger the "Yes" vote for the repeal of the eighth amendment. The Government and the Tánaiste should stop messing around and trust women. This is not about trusting politicians; it is about trusting women. This sort of stuff just confuses matters, as well as being undemocratic.

**Deputy Mattie McGrath:** I too have to question how the Tánaiste could make an assertion like this. Deputy Thomas Byrne said on radio that a transition year student would know from a cursory look that this is totally unconstitutional. How did this get into five newspapers today? I seldom agree with Deputy Boyd Barrett but as he suggested, is the Government really trying

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to turn the people off supporting it? It is about politicians. It is about trusting politicians to make legislation here in the future, and quite frankly the people I have met and spoken to are not going to trust the Government with this. The Government is creating utter confusion. The Tánaiste might have taken a journey across the River Lee, across the bridge and back again. That is as far as he went. He is trying to get out of the commitments he gave to people before. The members of the Government have made a total dog's dinner out of this one too and the dogs in the street are waiting for them.

**Deputy Catherine Murphy:** The logical conclusion of what the Tánaiste has talked about is that an amendment to the Constitution will be required, an amendment which essentially will be termed around the issue of abortion. At this stage, the Taoiseach must clarify the Government's thinking on this. If that is what is being proposed, the issue will move into a whole new spectrum in terms of time and debate. The Taoiseach must clarify this today.

**The Taoiseach:** There is quite a lot on the Cabinet agenda today, over 30 items, 11 of which we still have to address. The Cabinet meeting will resume this afternoon. We have not yet finished the discussion on the abortion legislation but it is intended that by this evening, we will be able to publish the general scheme of the Bill. On the proposal to require a two-thirds majority to be able to change any legislation, I sought advice from the Attorney General on that matter today. The Attorney General advises me that it would be contrary to Article 15 of the Constitution, and therefore could not be included in this legislation and therefore will not be. There will not be a requirement that any change to primary legislation would require a two-thirds majority as doing so would require an amendment to the Constitution in itself and it is not proposed to do that.

**Deputy Micheál Martin:** Has the Taoiseach spoken to the Tánaiste?

**Deputy Thomas Byrne:** That was a dog's dinner.

#### **Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2018: Motion**

**Minister for Education and Skills (Deputy Richard Bruton):** I move:

That Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2018,  
copies of which have been laid in draft form before Dáil Éireann on 21st March, 2018.

Question put and agreed to.

*Dáil Éireann*  
**Ceisteanna - Questions**

**State Visits**

1. **Deputy Michael Moynihan** asked the Taoiseach if officials in his Department are working on the Pope's visit in August 2018. [11375/18]

2. **Deputy Mary Lou McDonald** asked the Taoiseach if his Department is involved in the planning for the visit of Pope Francis to Ireland in August 2018. [12935/18]

3. **Deputy Robert Troy** asked the Taoiseach the level of engagement his Department has held with the Vatican regarding the impending visit by His Holiness Pope Francis. [13726/18]

4. **Deputy Robert Troy** asked the Taoiseach the level of financial assistance that will be provided by the State for the impending visit by Pope Francis; and the level of input requested. [13727/18]

5. **Deputy Richard Boyd Barrett** asked the Taoiseach the work his Department is planning to prepare for the Pope's visit in August 2018. [13945/18]

6. **Deputy Brendan Howlin** asked the Taoiseach if his Department is involved in preparations for the visit of Pope Francis in August 2018. [13983/18]

7. **Deputy Eamon Ryan** asked the Taoiseach the arrangements for the papal visit in August 2018. [14206/18]

**The Taoiseach:** I propose to take Questions Nos. 1 to 7, inclusive, together.

Last week Pope Francis announced that he will visit Ireland for the World Meeting of Families from Saturday, 25 August to Sunday, 26 August 2018. While the main impetus for the visit is the World Meeting of Families, there will also be a number of official and public events. Full details of the programme will be released at a later date.

The involvement of civil authorities and various agencies in the visit and the related costs will be as appropriate for an official visit by a Head of State, similar to previous high-profile visits to Ireland. This will include security, public safety, protocol and co-ordination.

As is the norm for an official visit by a Head of State, staff in the protocol division of my Department, alongside protocol staff at the Department of Foreign Affairs and Trade and the event management unit at the Office of Public Works, are involved in preliminary meetings with key stakeholders, in the main concerning security and logistics for the visit.

Engagement with the Vatican is through the Irish Embassy to the Holy See, as is usual with such visits.

While this is not a formal state visit it will be a major event for Ireland, with a high degree of public participation and a high international profile, and I look forward to welcoming Pope Francis in August.

**Deputy Micheál Martin:** I thank the Taoiseach for his reply. The decision of Pope Francis to visit the World Meeting of Families in Dublin is very welcome. He is a very positive figure

in the world today, as a voice for the weakest and a leader who is grappling with enormous challenges and issues. It would be a positive way of approaching this visit if politicians refrained from trying to tell the Pope what he should and should not do when he is here. This is especially true of people who reject the idea that his words should influence us. He is the highly regarded leader of the religious faith followed by most people on this island. He is visiting primarily for pastoral reasons but also as an expression of his regard for this country. Hopefully he will take the time to visit different parts of the country, but we should not presume to tell him what to do. I and my party welcome the Taoiseach's commitment that the State will do all that it can to ensure that the Pope's visit is a success. The reality of the modern world is that this requires a major security commitment but this is absolutely reasonable. In 1979, there was no such thing as our current health and safety legislation or related types of statute. Planning for people's safety and security is essential. Will the Taoiseach assure the House that costs surrounding this visit will be treated as an exceptional event and that funding will not be diverted from other activities, especially Garda funding?

**Deputy Mary Lou McDonald:** Far be it from me to interfere in the business of the Holy See and Pope Francis, and the point is well made that the separation of church and state is an essential part of any functioning, open and healthy democracy. In the remarks I will make, I do not intend to, and I hope I do not, blur that division. I want to raise, however, a point that has been made to me very strongly north of the Border, namely, a desire that the Pope visit Ireland in its totality. As the Ceann Comhairle knows, there have been some words to this effect from within the church itself, particularly from the Bishop of Derry, Donal McKeown, who spoke on Sunday and reflected accurately the view of many people in the North who would wish to see Pope Francis visit.

There has been some controversy over this matter. I am not sure what, if anything, the Government here can do to influence the thinking of the Pope in this regard. We all know there has been a long debate and a lot of hurt reflected owing to abuse in the church. There is an appetite among many victims and survivors for reconciliation and recognition of this hurt by the church. I have no special call on the thinking, mind or actions of the Pope or Catholic Church but I hope they reflect on that and respond appropriately.

**Deputy Robert Troy:** I, too, welcome the confirmation of the visit of the Holy Father to the World Meeting of Families later this year. Pope Francis has inspired so much positivity and goodwill by practising what he preaches. He really demonstrates what is good about the church, of which I am a proud and active member. I signed up to volunteer at the World Meeting of Families later this year.

Acknowledging the separation of powers between church and state and what the Taoiseach said about the facilitation of the visit in terms of protocol, security and the funding that will be made available, I believe we have a role to play. I ask that the Taoiseach's office, in consultation and negotiation with the Vatican, outline some of the points raised by Deputy Mary Lou McDonald and also the change in direction. Originally, the Catholic Church produced pamphlets and booklets demonstrating the traditional Irish family and moved away from welcoming the non-traditional Irish family. Given that this country was one of the first to have a referendum to establish marriage equality for the gay community, I believe that move is regrettable. I ask that the Taoiseach use his offices, through the embassy, to make that point known. It is only right and proper that members of all families, not just traditional families, be welcome to participate in the World Meeting of Families.

**Deputy Richard Boyd Barrett:** The Pope should get a welcome only if he does what Pope Ratzinger refused to do, which was to provide the files containing the church's own information on clerical sex abuse by its members in this country. Ratzinger refused to provide the Vatican's own internal information on this after the production of the Ryan, Ferns and Murphy reports and so on. Ratzinger then, without any particular explanation-----

**An Ceann Comhairle:** It is not appropriate to refer to a Head of State-----

**Deputy Richard Boyd Barrett:** I think it is entirely appropriate.

**An Ceann Comhairle:** -----and a head of religion, for whom many people in this country have a lot of regard and who is now a very elderly man, in that form.

**Deputy Richard Boyd Barrett:** I think it is entirely appropriate because-----

**An Ceann Comhairle:** The Deputy might but it is certainly not in keeping with the dignity of this House.

**Deputy Richard Boyd Barrett:** Pope Francis, when he went to Chile and Peru in January this year, was met with very significant protest because he appointed a bishop who was widely believed to have covered up and turned a blind eye to clerical sex abuse carried out by a particular Catholic sect. There were uproar and protests every day over his decision to appoint this bishop. We need to put to Pope Francis the question of whether he is going to provide the information the church has in its possession that relates to clerical sex abuse in this country, which Pope Ratzinger refused to give us. If this is a new papacy with a new disposition and outlook that is more progressive, let it bring the files. Otherwise, do not bother coming.

**Deputy Joan Burton:** The Pope's visit to Ireland will be very much welcomed by Irish people right across the island from all different walks of life, not just Catholics. Clearly, the Catholic Church has a legacy in Ireland characterised by enormous difficulty and enormous pain, which was inflicted on people in various institutions of the Catholic Church who were abused, used or badly used. The Pope will probably be staying at the Apostolic Nunciature on the Navan Road, as was the case during the last papal visit. The Taoiseach might confirm that. The nunciature is just a stone's throw from St. Patrick's mother and baby home, one of the largest homes for mothers and babies in Ireland. It was a pretty tough place 30 or 40 years ago in which to have a baby on one's own, after which one might have given it up for adoption.

Will the Irish Government indicate, through the diplomatic channels, that the Pope's agenda may include an appropriate visit to a mother and baby home that is just next door to where he will be staying, particularly given that approximately 2,500 of the 9,000 or 10,000 children who went through St. Patrick's died there? These are the provisional figures we have.

My second question is a more local one on which I hope the Taoiseach and I agree. The Phoenix Park will be the venue for the visit. Will there be a definite fund provided by the Government to restore and reinstate the Phoenix Park, our premier public open space in an urban setting, after the Pope has gone home? During the last papal visit, the park almost collapsed under the strain caused by the great number of people in attendance. The people who visit will be welcome. The park is already putting in train arrangements to take down the gates at all the entrances and to refurbish them during the Pope's visit with a view to reinstating them afterwards. The damage to the park was very significant on the last occasion. The Taoiseach has a local interest in this, as do I. It is very important to Dubliners and people from around the

country who use the park to ensure that the Government will provide money to reinstate it to its full glory when the visit is over.

**The Taoiseach:** As I mentioned before, although this is not a state visit it will be treated as such in terms of security costs, media requirements, protocol, a transport plan and crowd control. We anticipate that there will be a requirement for security. It is expected that approximately 3,000 international media will be in Dublin for the World Meeting of Families. There will be the necessary protocol on the Pope's arrival at the airport. This will include a Garda escort, an Army escort and a transport plan for him to get around and to ensure health and safety and crowd control. As this is a visit of an historic nature, akin to the papal visit of 1979 or the visit of Queen Elizabeth in 2011, we believe it is appropriate that the Government meet these costs. It is ultimately taxpayers' money but I believe the majority of taxpayers in the country would want us to meet these costs as it is an historic visit. The vast majority of people will welcome Pope Francis to our country.

With regard to the issue raised regarding families, the Government is very much of the view that there are many different types of families and that all types should be celebrated, including the traditional nuclear family with the man married to the woman with children, but also one-parent families, families led by grandparents, and families led by same-sex couples. We will make it known in our meetings with the organisers that in line with our commitment to personal liberty and equality before the law, the Government's view is that families in all their forms should be celebrated. However, we are also committed to freedom of religion and the separation of church and state. While we will express our view, therefore, we will not try to impose it on a religious body. Regarding survivors of Catholic institutions who were used, abused and mistreated in them, there is some indication, albeit I have not heard it through official channels but rather through the media, that the Pontiff may wish to meet with former residents. That might be the most appropriate thing to do. While he might also visit a location, the strongest statement would be to meet people who are in those places rather than just to visit them. Perhaps that is an option too.

I was not aware so much damage was done to the Phoenix Park in 1979. It is a piece of local history I was unaware of. Certainly, I will take that on board and am glad I am aware of it now.

**Deputy Joan Burton:** It cost around £5 million to reinstate.

**The Taoiseach:** I assume the park will be reinstated fully and quickly. Certainly, I will look into the matter and ensure it is part of the discussions and deliberations in the months ahead. Rather than simply reinstate it, however, Project Ireland 2040 contains a commitment to upgrade the Phoenix Park with new facilities, in particular the full restoration of the Magazine Fort and a bridge to link it to the war memorial at Islandbridge. It is a very exciting project which will enhance the Phoenix Park as a national asset.

**Deputy Mary Lou McDonald:** What about the visit to the North?

**The Taoiseach:** That is a matter for Pope Francis to decide.

### **Taoiseach's Meetings and Engagements**

8. **Deputy Seán Haughey** asked the Taoiseach if he will report on his meeting with the President of the European Council, Mr. Donald Tusk, on 8 March 2018. [12784/18]

9. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with the President of the European Council, Mr. Donald Tusk, on 8 March 2018. [12795/18]

10. **Deputy Micheál Martin** asked the Taoiseach if he will report on his meeting with Mr. Tusk on 8 March 2018 and the issues that were discussed. [12801/18]

11. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his recent meeting with Mr. Donald Tusk. [12829/18]

12. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent engagement with the President of the European Council, Mr. Donald Tusk, on 8 March 2018. [13850/18]

13. **Deputy Michael Moynihan** asked the Taoiseach if he will report on his meeting with Mr. Donald Tusk on 8 March 2018. [13948/18]

**The Taoiseach:** I propose to take Questions Nos. 8 to 13, inclusive, together.

I was very pleased to welcome the President of the European Council, Donald Tusk, to Dublin on 8 March. Our discussions, which took place ahead of the March European Council, covered the Brexit negotiations, EU trade policy, economic and monetary union, taxation challenges posed in the digital era and a number of foreign policy matters.

On Brexit, we discussed progress in relation to the draft withdrawal agreement, including on Irish-specific issues. I stressed the importance of translating into the legal text the commitments and principles agreed in the joint report in December, including the backstop. President Tusk reiterated his strong solidarity with Ireland and said that our concerns were shared EU concerns and that Irish issues were European issues. We also discussed the EU guidelines on the future relationship between the EU and the UK, which were then in draft form and which took into account the parameters outlined by Prime Minister May in her Mansion House speech. I said that the draft guidelines reflected our ambition for a close partnership between the European Union and the United Kingdom while ensuring a level playing field in terms of fair competition and the integrity of the Single Market. I welcomed, in particular, the commitment to revisit our position should the United Kingdom approach evolve further.

On digital taxation, I said that all companies, including digital platforms, should pay their fair share of tax in full where and when it is owed. We are committed to global tax reform and we need an approach which is evidence based, sustainable in the long term and focused on aligning taxing rights with the location of real, substantive, value-creating activity. That is why we have been working through the OECD to achieve the widest possible international consensus. This is a complicated area and it is important that we get it right. In our view, short-term and uncoordinated measures could lead to unintended and negative consequences.

On the future of economic and monetary union, President Tusk noted the joint paper which had recently been published by the Nordic, Baltic, Dutch and Irish Finance Ministers and looked forward to further discussions at the euro summit on 23 March. We exchanged views on EU

trade policy and agreed that Europe and the USA should make every effort to work together as we would prefer trade deals to trade wars. We also discussed EU relations with Turkey and agreed about the importance of continued engagement notwithstanding our concerns in relation to human rights.

**Deputy Seán Haughey:** I thank the Taoiseach for his comprehensive reply. The strong support for Ireland of the President of the European Council in the Brexit negotiations is welcome. The president stated there could be no backsliding by the United Kingdom on the commitments it gave to Ireland last December, including the backstop option of aligning Northern Ireland with the customs union and the Single Market to avoid a hard border. However, agreement on this in the formulation of a legal text for a protocol to the withdrawal agreement has been pushed back to October. Originally, we were expecting this to be agreed for the June meeting. A transition period has now been agreed and free trade talks are about to commence. As such, is there not a real danger that the Irish question will be sidelined as the deadline for a final agreement looms and after the inevitable late-night political wheeling and dealing takes over, as it always does at European Council meetings? Can the Taoiseach give the House any reassurance in that regard?

Turning to the issue of tax, as the Taoiseach knows, there is a Commission proposal for a 3% turnover tax to be allocated to member states based on how many users of a company's digital service there are in each country. Fianna Fáil's position is that no basic groundwork has been done on this proposal and that a general impact assessment has yet to even commence. While reform is certainly necessary, this must be done on an international basis through the OECD so that EU competitiveness is not weakened. This matter has implications for Ireland, its corporate tax base and its capacity to attract foreign direct investment. However, change is inevitable in this area. Given these developments, are we reviewing our industrial policy, which has been in place since the 1960s? The position in relation to tax rules in the United States of America is a new development also. Many things are happening in this area and I would like to know from the Taoiseach whether we are reviewing our industrial policy, notwithstanding the fact that it has served us well since the 1960s, taking into account these new developments which will be discussed in the coming months?

**Deputy Joan Burton:** The attack on the two Russians in the UK took place two days before the Taoiseach's meeting with President Tusk and was the subject of widespread comment in national and international media, in particular UK media. Did the Taoiseach discuss with President Tusk the implications of that attack? Was there any suggestion at that stage of a move to a common European position on the attack in the context of the relationship with Britain pre and post Brexit? It would be interesting to know if there was a discussion in that respect at that stage.

As has been pointed out, we would have expected the Brexit backstop situation to have been dealt with as required in the next couple of months. Instead, it has been deferred to October. In the minds of most people, that constitutes a significant potential weakening of the Irish position. Did the Taoiseach get any guarantees from President Tusk in relation to what the backstop will actually involve? We now have widespread declamations from people like Minister David Davis that there will be fantastic technical innovations which will allow us to have a technological border not located anywhere other than in the cloud while having a whole range of provisions he will list. I do not know if the Taoiseach heard commentary at the weekend from agricultural interests and business interests on the Border to the effect that this will not work for them even if they get preferred-trader status.

**Deputy Micheál Martin:** Last week, the Taoiseach once again showed a tendency to aggressively attack anyone who had the cheek to question him on Brexit and while he has been able to influence how parts of the media cover him, he seems to think that it is beneath him to answer legitimate questions being raised throughout Europe. It was rather pathetic that the Taoiseach resorted to using a silly Sinn Féin argument to attack Fianna Fáil on this issue, something which appears to reflect a growing level of comfort between those parties which they will deny but which has been on display here now for anyone to see in recent months.

The simple fact is that for a year the Government briefed that the negotiating strategy was to make sure that Ireland was not still being discussed when the last elements of the withdrawal treaty were being negotiated. This was, we were told, to ensure that we did not face pressures to accept a deal in the face of a cliff edge, as Deputy Haughey pointed out. It is equally undeniable that the Taoiseach's statement that he was fine with waiting until October for a deal represents a significant change in strategy. The Taoiseach can claim that it is the right approach but he cannot deny that it is a significant change and that Deputy Donnelly and others have every right to ask him and the Government to explain why this change has come about. If our interpretation is wrong, can the Taoiseach tell us why the British Prime Minister, Mrs. May, stated yesterday in the House of Commons that the pressure is on the European Union to make the United Kingdom a better overall deal in order to avoid a hard border, and, if it is wrong, why did the British Prime Minister reaffirm that she will not accept the draft backstop text?

In light of the Taoiseach's claim that there is no problem going on to October and that only partisan opponents doubt this, perhaps he will comment on the following quote from the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, yesterday, as reported by the BBC, "If we don't have it done by June, then I think obviously, we have to raise some serious questions as to whether it is possible to finalise a withdrawal treaty at all." This is close to what Deputy Donnelly said last week. Is the Tánaiste wrong to say that letting it drift to October causes us problems?

**Deputy Richard Boyd Barrett:** I would like to know also what, if anything, the Taoiseach said to the President of the European Council, Mr. Donald Tusk, about matters Russian in the aftermath of the Salisbury attack but also significantly after widespread reports of known and confirmed Russian atrocities in eastern Ghouta, including the use of chemical weapons. There was no call, as I understand it, from the Taoiseach, the European Union, Mr. Tusk or anybody else for expulsions of Russian diplomats as a result of known Russian and Syrian use of chemical weapons against the people of eastern Ghouta, yet in his statement today, the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Coveney, voiced his shock at the possible use of these weapons in the UK. I do not understand. If suspected but unconfirmed use of these weapons in Salisbury where no evidence is provided prompts expulsions of a Russian diplomat but confirmed and known use of those weapons in Syria does not, that, to my mind, means the expulsions just announced from the Government have nothing to do with the use of chemical weapons and have everything to do with a Government political decision to line up with Cold War posturing by the European Union, the UK and the United States in what is an escalating and, frankly, alarming confrontation that is developing with Russia. This Cold War-style confrontation smacks of John le Carré. The Taoiseach often accuses me of being a conspiracy theorist-----

**The Taoiseach:** I feel one coming.

**Deputy Richard Boyd Barrett:** -----but the Taoiseach is the one who has made a decision

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that has profound implications for Ireland's neutrality based on a conspiracy. The Taoiseach has presented to us a conspiracy that there is no other plausible explanation. That is not evidence; that is a conspiracy.

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

**Deputy Richard Boyd Barrett:** Yet when it comes to the appalling use of these weapons by Russia in eastern Ghouta, not a dickie bird is heard. In fact, last week in the Dáil, myself and Deputy Gino Kenny asked that the Taoiseach summon the Russian ambassador to the Dáil over what Russia was doing in eastern Ghouta. He ignored us and refused to do it. This week, the Taoiseach is expelling an official from the embassy over something of which the Taoiseach has not presented any evidence. It is riddled with hypocrisy.

**Deputy Mary Lou McDonald:** I would be interested to hear the Taoiseach's answer to the previous questions.

I wish to raise with the Taoiseach in as friendly a manner as I can, given apparently that is the *ordre du jour*, his remarks in respect of the withdrawal agreement at the European Council meeting last week. The Taoiseach stated - he may correct me if I am wrong - that he would rather have the right deal in October than any deal in June. I merely want to place on the record again that, certainly, for Sinn Féin's part, we believe it is essential and a matter of long-term national interest that we get the right deal. I have not made or will never make an argument for rushing the fences, cutting corners or acting imprudently if that would in any way jeopardise that necessary outcome. That is where my party is coming from on this issue.

I lay the responsibility, in the first instance, for coming up with the British proposal as to how it meets its stated aims to protect the Good Friday Agreement in all of its parts and to avoid the hardening of a border on our island and all of the disruption that would flow from that with the British Government. That is the position. It has prevaricated and delayed. It is at this stage, frankly, chancing its arm-----

**Acting Chairman (Deputy Declan Breathnach):** I thank the Deputy.

**Deputy Mary Lou McDonald:** -----in its failure to produce anything credible, workable and in legal text. The Disneyworld stuff around technological solutions has been dismissed at a European level, has been dismissed within the Dáil and is worthy of dismissal again, but it is a grave mistake to create an impression that we are fine about further delays until October. I actually agree with the Tánaiste.

**Acting Chairman (Deputy Declan Breathnach):** Deputy McDonald is eating into other Members' time.

**Deputy Mary Lou McDonald:** Pardon?

**Acting Chairman (Deputy Declan Breathnach):** Deputy McDonald is over the time and eating into other questions.

**Deputy Mary Lou McDonald:** The Acting Chairman has only come in. Everybody has run over time on this.

**Acting Chairman (Deputy Declan Breathnach):** I am abiding by the rules. I call the Taoiseach.

**The Taoiseach:** First, to answer the questions on the withdrawal agreement, nothing is agreed until everything is agreed.

**Deputy Mary Lou McDonald:** Everybody ran over time.

**The Taoiseach:** That includes the transition period. What was agreed last week was the term of the transition period which, I believe, is a good development. Most people in Ireland want there to be a transition period. It is good for business. It is good for farmers, exporters and those whose jobs need to be secured. We now know that there will be a transition period. It will run until the end of 2020 and despite the fact that it said this would not be the case, the United Kingdom now accepts that during the entirety of that transition period the United Kingdom will remain in the Single Market and in the customs union, bound by the ECJ, will continue to pay into the European Union budget and yet will have no say on any of these matters. That is the basis on which the transition period was offered to the UK and it is what it accepted. It at least means Irish people, business, farmers and those whose jobs are dependent on exports and trade with Britain know that nothing will change until 2021. However, those are the terms. It is not agreed until everything is agreed.

It is our intention to agree the terms of the backstop by June. It is our objective to have it done by June but as I stated in Brussels, I am not willing to settle for anything just because it is June. It has to be a good deal and it has to be the right deal. It has to be a good outcome.

Even if we agree the terms of the backstop in June in the way we have agreed the terms of the transition period just last week, it is still the case that the withdrawal agreement will not be finalised until October. Nobody believes that the withdrawal agreement will be  
*4 o'clock* fully finalised until October even though it may be possible to agree the terms of the backstop in June in the way we agreed the terms of the transition period just last week - it is turning the yellow and white into green, if people are following how that is being worked. Nonetheless, the withdrawal agreement will not be finalised until October. Even at that point, it has to be ratified by the European Parliament and the UK Parliament and this will be an ongoing negotiation.

In terms of the text of the backstop, the UK is now engaging on the European text for the backstop.

We are also open to any alternative it might wish to put forward. There will be meetings at an official level almost every day this week on that. Our view is that the best way to resolve and avoid a hard border on the island of Ireland is through a deep, new free trade agreement and customs partnership with the UK which would negate the need for any new barriers between Northern Ireland and Ireland or between Britain and Ireland. That is the ideal outcome for us, so of course we will engage on that.

It is not intended that the free trade agreement and the new partnership agreement with the UK will be concluded in October. That is not the case at all. What we hope to have in October is a political declaration or agreement on what should be in that new EU-UK free trade agreement.

**Acting Chairman (Deputy Declan Breathnach):** I thank the Taoiseach.

**The Taoiseach:** We will then spend probably the entirety of the transition period negotiating the legal text of that.

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**Acting Chairman (Deputy Declan Breathnach):** Go raibh maith agat.

**The Taoiseach:** The day after the referendum, Deputy Michael Noonan told me that some people view Brexit as a storm, as something that will be rough for a while and will then blow over, but it will not be like that. He said that Brexit would go on for years and years, and he is absolutely right.

**Acting Chairman (Deputy Declan Breathnach):** We will move on to Questions Nos. 14 to 17, inclusive.

**Deputy Richard Boyd Barrett:** There was no answer regarding Russia.

**The Taoiseach:** There was not time.

**Deputy Richard Boyd Barrett:** The Taoiseach does not want to answer.

### **Taoiseach's Meetings and Engagements**

14. **Deputy Seán Haughey** asked the Taoiseach if he will report on his meeting with the Prime Minister of Luxembourg, Mr. Xavier Bettel on 5 March 2018. [12785/18]

15. **Deputy Micheál Martin** asked the Taoiseach if he will report on his meeting with the Prime Minister of Luxembourg, Mr. Xavier Bettel and the issues that were discussed. [12787/18]

16. **Deputy Brendan Howlin** asked the Taoiseach if he will report on his meeting with the Prime Minister of Luxembourg. [13984/18]

17. **Deputy Mary Lou McDonald** asked the Taoiseach if he will report on his recent engagement with the Prime Minister of Luxembourg, Mr. Xavier Bettel, on 5 March 2018. [14008/18]

**The Taoiseach:** I propose to take Questions Nos. 14 to 17, inclusive, together.

I welcomed the Prime Minister of Luxembourg, Xavier Bettel, to Dublin on Monday 5 March. Our meeting was part of my programme of strategic engagement with other EU leaders, which is strengthening our relationships with key partners across the full range of issues on the EU's agenda.

Xavier Bettel knows Dublin very well from his time as a teenager studying English in Malahide and he was very pleased to be back here, this time as Prime Minister of his country.

Our discussions were friendly and constructive and focused on Brexit, financial services and taxation, as well as institutional issues relating to the future of Europe.

On Brexit, I set out our view on the draft withdrawal agreement and our preference to resolve issues relating to the Border through the future relationship, while emphasising the vital importance of the backstop as set out in the protocol on Ireland and Northern Ireland. Prime Minister Bettel expressed his strong support for Ireland in the negotiations and the need to maintain the unity of the 27 states, not least so as to preserve the integrity of the Single Market.

The Prime Minister was accompanied on his visit by a business delegation from the financial services sector and in respect of the sector he was cautious on the Commission proposals for reforming the European system of financial supervision and the European supervisory

agencies. He was also cautious about the Commission proposal on digital taxation, which was published on 21 March.

On EU institutional issues, Prime Minister Bettel was opposed to any move away from unanimity on tax matters and underlined the importance of having a Commissioner for each member state.

We agreed that we share many common positions and that we should work closely together on these and other issues in the period ahead.

I also raised Ireland's candidature for a seat on the UN Security Council for the 2021-2022 term and our interest in participating in the BeNeLuxA initiative on medicines.

Later that evening, I was pleased to be able to host a dinner for the Prime Minister in Malahide Castle, which was attended by senior political and business representatives.

**Acting Chairman (Deputy Declan Breathnach):** We have about eight minutes left for this question. In order that everyone is heard, I propose that we have one minute each, not on this round but for supplementary questions.

**Deputy Seán Haughey:** The support of the Prime Minister of Luxembourg for Ireland's position in the Brexit negotiations is welcome. I note he is supporting our opposition to the Commission's proposal for a digital tax along with Belgium, Cyprus, Hungary, Malta and the Netherlands, according to media reports. I also note that the Taoiseach and Prime Minister discussed the post-Brexit future of Europe. The UK leaving the European Union will undoubtedly have all sorts of consequences. Ireland is losing an ally on many issues and could begin to feel isolated as a result.

The Taoiseach received a little slap on the wrist in yesterday's editorial in *The Irish Times*. It stated:

Brexit will require the biggest strategic-cultural shift in Ireland's foreign relations in half a century. The Government has yet to show that it grasps that.

I am sure the Taoiseach is quaking in his boots on the back of that. New alliances are needed on many issues, particularly in respect of the smaller states. These include areas such as farm subsidies, security and defence, corporate taxation, eurozone integration -----

**Acting Chairman (Deputy Declan Breathnach):** Thank you Deputy.

**Deputy Seán Haughey:** -----and EU integration generally. Can the Taoiseach tell us how we are we doing in forging these new alliances on these issues in the post-Brexit new Europe? I would appreciate a comprehensive response on this.

**Deputy Micheál Martin:** Over the last four years, I have regularly raised issues during Taoiseach's questions and European statements concerning the growing aggression towards Europe being shown by the Putin Government. While many in this House spend their time attacking the European Union, claiming that it is some dark military entity undermining us all, in reality the increasingly repressive Russian Government sees Europe as a danger because it adheres to principles of democracy and the rule of law. Under Vladimir Putin the Russian Government has decided that it wants to undermine democracy and the rule of law and has done this through a near permanent campaign which includes funding right and left wing extremism, dis-

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information, the invasion and partition of a neighbour, cyber warfare against European Union states, interference in a rising number of elections and assassinations of opponents. That is its record. Every time I have made those comments in the House, I have noted either the silence of others and the deference that parties such as Sinn Féin, Independents and others show to the Russian Federation. Notwithstanding that, I get the impression that when the Taoiseach went to last week's summit, he did so not anticipating the acts of solidarity that might follow the nerve agent attack on the UK.

Can the Taoiseach say why he not only blocked Deputy James Lawless's Bill but has also refused to give a commitment to take any concrete action to prevent Ireland being targeted with the type of online disinformation which has been seen throughout Europe?

**Acting Chairman (Deputy Declan Breathnach):** Thank you, Deputy.

**Deputy Micheál Martin:** Deputy Lawless has written to the Taoiseach who should reconsider his negativity towards that legislation with a view to facilitating its passage through the House. We will take amendments and so on, but it is an important Bill.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Joan Burton is next, for Deputy Brendan Howlin.

**Deputy Joan Burton:** Luxembourg is one of the founding members of the European Union. Although it is much smaller than Ireland, it is very much aligned with Ireland on various small country issues, particularly on services and certain aspects around taxation. The *Irish Examiner* reported that the Prime Minister had commented on the 12.5% corporation tax rate in Ireland but also compared that with the 45% rate of tax on workers. In view of the changes in the economy it is difficult to see where tax structures are going.

Did the Taoiseach discuss tax policies in relation to small countries and, in particular, did he have any discussion around a minimum effective rate of tax? Headline rates are fine but if a corporation is allowed to avoid effectively all of the headline rates, it may end up having avoided paying any tax, as is the case with ten big companies in Ireland.

**Acting Chairman (Deputy Declan Breathnach):** I thank the Deputy. I must stop Deputy Burton because in fairness Deputy McDonald is next and there are only three minutes left. If the Deputy wants a response from the Taoiseach -----

**Deputy Mary Lou McDonald:** The Acting Chairman did not stop anyone else.

**Deputy Joan Burton:** I know.

**Acting Chairman (Deputy Declan Breathnach):** -----she will need to bide her time. I call Deputy McDonald.

**Deputy Mary Lou McDonald:** The Acting Chairman did not stop other colleagues, but how and ever.

**Acting Chairman (Deputy Declan Breathnach):** I most certainly did.

**Deputy Mary Lou McDonald:** The Acting Chairman did not. I watched very carefully.

**Acting Chairman (Deputy Declan Breathnach):** And so did I, thank you.

**Deputy Joan Burton:** It is just a woman thing.

**Deputy Mary Lou McDonald:** I can actually read the clock-----

**Acting Chairman (Deputy Declan Breathnach):** The Deputy is wasting down her own time now.

**Deputy Mary Lou McDonald:** -----I am very gifted that way.

**Deputy Joan Burton:** Acting Chairman, I think it is a woman thing, actually. It seems to happen to women Deputies more than men.

**Acting Chairman (Deputy Declan Breathnach):** There is a clock here in front of me that dictates the time. If people want to waste other people's time that is fine.

**Deputy Mary Lou McDonald:** I thank the Acting Chairman. We can read the clock. I am numerate, you know.

**Acting Chairman (Deputy Declan Breathnach):** The clock is moving now.

**Deputy Mary Lou McDonald:** I want to place on record that far from being deferential to the Putin regime, I recognise its anti-democratic and authoritarian nature. I have no issue putting that on record. However, the issue at play in the actions taken by Government are not about Russia, in the first instance, they are about Ireland and Ireland's policy stance and particularly our position as a militarily neutral state. That is what this is about and Deputies are well aware of it. Did the Taoiseach raise with the Prime Minister of Luxembourg the issue of the backstop and his stated intention and desire to have agreement on the British proposal on that matter as regards avoiding a hard border in Ireland and protecting the Good Friday Agreement? Did he raise that matter with the Prime Minister and has he lobbied other Heads of Government on it?

**The Taoiseach:** First, I certainly did discuss the backstop. Prime Minister Bettel is 100% behind us on this matter, as is the Government of Luxembourg. The Deputy may even have heard President Tusk's speech two or three days later. I cannot really remember when he met me, it might have been a week later. He pointed out in his speech that the first issue Xavier Bettel raised with him was Ireland. He did not raise matters about Luxembourg first, but matters about Ireland. That is significant. Once again, I want to put on the record that when we talk about the backstop, backstop means backstop. If we can find a better solution which creates a new trading arrangement between the UK and EU that is so similar to what we have now that it negates the need for a backstop at all, I would be totally for that solution. As I have said many times, I do not want to see a border or barriers to trade between Dublin and Holyhead or between Larne and Stranraer any more than I want to see them between Newry and Dundalk. If we can solve this problem on a UK and EU-wide basis, it would be all the better. That is why backstop means backstop. It is not our preferred solution. It is exactly what it says on the tin, which is backstop.

In a previous debate, I outlined some of the flaws which the experts and officials in this area have identified with Deputy Lawless's Bill. If it is useful for the Deputy to have a direct engagement with the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, or the Minister for Justice and Equality, Deputy Flanagan, I would be happy to facilitate that. If the Bill can be improved and made workable, I see absolutely no reason why we cannot work on it together.

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I have spoken to the Minister of State at the Department of Health, Deputy Jim Daly, and asked him to engage directly with Deputy Browne on the mental health Bill, which we are all keen to progress very quickly. Just on-----

**Acting Chairman (Deputy Declan Breathnach):** I thank the Taoiseach.

**The Taoiseach:** Is our time up?

**Acting Chairman (Deputy Declan Breathnach):** I will give the Taoiseach three or four seconds.

**The Taoiseach:** I am afraid I cannot answer in three or four seconds.

### **Message from Select Committee**

**Acting Chairman (Deputy Declan Breathnach):** The Select Committee on Justice and Equality has concluded its consideration of the Criminal Justice (Corruption Offences) Bill 2017 and has made amendments thereto.

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

#### **Priority Questions**

#### **Mortgage Resolution Processes**

58. **Deputy Michael McGrath** asked the Minister for Finance if he or his officials have had contact with the Single Supervisory Mechanism, SSM, regarding the classification of certain restructured mortgages as non-performing loans on the books of banks; and if he will make a statement on the matter. [14183/18]

**Deputy Michael McGrath:** The context of this question will be well known to the Minister. It relates to the proposed sale of loan portfolios on the open market by certain banks, quite possibly to so-called vulture funds, and to the issue of the inclusion of certain mortgage loans which have already been restructured and which are now deemed to be non-performing and are therefore being included in the basket of loans for proposed sale with a view to reducing the level of non-performing loans the banks are carrying. I will go into the context in a moment.

**Minister for Finance (Deputy Paschal Donohoe):** I also want to begin my answer by providing some context to this question. During the height of the financial crisis, a key focus of the authorities was on stabilising and ultimately reducing mortgage arrears through the implementation of sustainable mortgage solutions that were agreed with borrowers. This led to the Central Bank of Ireland introducing public mortgage arrears resolution targets for the banks in the first half of 2013. As the process was rolled out, a split mortgage solution and a part capital and interest solution that met certain criteria were both accepted by the Central Bank as being sustainable for the purposes of these targets.

Since the establishment of the SSM at the end of 2014, the focus has shifted from reducing mortgage arrears levels to reducing non-performing loans, NPLs. This shift in focus has been accompanied by a new strict Europe-wide definition of what constitutes an NPL by the European Banking Authority, which means that certain restructures are deemed to be NPLs even if customers are meeting the revised payment schedules.

To answer the Deputy's question, officials in my Department have met with staff of the SSM at the highest level on two different occasions since the end of 2016. In the course of their discussions, they outlined the background and history to the restructuring effort in Ireland and questioned the logic of now classifying some types of restructured loans, including certain split mortgages, as NPLs indefinitely. While my Department has been informed that the SSM is looking into the regulatory treatment of split mortgages across a number of European member states, I have no evidence at this point that this categorisation is going to change.

Aside from direct interaction with the SSM, my officials have also been actively involved in discussions on NPLs through the European Council's Financial Services Committee sub-group on NPLs and the more recent European Commission expert group on NPLs. While this has ensured that Ireland's views are voiced and considered on the matter, ultimately the final arbiter on the resolution of NPLs for Irish banks is the SSM.

**Deputy Michael McGrath:** As we speak, the reality is that sitting within Permanent TSB's Project Glas are split mortgages relating to 4,300 family homes. That may be as many as 5,000 actual mortgages. These are people who have done all the right things. They have followed the advice of Government and the Central Bank, they have engaged with their lenders, they have reached restructuring agreements and, more than that, they have actually honoured the terms of those restructuring agreements. However, they now find their loans being classified as non-performing. Their loans are sitting within the same basket as loans in respect of which there has been no engagement by the borrower and loans on which no repayments whatsoever have been made for a prolonged period. There is something fundamentally unfair about that. These people are deeply worried about the prospect of their loans, which relate to their family homes, being sold down the river to so-called vulture funds. I share their concern. We need to stand up for them and advocate for them. Their loans need to be removed from the NPL classification. These are, in essence, loans which are now performing.

**Deputy Paschal Donohoe:** As I have said since this issue developed, I absolutely understand the concerns that all loan owners have in respect of this matter. I particularly understand the concerns of loan owners who restructured their mortgages or debts and who have met the terms of those restructured loans. I have outlined to the Deputy the action which I and my Department have taken on this matter to date in terms of the engagement we have had with the SSM.

**Deputy Michael McGrath:** That engagement needs to be stepped up. The Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach has invited Danièle Nouy from the SSM to come before it. Last week, we heard evidence from AIB and Permanent TSB that was completely contradictory. AIB's representatives testified that its split mortgages are deemed to be performing whereas Permanent TSB's representatives told us the complete opposite - that its split mortgage agreements are deemed to be non-performing by the SSM. That has raised very serious difficulties. We have now had replies in the European Parliament from the SSM to a number of MEPS which make it clear that, depending on the structure and documentation underpinning these mortgage restructurings, it is possible for them to cease being deemed as

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non-performing and to be deemed as performing. I ask the Minister to lend his political weight to resolving this issue. It is crucial for the people concerned. They do not deserve to be treated in this way.

**Deputy Paschal Donohoe:** To emphasise again, I understand completely the anxiety that loan owners feel in respect of the possibility for loan sales and the classification of debts. I have also noted what has been said publicly about this matter, the answers which have been given to Members of the European Parliament by the SSM, and other debate which has ensued on this matter. To reiterate, as I have outlined in the answer to the Deputy, my Department and I have engaged and continue to engage on this matter. In order for me to recognise the independence of the SSM, it is important for me to acknowledge also its clear assessment of the matter and the fact that it is currently not giving an indication that it will change. However, I am engaging on the matter because I understand the concern of many mortgage holders.

### Corporation Tax Regime

59. **Deputy Pearse Doherty** asked the Minister for Finance if a 25% cap on bank losses that can be carried forward for the purposes of reducing corporation tax liability along the lines of the rules recently introduced in Britain will be supported; and if he will make a statement on the matter. [14034/18]

**Deputy Pearse Doherty:** In the past month we have had the spectacle of AIB, Bank of Ireland and Permanent TSB announcing combined Irish profits of €2.7 billion, not one cent of which is paid in corporation tax by any of them as a result of a change to the law brought in by the Fine Gael Government. Looking across the globe, this is quite a unique situation. If we look at the OECD report, we will find we are an outlier compared with many of our European and indeed international counterparts. Will the Minister examine the example of Britain, which has reduced further from 50% to 25% the amount that can be carried on by financial institutions? This would see our financial institutions that have been bailed out by the Irish State starting to pay corporation tax in this State.

**Deputy Paschal Donohoe:** Corporation tax loss relief is provided for by section 396 of the Taxes Consolidation Act 1997. Loss relief for corporation tax is a long-standing feature of the Irish corporate tax system. It allows for losses incurred in the course of business to be accounted for when calculating a business's tax liabilities. This mechanism is a standard feature of corporation tax systems in all OECD countries.

Section 396C of the Taxes Consolidation Act 1997 previously restricted losses for NAMA-participating institutions to offset losses against 50% of taxable profits in a given year. At the time of the Act's introduction the Government had limited involvement in the banking system. However, by the Finance Bill 2013 this measure was considered to have outlasted its initial purpose. Due to the State's substantial holdings in the banking sector - 99.8% of AIB and 15% of BOI at the time - it was deemed to be acting against the State's interests.

Section 396C was repealed to reduce the State's role as a "backstop" provider of capital and to protect the existing value of the State's equity and debt investments.

With the removal of Section 396C, AIB and Bank of Ireland were restored to the same position as other Irish corporates, including other Irish banks, which effectively levelled the playing

field.

As I have previously stated, I do not intend to change how tax losses are taxed for Irish banks, including those bailed out by the State, as I believe there could be consequences that would make it difficult for me to fulfil other objectives in respect of the Irish banking system.

On Committee Stage of the Finance Act 2017 I agreed that my officials would produce a report on the effect of limiting tax reliefs on losses carried forward for banks. It is envisaged that this report will be submitted to the committee in June of this year.

**Deputy Pearse Doherty:** This is a national scandal. We are talking about €2.7 billion in profits by three banks which have been bailed out by the Irish people, banks that would not exist today if it were not for the fact that the Government at the time put its hands into citizens' pockets and put the money into those banks. This goes to the core of this issue. This is about fairness. The Minister said the carrying forward of losses is standard across the OECD. However, it is not standard the way we do it, whereby it is unlimited and one can carry forward forever and a day 100% of one's losses. The Minister talks about value in respect of the banks and other objectives. What we need is tax coming into this State to address some of the crises we have, with which the Minister is well familiar, namely, the fact that we have a homelessness crisis that is escalating, the fact that we have a housing crisis, the fact that we cannot provide for children with disabilities and the fact that we have hundreds of patients on hospital trolleys daily. However, the Minister is content to sit there and tell the Irish people he will not change any of this, that AIB will continue to pay no tax for 20 years, that Permanent TSB will operate in the same vein and that somehow this is okay.

**Deputy Paschal Donohoe:** I have other objectives I need to fulfil in respect of the Irish banking system. The State and the Irish taxpayer own a very large share of the banking system overall. I want to see the State get back that money. I also want to be in such a position that the dividends these banks have begun to pay the Irish taxpayer are maintained in the future. We also have in place a banking levy which is recouping some value for the taxpayer. We live in a time when we are dealing with other issues within our banking system that matter to citizens. For example, I go back to the question which Deputy McGrath raised with me and which Deputy Doherty will raise again, that is, how we can get to a point at which we can reduce further the level of non-performing loans we have in our banking system without causing additional difficulty and stress to our citizens. Decisions such as those Deputy Doherty proposes have an effect on this. Amid his acknowledgement of all that is going wrong in our society at present - I acknowledge there is great difficulty - we are making progress in other areas. I want Irish taxpayers to be able to get back the money they invested in owning our Irish banking system.

**Deputy Pearse Doherty:** The Minister is selling off parts of these banks already, and the investors buying the banks, which will not pay tax for the next two decades, are buying them from the Irish State. It is simply wrong, and the Minister needs to look at what his counterparts in other parts of the globe have done. Let us look at our nearest neighbours, Britain. They took a decision that the 50% carry forward for financial institutions that were bailed out by them was not sufficient. They also have a levy on those banks. They decided that one can carry forward only 25%, which would mean that banks would start paying taxes on the profits they make. We have some of the most profitable banks in Europe, which is no wonder, given the sweetheart deal this Government and the previous Government have carved out with those banks which allows them to pay no tax on billions in profit. I heard the banks talking about getting back to normality. Placing a cap on the losses that banks can carry forward is normal. It is what hap-

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pens in Britain. It happens in France, Germany, Italy, Austria, Hungary and Poland. It happens in other countries where it is not unlimited, such as Canada, Costa Rica, the Czech Republic, Finland, Greece, Japan, Mexico and the Netherlands.

**Acting Chairman (Deputy Declan Breathnach):** If the Deputy wants-----

**Deputy Pearse Doherty:** All these countries do this, yet the Government wants to be an outlier and to allow banks that we bailed out-----

**Acting Chairman (Deputy Declan Breathnach):** I call the Minister.

**Deputy Pearse Doherty:** -----to continue to make billion-euro profits and not pay a penny to the Irish State for decades.

**Acting Chairman (Deputy Declan Breathnach):** The time has run out, Minister.

**Deputy Paschal Donohoe:** I have not had an opportunity to respond.

**Acting Chairman (Deputy Declan Breathnach):** I will give the Minister 15 seconds.

**Deputy Paschal Donohoe:** No. If the Acting Chairman-----

**Acting Chairman (Deputy Declan Breathnach):** Deputy Pearse Doherty talked down the clock.

**Deputy Paschal Donohoe:** The Acting Chairman should manage the contributions of other speakers. Deputy Pearse Doherty has put a set of questions to me; I must respond.

**Acting Chairman (Deputy Declan Breathnach):** I will give the Minister 30 seconds.

**Deputy Paschal Donohoe:** I should not be penalised-----

**Acting Chairman (Deputy Declan Breathnach):** The Minister is dead right.

**Deputy Paschal Donohoe:** -----for the Deputy's ability to go on. Of course, the reason Deputy Pearse Doherty makes such a statement is to deny me the opportunity to respond. I ask the Acting Chairman to allow me to respond.

**Deputy Pearse Doherty:** I never objected to the Minister's having the opportunity to respond.

**Deputy Paschal Donohoe:** In what Deputy Doherty has outlined regarding our selling shares within AIB, of course what he has not acknowledged is that when we did sell a large share within AIB, we used the proceeds of that sale to reduce the borrowing the Irish taxpayer had to make to bail out those banks in the first instance. Deputy Doherty was among the most ardent of critics of the Irish taxpayer taking on more debt to support our banking system, and now that we have reduced a level of that debt which the Irish taxpayer had to incur, he is criticising the fact that I did that as well. We have competing objectives in respect of the banking system. I want to ensure we get back our money which was invested to support the banking system. I also want to ensure we have an Irish banking system that is capable of meeting the investment and credit needs of Irish small firms, Irish farmers and Irish agriculture. The course of action the Deputy is pursuing would have serious consequences-----

**Deputy Pearse Doherty:** That they should pay tax.

**Deputy Paschal Donohoe:** -----for all of that. I have given a commitment-----

**Deputy Pearse Doherty:** They should pay tax.

**Deputy Paschal Donohoe:** Again, I understand why the Deputy wants to shout me down. If I lay out any argument that is different from what he is putting forward, the only option open to him is to shout down the argument I am making. As he knows, I made a commitment in the Finance Bill to outline in greater detail what would be the consequences of such a course of action being pursued, and I will do that. My guiding anchor in any decision I make is to get back for the Irish taxpayers the money they had to put into Irish banks and ensure that we have an Irish banking system which is more resilient for our economy in the future and able to support the jobs growth we will need in uncertain times.

**Acting Chairman (Deputy Declan Breathnach):** I remind Members that they have 30 seconds for their introduction, two minutes for the Minister's initial reply and four minutes overall for each question, including one minute for each supplementary question. If Members are not prepared to stick to the time I will not take the final supplementary question but will instead move onto the next question.

### **Central Bank of Ireland Investigations**

60. **Deputy Michael McGrath** asked the Minister for Finance the status of a case involving companies (details supplied); the steps the Central Bank is taking to ensure that the complaints process is fair and independent for the businesses involved and that redress and compensation schemes are adequate; the details of the contact between the Central Bank and the Financial Conduct Authority in the UK; and if he will make a statement on the matter. [14184/18]

**Deputy Michael McGrath:** As the Minister is aware, the report from the Financial Conduct Authority, FCA, in the UK into Royal Bank Of Scotland's Global Restructuring Group, GRG, has been published. GRG also operated in Ireland under the guise of Ulster Bank. Its treatment of many SMEs has been a source of considerable controversy. I will go into the report in a moment, but the purpose of my question is to establish what is being done in Ireland with regard to this issue.

**Deputy Paschal Donohoe:** As the Deputy is aware, the Central Bank of Ireland is responsible for the regulation of the financial services sector. I can confirm that while the Central Bank cannot generally comment on interactions with regulated firms, Ulster Bank Ireland is engaging with the Central Bank in regard to Global Restructuring Group. In November 2016, Royal Bank of Scotland announced a complaints process for SME customers in Ulster Bank's Global Restructuring Group and indicated publically that a "customer is in-scope for the new complaints process if they were a small or medium sized enterprise under the control of Global Restructuring Group in the United Kingdom or Republic of Ireland between 1 January 2008 and 31 December 2013".

In line with its risk-based supervisory approach, the Central Bank has been and continues to monitor all relevant issues as they arise from a system perspective. The Central Bank will continue to monitor this matter and is overseeing complaints received for any issues arising, particularly in the context of SME regulations compliance. The protection of SME customers is a priority for the Central Bank. The Central Bank's SME regulations provide key protections

to SME customers, including those on handling complaints and managing arrears and financial difficulties. The Central Bank also continues to engage with the UK FCA on this matter. I am confident that the Central Bank will act as appropriate on this matter and that it possesses the necessary tools to do so if required.

**Deputy Michael McGrath:** The report that was published makes for quite remarkable reading. For example, it identified certain widespread inappropriate treatment of SME customers, which should also be considered to be symptomatic. There is no reason to believe that similar treatment of SMEs in Ireland did not take place. One striking element of the report is contained in annexe 4, which reproduces a document produced by a GRG team leader that was widely circulated in at least one regional office in the UK. One of the tips stated, “Rope: Sometimes you need to let customers hang themselves. You have then gained their trust and they know what’s coming when they fail to deliver”. A second tip told those involved to “Be specific: avoid round number fees - £5,300 sounds as if you have thought about it, £5K sounds like you haven’t.” When I hear stories from SMEs, there is a common thread as to how they were treated. We need specific answers as to what is being done in Ireland.

**Deputy Paschal Donohoe:** I am aware of the report to which the Deputy has referred. I have outlined the fact that while I cannot ever go into details regarding the work of the Central Bank and its interaction with regulated firms, this is a matter on which Ulster Bank and the Central Bank are now engaging. When I met representatives of Ulster Bank and its parent group, Royal Bank of Scotland, I indicated to them that they must comply with the work which is under way with the Central Bank. They understand that. When I have engaged with the Central Bank on this matter, it has indicated to me that it is dealing with the matter. At this point I cannot go any further than that because I have to respect the role of the Central Bank regarding this matter.

**Deputy Michael McGrath:** I respect the role of the Central Bank but we also have a duty to request information and advocate for SMEs, which believe they were essentially put into a graveyard when they were put into GRG. More than 2,000 businesses went into it but fewer than 100 came out alive. For some time, we have heard that the Central Bank is engaging with Ulster Bank. I still do not really know what that means. I welcome that the Central Bank has had contact with the FCA in the UK, but I would like the Minister to confirm whether the Central Bank has initiated an investigation. Will there be a report? Will something be produced as an outcome to this issue in regard to the Central Bank’s consideration of it? The SMEs involved, which believe they were treated very badly, and the many businesses which closed, resulting in job losses, deserve the truth.

**Deputy Paschal Donohoe:** I appreciate and acknowledge that the Deputy respects the role of the Central Bank, and the work it does and is carrying out on a number of matters in respect of the Irish banking system. I am aware, as I indicated to the Deputy a moment ago, of the report he used to provide a backdrop to the question he put to me. At this stage, I can confirm that the Central Bank is engaged on this matter. It is up to it to decide if it wants to go a stage further. It will then communicate this in a way which befits its role as an independent regulator of our banking system. I am confident that the Central Bank will act appropriately and effectively with regard to this matter if it is deemed it is necessary to do so, and that it has the necessary tools and powers to do so.

## **Loan Books Purchasers**

61. **Deputy Paul Murphy** asked the Minister for Finance the detail of his contacts with senior management of a bank (details supplied) in relation to the proposed sale of part of its loan book to vulture funds; his views on legislation to allow the Government block the sale of this loan book; and if he will make a statement on the matter. [14114/18]

**Deputy Paul Murphy:** Permanent TSB came before the finance committee last week. The 75% State-owned bank indicated it intends to proceed with so-called Project Glas, which would have the consequence of about 18,000 families, including homeowners and renters, being thrown to the vultures whose only concern is short-term profit. Will the Minister use the formal consultation process to make it clear that the Government and Dáil are absolutely opposed to any sale to vulture funds?

**Deputy Paschal Donohoe:** As part of their regular engagement with the banks in which the State has a shareholding, officials in my Department discuss a wide range of topics, including loan sales. I am answering the question the Deputy put to me in written format. What he has just said orally is different. For example, in the case of Project Glas, the project recently announced by Permanent TSB to sell a portfolio of non-performing loans, officials were first briefed by the bank on the timing of the sale and potential composition of the portfolio in the week commencing 15 January. Officials, in turn, briefed me on the matter on 19 January as I have previously indicated.

As this information was commercially sensitive and as I am obliged to comply with Stock Exchange disclosure and market abuse rules, I was not in a position to discuss it publicly at the time. In addition to the regular engagement Department officials have with the banks, I recently met senior officials of the majority of our Irish retail domestic banks and intend to do so again, as well as holding similar meetings with the other banks. At these meetings, loan sales were discussed, where relevant. The Deputy will be aware in this regard that it is not appropriate for me to put any more facts into the public domain over and above what the banks themselves have disclosed as I must respect the Stock Exchange disclosure rules.

It is worth noting that in the case of Permanent TSB, no loan has been sold yet and it will not be known how many loans will be sold nor the composition of these loans for a number of months. In addition, it is not known at this stage to whom they will be sold. For clarity, I want to highlight to the Deputy that I cannot stop these sales, even by the banks in which the State has a shareholding. They are the responsibility of the boards and management of the banks, which must be run on an independent and commercial basis. The banks' independence is protected by relationship frameworks, which are legally-binding documents that I cannot change unilaterally.

**Deputy Paul Murphy:** Project Glas is a green light to destroy the lives of homeowners whose loans are included in this particular loan book sale. At a meeting of the Joint Committee on Finance, Public Expenditure and Reform, and the Taoiseach, last week, I and other Deputies asked representatives of Permanent TSB what would be their response if, in the process of formal consultation, the Government was to make clear its opposition to the sale of these loans to vulture funds. Their response was that they would consider every option. The use of the formal consultation process is, I believe, inadequate. I think we should be making greater use of the State's shareholding in the banks. I am seeking a commitment from the Minister that he will not treat these homeowners in the same manner as they are being treated by Permanent

TSB and that he will use the formal consultation process to express the strong opposition of the Government and the Dáil to any sale to vulture funds.

**Deputy Paschal Donohoe:** As I have already indicated, I am not in a position to use the requirement for the banks to consult with me in order to block a sale of this type. As I have already stressed, I am aware of the concerns of mortgage holders in respect of these potential sales and I have committed to a number of actions. I have committed to working with Deputy Michael McGrath on his Bill to regulate funds and expand the regulatory reach and I have used the powers open to me to ask the Central Bank to conduct a review of the code of conduct on mortgage arrears. It is important that the Irish banking system gets to a place where its level of non-performing loans is reduced. This must be done, however, in a way that takes account of the difficulties that mortgage holders can face as that happens, as was the case in the past. We have seen a significant reduction in the level of mortgage arrears and the number of non-performing loans while, simultaneously, we have avoided the worst forecasts expressed at various points in the past. I am committed to trying to maintain this framework into the future.

**Deputy Paul Murphy:** These mortgage holders have been subjected to a campaign to demean them as people who are not worthy of having mortgages or owning homes. A key part of this campaign was the Permanent TSB statement that some people have not engaged for more than seven years. When I asked the bank's representatives at the joint committee's meeting last week to indicate how many people have not engaged for over seven years, they were unable to provide that information.

I ask the Minister not to answer a question that I have not asked. Although I do believe the Minister should have legislative power to block this sale or use the State's ownership of the banks to block it, that is not the question. The memorandum of understanding between the State and the bank includes a requirement for a process of formal consultation. I am asking the Minister if he will use that process to state his and the Government's strong opposition to this sale proceeding.

**Deputy Paschal Donohoe:** I find it ironic that the Deputy is asking me to not answer questions that he has not put to me given the question he put to me is different from the one he shared with me in written format and which I answered. I have already indicated that I am not in a position to direct the bank not to go ahead with loan book sales.

**Deputy Paul Murphy:** That is not what I asked.

**Deputy Paschal Donohoe:** I want to put it on the record that I am not party to and do not support any attempts to demean people who have been making efforts to pay their mortgages. It is difficult and stressful for anybody, regardless of his or her circumstances, who experiences problems in the context of his or her mortgage. It is in response to this that we put in place Abhaile, the code of conduct on mortgage arrears and the personal insolvency legislation.

**Deputy Paul Murphy:** I ask the Minister to respond to my question, which I have already asked three times.

**Acting Chairman (Deputy Declan Breathnach):** The Minister, without interruption.

**Deputy Paul Murphy:** I have asked the Minister three times if he will use the formal consultation process to block this sale.

**Acting Chairman (Deputy Declan Breathnach):** We are moving to the next question.

**Deputy Paul Murphy:** The Minister is supposed to answer questions.

**Acting Chairman (Deputy Declan Breathnach):** I am working to the rules.

**Deputy Paul Murphy:** The Minister is not working to the rules.

**Acting Chairman (Deputy Declan Breathnach):** The time allocation for each question is six and a half minutes. If some members continue to eat into the time, other members' will miss out.

**Deputy Paul Murphy:** I did not eat into anybody's time.

### **NAMA Operations**

62. **Deputy Mick Wallace** asked the Minister for Finance his views on the NAMA policy, agreed in March 2015, of deleting emails of staff one year after they have left the agency; if he has had discussions with officials in his Department or with the NAMA board regarding this ongoing policy; and if he will make a statement on the matter. [14033/18]

**Deputy Mick Wallace:** This question relates to NAMA's email policy, which allows it to delete all emails of staff one year after they have left the agency. This policy was applied retrospectively and, coincidentally, came into effect one month before NAMA was to become subject to freedom of information. I wrote to the Minister about this matter on 8 February and his response was that he would look into it. I know the Minister is a busy man and has plenty to do but I hope he is not ignoring what is going on in NAMA.

**(Deputy Paschal Donohoe):** It is important to clarify that any suggestion that NAMA deletes all emails of staff members one year after departure is not correct. I am advised that, as a first step, NAMA ensures that all emails of business or long-term value are retained in the appropriate repositories. Only when managers are assured that such records have been retained and stored can they authorise the deletion of ephemeral and transitory emails that have no business value. The Deputy will appreciate that there is a big difference between this sensible policy and a blanket policy of deleting all emails regardless of content or value, which is not, and never has been, NAMA policy.

Since this matter was last raised in December, officials of my Department have discussed the issue further with NAMA, which has advised that its email retention policy is in line with best practice among public and private organisations. I am further advised that the implementation of the policy ensures that all key records held by NAMA are retained and that they will therefore be available, if required, for business purposes and for the purposes of legal discovery and the fulfilment of NAMA's obligations into the future.

In regard to staff emails specifically, I am advised that NAMA policy is to retain the mail servers of staff for at least one year after their departure from the agency. This is to facilitate business continuity and to enable line managers to ensure that business and long-term value records are saved to the appropriate repository. When managers are assured that such records have been retained and stored, they may authorise the deletion of transitory emails that have no business value.

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I am further advised that this policy adheres to the guidance contained in the code of practice for freedom of information, FOI, and section 48 of the Freedom of Information Act.

**Deputy Mick Wallace:** The truth is that NAMA can delete what it likes and that is what it is doing. The policy of deleting staff emails 12 months after they have left the agency is not in line with the approach of any similar organisation in the public sector. No other State agency has this policy. According to the National Management Treasury Agency, NTMA, NAMA's parent agency, it has no set timeframe regarding the retention or deletion of emails. Why would NAMA delete emails when the NTMA does not do so? Is the Minister aware that all NAMA emails are on the NTMA email server? A copy of all emails sent and received on the NTMA's network are stored on what is known as "the vault" such that even if NAMA deletes an email at its end, it remains on the vault. However, when an FOI request is submitted the vault is not searched. NAMA is erasing the history of what goes on within the organisation and ensuring that it is not open to any embarrassment as a result of FOI requests. Will the Minister inquire if the commission of inquiry established to investigate NAMA had access to the emails located on the NTMA vault and if An Garda Síochána had access to all emails stored on it when investigating leaked allegations?

**Deputy Paschal Donohoe:** The Deputy asked two specific questions - on the commission of inquiry and on the role of An Garda Síochána in respect of NAMA - to which I do not have answers. However, I will make inquiries and revert to him with replies. When the Deputy initially raised this matter with me a number of months ago, my Department and I inquired into the policy in this area and I have shared the relevant information with the Deputy.

I have reviewed the policy of the NTMA. I have already shared the NTMA's email retention policy with the Deputy but I will highlight it again. The NTMA does not have a set timeframe applying to the retention of emails. The retention period for emails is determined by the content and context of the correspondence. NAMA retains emails for one year in the way I have described. It then makes a further decision on the email depending on its sensitivity or its relevance to the operation of business.

The Deputy asked me two additional questions. I will check the answers to them.

**Deputy Mick Wallace:** NAMA's approach to the control and retention of data borders on the criminal. There have been two cases in the past month in this regard. In one case, NAMA has been heavily criticised for its approach to data and information held within the agency. The Data Protection Commissioner found that NAMA was in breach of its obligations under data protection law in its response to a request for data from the O'Flynn group. The O'Flynn had asked for all data on them held by NAMA, which is their right. NAMA initially agreed to undertake a full search for it but 14 months later it told the Data Protection Commissioner that it had decided to do no searches. The Data Protection Commissioner rightly found this completely unacceptable and stated that NAMA was in breach of its statutory functions. It is a shocking case which highlights NAMA's complete disregard for the law, something with which it has no problem.

Another case that was before the courts highlighted that NAMA's approach to records is farcical. NAMA official Peter Malbasha stated that it had no records or minutes of 62 meetings which took place with a developer, despite the fact that the developer saw minutes being taken. NAMA is a law unto itself and nobody is holding it to account.

**Deputy Paschal Donohoe:** I completely reject the inference by the Deputy that what it is doing is in any way criminal or nearly criminal. The Deputy might have a different view on the matter but NAMA's current policy on the management of emails is consistent with its obligations under freedom of information legislation and with regard to best practice on how these records can be filed and for how long they should be kept.

On the Deputy's point about the Data Protection Commissioner, he is correct that the Data Protection Commissioner recently found against NAMA in respect of a breach of its obligation to certain debtors. However, I am advised that there are two points to be made on this. First, the board of NAMA is currently considering the ruling of the Data Protection Commissioner and it will respond to it. Second, I am informed that the ruling made by the Data Protection Commissioner is separate from the matter the Deputy raised with me.

## **Other Questions**

### **Motor Insurance Costs**

63. **Deputy Bobby Aylward** asked the Minister for Finance the status of the implementation of the recommendations made in the report by his Department's working group on reducing the cost of motor insurance; the number of recommendations that have not been implemented to date; the reason for same; and if he will make a statement on the matter. [13924/18]

**Minister of State at the Department of Finance (Deputy Michael D'Arcy):** The cost of insurance working group's report on the cost of motor insurance was published in January 2017 and makes 33 recommendations with 71 associated actions to be carried out in agreed timeframes, which are set out in an action plan.

In line with the commitment to publish quarterly update reports on the implementation of the recommendations, the working group has published four update reports to date, most recently on 20 February last. This report shows that of the 46 separate deadlines set during 2017 in the action plan, 39 have been met. Substantial work has also been undertaken in respect of the nine action points categorised as "ongoing".

In respect of the seven actions which were not fully completed in 2017 as scheduled, three relate to legislation issues while another requires further discussion, and subsequent final agreement, between the Department and Insurance Ireland. Another outstanding action is contingent on the establishment of the new office of the legal costs adjudicators, which currently is expected to occur by July 2018. The remaining two actions both relate to recommendation No. 26, which requires the approval of both the Minister for Justice and Equality and the Garda Commissioner for potentially far reaching co-operative mechanisms between Insurance Ireland and An Garda Síochána to be formalised and is still under consideration.

Significant progress has been made in respect of the implementation of all seven of the aforementioned actions, particularly regarding the establishment of a new national claims information database. Overall, a considerable amount of work has been undertaken to address the issue of the cost of motor insurance by implementing the recommendations in the report.

It should be noted that the average cost of motor insurance has been consistently falling

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since the middle of 2016. The ongoing implementation of the motor report recommendations is contributing to this trend. The most recent CSO data show that the reduction is 18.1% since July 2016.

**Deputy Bobby Aylward:** I do not believe we should understate the importance of the rising cost of motor insurance. I will support any measures that are brought forward to help reduce the cost of motor insurance for young people, taxi drivers, hauliers and all those working in industries affected by this issue. However, the measures brought forward by the Government are not having a quick enough impact. I do not say this lightly. I say it because that is what I hear regularly from our young people, taxi drivers, road hauliers and people in many other sectors of society. They become disillusioned when they learn their premiums are being increased by 15% with no meaningful reason given for such a rise. Older people, in particular, who have never had a claim against them and have never had penalty points on their licences are very aggrieved, and rightly so. I do not know where the Minister of State is getting his figures for the reduction because everybody I speak to says the premiums are going up. Nobody has told me that their premiums are going down on an annual basis.

For over 12 months Fianna Fáil has been calling for action on the rising cost of motor insurance. In 2014, motor insurance increased by 11.6% and in 2015 it increased by almost 30%. In the 12 months since December 2016, private motor insurance increased by 12%. These are staggering figures.

**Deputy Michael D'Arcy:** They are not my figures but independent figures from the CSO. They are not from the Department or Insurance Ireland. They are independently assessed by the CSO. The Deputy should not mistake what he calls the lack of speed. We are not underestimating the importance of this issue. To demonstrate its importance, there are four legislative measures from the Department of Finance, three legislative measures need to be changed by the Department of Justice and Equality and there is also legislation to be changed by the Department of Business, Enterprise and Innovation and the Department of Transport, Tourism and Sport. There is much work to be done. If any Member of the House, committee or group is prepared to make time available for these legislative changes, I would be delighted to hear it. We have nine legislative measures that will eventually have the overall impact. It is the cumulative effect of all these changes that will have the impact, not just one or two changes.

**Deputy Bobby Aylward:** All I can speak about is the experience. Small and medium-sized enterprises, SMEs, say the insurance is killing them and its cost is increasing all the time. I do not know where the percentage reductions mentioned by the Minister of State are, because that is not the reality. I can give another example involving a member of my family. He is a young fellow who did the theory test, passed it, had 12 driving lessons and passed his second driving test after failing the first. When he looked for insurance quotations they were for thousands of euro. The insurance actually cost more than a car. When his father and mother tried to put him on their insurance as a named driver, they were quoted €2,000 and €3,000. I even tried to put him on my insurance for my commercial farming vehicle at home with my insurance company. It quoted €900 for eight months. That is extravagant. No young person will ever get on the insurance ladder unless we do something, and this is the place to do something to try to reduce the cost of insurance.

**Deputy Michael D'Arcy:** With regard to younger drivers, I said in the House previously that there is an opportunity for young drivers to use a telematics device which can record the movement of their vehicles. To my disappointment a huge number of young drivers prefer to

pay the extra amount rather than be on the system where their every movement is recorded in an appropriate way. I believe that in the future all young drivers should use these devices so we can ensure they start with good driving practices rather than bad ones. There are insurance companies-----

**Deputy Bobby Aylward:** What is the cost of these devices?

**Deputy Michael D'Arcy:** The cost of insurance will be halved for a young driver if he or she uses this device. However, very few people are taking it up.

### **Mortgage Book Sales**

64. **Deputy Joan Burton** asked the Minister for Finance his definition of non-performing loans, NPLs; if it includes loans that have been restructured and where the borrower has adhered to the conditions of the restructured loan; and if he will make a statement on the matter. [13673/18]

**Deputy Joan Burton:** Will the Minister for Finance tell the House his definition of NPLs and if this includes loans that have been restructured and where the borrower has adhered to the conditions of the restructuring, including part of the mortgage being warehoused? Is this an NPL in the Minister's view?

**Deputy Paschal Donohoe:** As the Deputy will be aware, the definition of what constitutes an NPL is not determined by me but rather by the relevant accounting standards and regulatory bodies, including the Single Supervisory Mechanism, SSM, and the European Banking Authority.

As the question specifically relates to the treatment of restructured loans, I shall repeat the context I provided in respect of this matter earlier. During the height of the financial crisis, a focus of authorities was on stabilising and reducing mortgage arrears. This led to the introduction of targets and a process then followed that included the provision and availability of split mortgage solutions or part capital and interest solutions that met certain criteria. These measures were accepted by the Central Bank of Ireland as being sustainable for the purposes of these targets.

Since the establishment of the SSM, the focus has shifted from reducing mortgage arrears levels to reducing non-performing loans. This has been accompanied by a new strict definition, which is Europe-wide, of what constitutes an NPL by the European Banking Authority. This means that certain restructures are deemed to be non-performing loans even if customers are meeting the revised payment schedule.

Officials in my Department met with staff of the SSM at the highest level on two separate occasions. We have outlined the background to the restructuring efforts in Ireland and have questioned the logic of now classifying some types of restructured loans, including certain split mortgages, as NPLs indefinitely. While my Department has been informed that the SSM is looking into the regulatory treatment of split mortgages across a number of European member states, I have no evidence at this point that this categorisation is going to change.

**Deputy Joan Burton:** I draw the Minister's attention to the case of a family in my constituency that I have dealt with for some years. The family has been in torment because of the

relationship with the Permanent TSB since they restructured their mortgage four years ago. It is a family of five; two adults and three children, one of whom has a severe range of disabilities and requires constant care and attention.

Two years ago, along with the Money Advice & Budgeting Service, MABS, I fought Permanent TSB to ensure that the child's domiciliary care payment was not taken into account as part of the household income being assessed towards ability to service a mortgage. After great difficulty, Permanent TSB relented and allowed the family to split the mortgage and warehouse a section of it. Since then, the family has never actually missed a payment. Both parents are working as well as looking after three children, one of whom has a high level of disability. Now the family has gone back into all the uncertainty and a hellish situation about what is the future of their home because it appears that Permanent TSB may sell their loan over their heads, effectively to a fund. We do not know what approach the fund will take or if the family could potentially end up homeless. This would be an incredible cost to the State but especially to the family in light of their particular circumstances.

This is just one of many cases. As the Minister is aware, the thousands of people in this type of situation are extremely worried about what will be their fate. He cannot stand idly by and wash his hands of the situation.

**Deputy Paschal Donohoe:** It is appalling that anybody who is dealing with a family facing such pressures would seek to treat domiciliary care allowance and its payment in the same way as they would other income streams into the home. I am aware that access to that payment is based on severe need. I also know, from ample experience, that the payment is used to help families get by in supporting loved ones that have great need.

On the broad point put to me by Deputy Burton, I have outlined what I and my Department have done in respect of this matter in the immediate past on this current classification. I am absolutely aware of the level of concern these particular loan owners have about the potential sale.

**Deputy Joan Burton:** During my time in the Department of Social Protection, I invited the Vincentian Partnership for Social Justice to calculate separately the minimum amounts a family needed to live on, including the retention of special social welfare allowances, which many banks initially wanted to reduce or relieve families of in their entirety. I am glad the Minister agrees.

In an earlier reply, the Minister referred to the arrangements for Anglo Irish Bank whereby the €3 billion annual payment was changed overnight. He was not a member of the Cabinet at the time but he was a member of Fine Gael, which took the courageous action to which I refer and which did not meet with a great reception from Brussels. As a result of that action, we actually resolved that problem. It was one of the key things that allowed Ireland to kick-start its economy. I understand all the difficulties outlined by the Minister but there comes a point when one cannot stand aside. He must make a decision in favour of the mortgagees who are so indebted and who are facing such great difficulties.

**Acting Chairman (Deputy Declan Breathnach):** Deputy Michael McGrath has a quick point to add.

**Deputy Michael McGrath:** In an effort to be constructive, I wish to add to what I said earlier. Will the Minister ask the officials in his Department's shareholder management unit to examine the transcript of the proceedings of last Thursday's meeting of the Joint Committee on

Finance, Public Expenditure and Reform, and Taoiseach, and focus, in particular, on the issue I raised earlier about the different classifications by AIB and Permanent TSB of split mortgages as being NPLs and not NPLs? Could the unit and the Department be of assistance to Permanent TSB to resolve this issue? There was a clear conflict of evidence and it must be resolved. The Department of Finance can play a very useful role in this and it would be a help to these mortgage holders.

**Deputy Pearse Doherty:** I have spoken to both banks at length about this issue. I agree with Deputy Michael McGrath's suggestion but I do not believe there is a conflict in the evidence; the evidence is the reality. The reality is that Permanent TSB made a mess of its split mortgages. As a result of the way in which it restructured them, all 6,300 have been deemed non-performing. AIB's 3,800 split mortgages are either deemed to be performing or have the potential to become performing. It is mind-blowing that Permanent TSB does not know how AIB was able to do this. These are two State-owned banks with thousands of split mortgages. One bank has managed its split mortgages into performing loans, under the same rules, while the other has deemed thousands of its mortgages to be non-performing. There needs to be an intervention. Who is left carrying the can? It is the people who did nothing wrong and who have performing mortgages but because these are deemed to be non-performing, they are, in Permanent TSB's case, being sold off as part of Project Glas. There needs to be an intervention. The fact that the management of Permanent TSB does not know how AIB did what Permanent TSB is supposed to do is just mind-blowing. We are paying these people hundreds of thousands of euro and they cannot get to grips with this. They told us that they wrote to the SSM last year and they are still awaiting a response.

**Deputy Paschal Donohoe:** Several points have been put to me. First, I am aware of the differing testimonies given by both banks in recent weeks. While there is no need to do so, we will, of course, look at the transcripts. We were aware of what was said during the questions put to the banks by members of the joint committee. I am aware of how this matter was handled by the different banks. I have outlined what we have done about it and our engagement with the Single Supervisory Mechanism on this matter. I am very much aware of the worry of citizens who restructured their mortgages and tried to honour their terms and now find themselves potentially part of a loan book sale. I do, however, have to respect the work of an independent regulator and the decisions it may make. It is important that our banks can perform independently in responding to needs and guidance issued by the regulator.

In response to Deputy Burton's call for me to be courageous in this matter and to use the Anglo Irish Bank piece as a springboard for that, the difference here is that this is a bank that I want to be a part of the future of Irish banking. It has 1 million customers, €21 billion of mortgage loans and €17 billion of deposits. The Deputy was part of the decisions that were made that night and I need not tell her the direction of Anglo Irish Bank that night and afterwards was fundamentally different from the journey we want Permanent TSB to go on.

**Deputy Joan Burton:** I have to say-----

**Acting Chairman (Deputy Declan Breathnach):** Sorry, the Deputy's time is up.

**Deputy Joan Burton:** I want to say briefly-----

**Acting Chairman (Deputy Declan Breathnach):** Sorry, Deputy Burton, you are going to say that I am picking on you again. I am already five minutes over time on this question and

people who go over time exclude at least one question by another Deputy who would like to be heard, probably Question No. 68. We will probably only get to Question No. 67. The time is up.

### **Mortgage Book Sales**

65. **Deputy Joan Burton** asked the Minister for Finance his views on proposals by banks to offload mortgages in arrears; the number of such mortgages in respect of small and medium enterprise, SME, and other business loans in which the security for the loan is a personal home; and if he will make a statement on the matter. [13670/18]

**Deputy Joan Burton:** I have no problem with either or both Deputies speaking because this is such a life-and-death issue for so many families.

This question follows on from the previous one. We face a horrendous situation. Right around the country, particularly I would think outside Dublin, there are people who have conflated personal guarantees on their family residential homes with loans they took out for commercial purposes. The Minister does not have to make the sort of big decision that had to be made on Anglo Irish Bank but he has to see what he can do to ensure the future of these families because if they lose their homes they will lose their businesses as well. If the Minister is worried about the future of small businesses and rural Ireland, as the Minister of State beside him, Deputy D'Arcy, well knows, this is a catastrophe waiting to happen.

**Deputy Paschal Donohoe:** I am well aware of the concerns on this matter. In responding to questions I try to show that we also have to get to a place where the level of non-performing loans that Irish banks have is reduced. There have been several years of economic growth in our economy. People have returned to work, in no small part due to the decisions made by the Government of which the Deputy was a member. There is the potential for the country to move to full employment. For one of the largest banks to still have non-performing loans in excess of 20% on its balance sheet has very serious consequences for that bank. That is why it is trying to deal with the matter. Through the different courses of action I have outlined, and in what I seek to do by assessing the effectiveness of the code of conduct on mortgage arrears, in trying to work constructively with Members of the Dáil on legislation they bring forward, I am trying to maintain the framework that has resulted in a big reduction in non-performing loans and a significant reduction in mortgage arrears in recent years, while avoiding the huge social consequences that many forecast several years ago and which did not happen.

**Deputy Joan Burton:** I put it to the Minister that he has arrived at a crunch time. I do not think there is very much disagreement on those loan holders who have failed to engage in any way with the banks. What I and others have constantly spoken about is those people who in good faith made an arrangement and are sticking to it at great sacrifice to themselves. In almost every other country where bank collapses happen, for instance in the United States, they would be able to strike a deal. While it was not possible to do deals five years ago, it is now possible to do them because of the strength of the Irish economy and it is up to the Minister for Finance to be creative about a structure that allows families or businesses which have offered personal guarantees on business lending of their family homes survive.

**Deputy Paschal Donohoe:** Customers and citizens have been making agreements with many banks to help get through the grave difficulty in which they were and still are. The

Deputy refers to structures. I can mention the personal insolvency legislation and organisations such as Abhaile, all of which have contributed to a massive reduction in mortgage arrears over recent years, for 16 or 17 consecutive quarters. That has happened because the structures have been in place to help people get agreement in a way that differentiates between the majority of citizens who want to pay and a few who have decided not to pay at different points. I have told the House several times this afternoon that, conscious of the fact that there are further significant developments on the horizon, such as the potential loan book sale by Permanent TSB, I aim to see how we can assess, and change if needed, matters such as how we regulate private equity funds. I also aim to ask the Central Bank to review the code of conduct on mortgage arrears because I want to ensure that we have the right structures in place to manage further difficulty and stress that could develop in the period ahead.

**Deputy Joan Burton:** The Minister is not offering any creative solutions to this problem. There are people who have businesses and who are in employment breaking their backs to meet the conditions. We are talking about people who have made great personal sacrifices. I can certainly offer several creative solutions. Practically any accountant in town would. I was personally involved in setting up Abhaile and the other schemes as a way to help people survive and come out of the crisis with their family homes intact. I am not sure that the Minister really recognises that the risk now is that families who have entered agreements could find themselves swept into the arms of non-registered entities which will give them no security to be able to hold onto their family homes. That is the dilemma to which the Minister must offer creative solutions.

**Deputy Michael McGrath:** It is not acceptable that AIB refused last week to provide any information whatsoever on Project Redwood. It would not confirm its existence but if I look up that “alleged” portfolio sale, as AIB called it, online I see a running commentary including the fact that it is down to the last phase with Lone Star, Cerberus and Goldman Sachs, which is expected to be completed by June. While I disagreed with much of what the Permanent TSB officials said last week, at least they engaged and provided information. There has been no information from AIB on Project Redwood. That is not acceptable. They need to provide information to us. We are talking about farm loans, small business loans, retailers, manufacturers and buy-to-let properties. Zero engagement from AIB is not enough.

**Deputy Pearse Doherty:** I was baffled. It was a simple question as to whether they would confirm that Project Redwood indeed existed. They said they would not even comment on that, despite the fact that we have the named three entities in the second phase of the sale. Earlier today, the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach asked publicly for them to reflect on the contribution they made in respect of Project Redwood. We have now asked them to do that again and to appear before the committee. As Minister for Finance, would Deputy Donohoe support the call of the committee for AIB to come back before it to discuss the loan sale that is under way at present? While the Irish people and the committee cannot go into the detail of how much the loans were and so on, we need to see what is being sold under Project Redwood. Are there split mortgages, farmland or homes that are attached to businesses such as those Deputy Burton raised? These are crucial issues and the finance committee needs to do its work. I ask the Minister, as the majority shareholder in that bank, if he supports the committee’s view that AIB should come before us and discuss these matters, which members across the political divide were trying to question the bank on just last week.

**Deputy Paschal Donohoe:** I believe banks should give as much information as they possibly can to the committee and answer any questions that are put to them. I know that when banks

are managing these sales, constraints are generated. I was affected by this myself in respect of what I was able to say about the Permanent TSB disclosure. However, within the constraints that are imposed due to stock market rules, it is still possible to give a fair amount of information regarding what is happening. While there are legal constraints that apply to banks that are involved in these transactions, I do believe they should give as much information as they can to the committee.

**Deputy Michael McGrath:** They gave none.

**Deputy Paschal Donohoe:** When I am in front of the committee, while we do differ on matters, sometimes vigorously, I do give as much information as I can and I believe other witnesses before the committee should do the same.

### **Banking Operations**

66. **Deputy Pearse Doherty** asked the Minister for Finance if he clarified to all State-owned or part-owned banks that his view is that they should not sell loan books to vulture funds; and if he will make a statement on the matter. [13653/18]

**Deputy Pearse Doherty:** This is connected to the previous question. I thank the Minister for his response. I recognise what he said in respect of his own contributions before committees. AIB would not even confirm the sale. It is being reported across the globe, in *The Wall Street Journal*, in papers here and in England. The bank treated the finance committee appallingly, in my view. We have asked them to reflect on it and to come back. I welcome the Minister's comments.

Last week, the Minister confirmed to me that he had a meeting with Permanent TSB in which the loan sale, Project Glas, was discussed. Can he confirm to the House the views he expressed to Permanent TSB in respect of that loan sale?

**Deputy Paschal Donohoe:** I have outlined to Permanent TSB the views that I have shared with the House this afternoon, namely, that I understand that they are subject to a requirement from the regulator to reduce their non-performing loans. They took me through the circumstances that their bank faces, much of which I was aware of. I described to them the process that is open to me and the point at which I would be consulted in respect of this, of which they are aware. I emphasised to them the huge concern in respect of this matter and the need for those concerns to be recognised in how they act.

**Deputy Pearse Doherty:** People refer to the Minister's predecessor using the term "vulture lover", which is probably due to a comment he made to the finance committee about the role vultures play in society. He believed there was a role for vultures in the financial system as well. I do not share that view although he is and was entitled to it. There is a real question in respect of where the current Minister stands, however. He is the majority shareholder in that bank. Is he going to give any indication to Permanent TSB that he, as Minister for Finance, does not want these 18,000 loans sold on to the vultures and that he wants them to work down these loans and to look at other avenues?

For example, I raise again the 6,000 split mortgages. They made a bags of them. They made a mess and got the wrong advice. Under the exact same rules and criteria, one State-

owned bank was able to sort it out. We took them through it bit by bit. However, the CEO of the other bank was telling us that unless it sold them on or they returned to their original contract, they would be deemed non-performing. We know that is not true. I do not run a bank. I am not paid the amount that CEO is paid, yet I and every other member of the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach, knows that it is not true. It is mind-boggling stuff. We cannot sit back when a State-owned bank, as a result of its own incompetence in structuring these loans, says there is no option but to sell them off. Will the Minister tell the bank to restructure them using the model that AIB used so that we can bring these 6,000 loans, which comprise about 5% of their non-performing loans, back to a situation where they are performing?

**Deputy Joan Burton:** I think the Minister is trying to be helpful but, in all honesty, these banks, notwithstanding the fact that they are majority State owned, are acting in a really gung-ho way towards families. That includes families who have businesses and a variety of circumstances and commitments as well to employment. Essentially, the Minister is adopting a hands-off approach and is indicating that there is little or nothing he can do. I actually do not agree with that.

I think the Minister is in the position of being Minister for Finance so that he has a capacity to work out solutions that are helpful to people who have actually tried their best and are paying it off. The social consequences of cutting these people adrift, whether they are business-people or people in a family situation who may lose their family home, and the social cost are catastrophic right around Ireland, particularly as regards business loans in rural Ireland and in farming, allied to Brexit. That is what we are trying to explain to the Minister.

**Deputy Bernard J. Durkan:** There is absolutely no reason that all banks cannot treat the customers in the same way, with particular reference to a code of conduct. Currently, the only code that is acceptable is the one the banks manufacture themselves. They become judge and jury. They put out the code of conduct. They tell the client, “Sorry, you do not comply; your loan is unsustainable.” It was unsustainable from day one but there is no reference to that at all. That is the sad part of it. I strongly urge that we look carefully at the code of conduct. It will be of assistance. There is the question of splitting mortgages and all that can go with it as well. There is no reason it cannot be done. I ask the Minister that serious consideration be given to it.

**Deputy Paschal Donohoe:** The code of conduct is currently being reviewed by the Central Bank. Under the powers available to me under the Central Bank Act, I asked that it conduct a review regarding the operation and effectiveness of the code of conduct as it currently stands. I am aware of potential change that could happen in the future and I want to make sure we are striking the right balance between our citizens, the taxpayer and the banks.

I do not need Deputy Burton to explain to me the consequences of this and the worry that people feel. I have articulated this since the moment I was required to comment on the issue. I know the responsibilities that I have. In terms of responsibilities, I want to return to a point I made earlier when answering a question from Deputy Pearse Doherty. I remind the Deputies, although they will be aware of it, that we are talking about a bank that has a million customers. It currently holds €21 billion of mortgage loans and €17 billion worth of deposits, and employs 2,500 people. After a number of years in which we have seen significant growth that has improved the balance sheets of banks and has helped our citizens cope with the great difficulty that they were under, having gone through all of that, this is a bank that still has non-performing loans which are five times the European average. If not dealt with, that will have consequences

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for the bank for which in turn the Deputies will hold me accountable.

**Deputy Joan Burton:** They are misclassified.

**Deputy Paschal Donohoe:** I am accountable for both and, as the Deputy knows, different banks have handled this matter in different ways. The framework that we have had in place has served most people well as they have tried to deal with difficulties with personal debt at a time of economic difficulty. In the time open to me, I am looking to find a way in which we can make sure we have the right framework in place for change that might ensue. That is not me not taking my responsibilities seriously. It is me taking my responsibilities seriously but they are manifold and I must try to strike the balance that I just described to the House.

**Acting Chairman (Deputy Declan Breathnach):** If I have Deputies' co-operation, we will get Deputy Pearse Doherty's next question and Deputy Wallace's. There are 12 minutes left.

**Deputy Pearse Doherty:** At what point will the Minister be consulted with regard to the sale of Project Redwood? It is later on in Project Glas. Are we expecting that in the next months?

**Deputy Paschal Donohoe:** I do not have the information for the Deputy on that. I do not know but I will find out for him and write back to him. I will check that and give the Deputy the answer to it.

**Deputy Pearse Doherty:** I thank the Minister.

**Acting Chairman (Deputy Declan Breathnach):** There are just over 11 minutes, and we can get Deputy Wallace's question in if everyone co-operates. Deputy Doherty has 30 seconds to introduce No. 66.

**Deputy Pearse Doherty:** I have done that one. I will do it again, if the Acting Chairman wants.

**Acting Chairman (Deputy Declan Breathnach):** Sorry, we move to Deputy Wallace, No. 67, and if he co-operates, we might get to Deputy Michael McGrath's question.

### Vacant Sites

67. **Deputy Mick Wallace** asked the Minister for Finance his plans to introduce a tax on land, specifically vacant land, which could be used for residential purposes; and if he will make a statement on the matter. [13939/18]

**Deputy Mick Wallace:** I was afraid Deputy Pearse Doherty was going to go again. This question relates to the introduction of a tax on vacant land. The vacant site register is not catching those who are landbanking due to the many holes in the vacant site levy. Will the Minister consider introducing a proper tax on land? Ever since the Kenny report, as far back as 1974, successive Governments have refused to do what is necessary and it has led to untold damage to the manner in which we supply housing in the country.

**Deputy Paschal Donohoe:** Following a commitment given in budget 2015, a public consultation was conducted by my Department in that year on the issue of unused zoned and serviced land with a view to examining what taxation measures might be taken to penalise land-

owners who do not develop such land. Separately, the Urban Regeneration and Housing Act 2015 introduced new powers for local authorities to incentivise the development of zoned and serviced land, as well as providing for other measures which are intended to facilitate housing development. The Act allows for the possibility of applying the vacant site levy to both brown-field and greenfield development sites as long as they are located in designated areas in local authority development plans for the application of the levy. I understand that the Department of Housing, Planning and Local Government proposes to encourage local authorities to apply the levy on as wide a basis as possible in order to bring housing supply on stream earlier than would otherwise be the case.

On considering the outcome of the public consultation and the enactment of the Urban Regeneration and Housing Act 2015, it was determined that no new tax separate to the vacant site levy would be introduced to encourage the development of residentially zoned and serviced land. I understand that planning authorities will be issuing notices to owners of vacant sites by 1 June 2018 in respect of vacant sites on the register in 1 January of this year, indicating that the levy will apply to those sites on 1 January and will subsequently be applied on an annual basis thereafter, as long as the site remains on the vacant site register. As the Deputy knows and I announced in budget 2018, it is proposed to increase the rate of levy from 3% to 7% of the market valuation of relevant sites with effect from January 2020.

**Deputy Mick Wallace:** The vacant site levy is a farce. The Minister increasing it from 3% to 7% will still not catch the people who are avoiding it. A 0% rate of levy applies if the outstanding amount of the site loan is greater than the market value. When the outstanding amount of the loan is between 75% and 100% of the market value, a reduced rate of 0.75% applies. Where the outstanding amount of the site loan is between 50% and 75%, a 1.5% rate of levy shall apply. No one is buying development land with cash. One would be off one's head to buy it so they are all avoiding it. Anyone who has a loan on development land is not getting caught for the tax. It is borne out by the registers, which are catching the wrong people. Look at the Dublin City Council register and guess who has the most sites on it. It is Dublin City Council because it is a public body. The HSE has two and the Office of Public Works, OPW, has two. The National Asset Management Agency, NAMA, has a site on it. The landbanker is not being caught by this Bill. It does not work. It is not a proper land tax. Does the Minister have an interest in this? It is the biggest problem that we have in housing.

**Deputy Joan Burton:** I was going to bring to the Minister's attention those well-known fantastic sites such as O'Devaney Gardens and the bottom of Dominick Street. Dublin City Council has been sitting on those lands and other lands in the city which have been derelict for a long time. Full-scale profiteering in land values is now a serious hindrance to house-building. There are too many people sitting on sites because they are just waiting as the values climb and climb. That is not helping ordinary families who desperately need to see more houses and more apartments built, including by the city council.

**Deputy Paschal Donohoe:** As the Deputy knows, I am well aware of O'Devaney Gardens. I hope that there will soon be an announcement on how that project will progress. I know the Deputy will welcome that as much as I will because it is a really important development. With regard to what Deputy Wallace said about the operation of the levy, we now have 235 sites from 12 local authorities - I know Dublin will be one - registered for the application of this levy. As I have described, the levy will go up from 3% to 7% if the land is not developed. The feedback I am getting - I acknowledge it is only feedback and we will have to wait to see until the financial liability is actually paid - is that this is having an impact on decisions that people are making

with regard to holding land and what they decide to do with it.

**Deputy Mick Wallace:** Only recently, the managing director of Hines, a fairly serious player in development in Ireland today, said that there is no question, when house prices go up 14%, that people sitting on that land are rubbing their hands, wondering why they would sell or build now because they will make another 14% next year. He says that there should be a land tax, plain and simple. If one has undeveloped land that is zoned as residential and it is not built then one pays 50%. Like that, one solves the housing crisis. This is the managing director of Hines. We are not dealing with landbanking and I know it is a difficult place to go but until we do so, some Government, some day, will do it. It will do more for how we supply housing in Ireland than anyone has ever done in this State. It would be fantastic. Does this Government have the appetite for it?

**Deputy Paschal Donohoe:** The Deputy put a question to me about what we are willing to do. I have said, in the context of the Project Ireland 2040 plan, that we will put in place a State organisation to develop our own landbank. Where I agree with the Deputy, although I differ on the form of taxation policy to deal with the matter, is that the supply and pricing of land are fundamental to the operation of the housing market. I want the State to be in a position where it can acquire land and use that land for the delivery of more homes. We differ as to what impact that tax and new taxes will have on the pricing of land and release of homes. I believe, on the basis of figures that I have just shared with the Deputy, that the vacant site levy will have an effect.

### **Tax Appeals Commission**

68. **Deputy Michael McGrath** asked the Minister for Finance if he is satisfied that the additional numbers to be hired in the Tax Appeals Commission will be sufficient to meet the growing number of appeals it has to deal with; when he expects the number of outstanding appeals to begin reducing; and if he will make a statement on the matter. [13645/18]

**Deputy Michael McGrath:** The question is to establish what progress is being made in dealing with the substantial backlog of cases that has built up before the Tax Appeals Commission.

**Deputy Paschal Donohoe:** The Tax Appeals Commission, TAC, was established in March 2016 as part of the reform of the Finance (Tax Appeals) Act 2015. The vision for the new commission was that it would provide enhanced arrangements for an independent, efficient, well-defined, clear and transparent system for appeals relating to decisions of the Revenue Commissioners.

The commission has a recruitment campaign under way in conjunction with the Public Appointments Service to engage experienced, tax-qualified staff. I understand it is expected that appointments of case managers will be made shortly at assistant principal level. However, I am also advised by the commission that the number of appeals it receives now is of the order of 200 per month, which compares with an average of 75 appeals per month in 2016, the year of the commission's establishment. It has indicated that the view of agents and their representative bodies is that the number of appeals is likely to grow further during 2018. I am advised that with more than 3,600 appeals in its system, the commission is unable to provide the timely and efficient service that it wants to provide.

We have provided additional resources to the commission. Staffing levels have more than doubled over the first two years of operation. Where additional resources have been sought to date, no obstacle has been placed in the way of the commission in moving to secure the requested resources. Indeed, its budget has almost quadrupled between 2014 and 2018. The commission's Accounting Officer submitted a request to my Department last month for additional staff and resources to meet the increased caseload. This would involve an effective doubling of the commission's budget in 2018 from €1.626 million to an estimated €3.226 million and it would require extra resources for ICT and new office space. I am considering this submission carefully at the moment and I will make a decision on it very soon.

**Deputy Michael McGrath:** Something dramatic has to be done to deal with this issue. Some of the facts the Minister mentioned in his reply highlight my concerns that this problem is actually growing. There is now about €1.6 billion of disputed tax caught up in the tax appeal system. There are more than 3,600 cases and the number is growing month on month because if the commission is receiving about 200 appeals per month, it is not concluding a fraction of that number of cases every month. The problem is getting worse. Having an efficient tax appeals commission is a vital part of the administration of taxation in our country as I am sure the Minister will agree. I do not know if extra resources and larger budgets are the answer, but an answer is needed. This problem is getting worse and it has to be addressed urgently.

**Deputy Paschal Donohoe:** The number of appeals coming to the commission is now far greater than it was when it was set up. I cannot think of any other organisation that has seen its resources quadruple in four years and about which I will say in the House that I am seriously considering a request for more resources, which I am. It is in everybody's interests to ensure that appeals submitted to the commission are treated quickly and fairly.

**Acting Chairman (Deputy Declan Breathnach):** That concludes questions to the Minister of Finance. Ten questions were dealt with in the time allocated. We would have completed 13 if Deputies had stuck to their allotted time. I apologise to Deputies Durkan, Pearse Doherty and Michael McGrath, whose three questions could have been addressed if Deputies had stuck to their time limits.

*Writtens Answers are published on the Oireachtas website.*

### **Estimates for Public Services 2018: Messages from Select Committees**

**Acting Chairman (Deputy Declan Breathnach):** The Select Committee on Housing Planning and Local Government has completed its consideration of the following Revised Estimates for Public Services for the year ending 31 December 2018 - Votes 16, 23 and 34; and the Select Committee on Employment Affairs and Social Protection has completed its consideration of the Revised Estimate for Public Services for the year ending 31 December 2018 - Vote 37.

### **Topical Issue Matters**

**Acting Chairman (Deputy Declan Breathnach):** 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 Mick Wallace - to discuss the 15 years of US military

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use of Shannon Airport; (2) Deputies John Curran, Colm Brophy, John Lahart, Eoin Ó Broin and Paul Murphy - the need for a secondary school for Citywest and Saggart in County Dublin; (3) Deputies Pat Casey, John Brady, and Richard Boyd Barrett - to discuss the sale of Enterprise Ireland's shareholding in Ardmore Studios, Bray, County Wicklow; (4) Deputy John Brassil - to discuss the removal of DEIS status from Ballyduff and Rathmorrel national schools; (5) Deputy Thomas Pringle - to discuss staffing shortages in Scoil Mhuire, Creeslough, County Donegal; (6) Deputy Marc MacSharry - the need to consider the parking arrangements for outpatient cancer treatment appointments countrywide; (7) Deputy Pat Buckley - to discuss the need to tackle rising rents outside existing rent pressure zones; (8) Deputy Mattie McGrath - funding for the extension and works at St. Teresa's Hospital, Clogheen, County Tipperary; (9) Deputy Niamh Smyth - the need to urgently review roads funding for local authorities in light of the recent bad weather and a further cold snap expected this weekend; (10) Deputy Donnchadh Ó Laoghaire - to ask the Minister for Tourism, Transport and Sport to discuss the waiting list for driving tests; (11) Deputy Stephen S. Donnelly - the need for additional supports for those who wish to leave the National Rehabilitation Hospital but cannot do so; (12) Deputy Peadar Tóibín - the need for a rail line from Dublin to Navan; (13) Deputy Fiona O'Loughlin - the problems with the delayed tender for St. Paul's school, Monasterevan; and (14) Deputies Louise O'Reilly and Seán Crowe - to discuss the possible expulsion of Russian diplomats from Ireland.

The matters raised by Deputies John Curran, Colm Brophy, John Lahart, Eoin Ó Broin and Paul Murphy; Marc MacSharry; and Mick Wallace have been selected for discussion.

## Topical Issue Debate

### School Accommodation Provision

**Deputy John Curran:** I want to raise the issue of the requirement of a second level school for the greater area of Saggart and Citywest. The most recent census showed that the Saggart area has one of the fastest growing populations in the country, and a quick drive through Citywest will clearly indicate that major residential construction is under way. The area is currently served by four primary schools. To be specific, one might say that one of the schools is in Saggart and three are in Citywest. Anybody who knows the area there will know that it is one geographic area, but the problem is that there is no second level school dedicated to that area. While it may not be a problem today, it is an impending problem. The national schools operating today do not all have children who have reached sixth class. In other words, some of the national schools' oldest students are in third or fourth class and the number of children projected to leave those schools over the coming years are as follows. In 2019, some 96 children will be looking for a second level school; in 2020, that number will increase to 120; in 2021, it will climb to 164, and in 2022 to 188. I am not suggesting for one moment that all 188 children will want to go to one school, but that indicates the growing population in that geographic area.

More than 600 houses are under construction in Citywest. Planning permission has been granted for an equal number, and hundreds more are in the planning process. Anybody who takes time to look at this issue will see the actual demand. My concern is that when I raised this issue a number of weeks ago by means of a parliamentary question, the response was less than satisfactory. It said that the new 1,000 pupil post-primary school referred to by the Deputy in the Kingswood area of Tallaght opened in September 2016 to serve the needs of the students

in the school planning area, which includes the Citywest area. Unfortunately, that will not be sufficient. There will not be capacity there, and it is not close enough to Citywest to be a viable school. Every community deserves a second level school where there are sufficient feeder schools to support it. This needs to be dealt with now, or in a couple of years we will have students looking for a second level place where there is no school available.

**Deputy Colm Brophy:** I wish to raise this issue again, and I agree with what Deputy Curran has said. Without repeating the points he made, there are a couple of aspects I would like to make very clear. Citywest is one of the fastest growing areas where new housing is concerned. A community's parents and children cannot be expected to rely on a school located in Kingswood or a school proposed to be located in Firhouse.

I appreciate that in answer to questions the Department has made reference to this, but there are two points I would like to make very clear. First is the cohesion of a community, that is, the ability of parents and children to go to a school in their local area rather than being dissipated; and, second, the reality of life in Dublin today. A school might be very close to Citywest geographically, that is, literally a few kilometres down the road, but we must consider the impracticality of asking parents to bring children to a school, because they will have to do so as public transport will not be available. This could result in a journey that takes 45 minutes, although it could be done in a few minutes outside peak times. It could take 45 minutes to get there and 40 minutes to get back, depending on traffic. If one considers that a parent might have a second child going to another school, one begins to grasp the impossibility of providing a solution in Kingswood or Firhouse. The solution is a school for Citywest.

I acknowledge the excellent work of the Department in providing primary schools, and the building programme that is beginning to see schools built throughout the country. However, Citywest needs its school. It needs the Department to recognise that the solution is not a school elsewhere but a school in Citywest.

**Deputy John Lahart:** It is disappointing that the Minister for Education and Skills is not here. We have been attempting to submit this Topical Issue for five or six sitting days at this stage. It is not often that all the Deputies from two constituencies get together to vocalise and articulate the needs of parents and children in a particular area.

The area in question is burgeoning. As has been pointed out, the existing primary schools are already bursting at the seams. For example, Holy Family national school in Rathcoole, which was constructed to cater for 1,000 pupils, already has 900. There are over 300 pupils in Citywest Educate Together national school and another 300 in the Citywest & Saggart community national school. Saggart and Rathcoole are two of the largest and fastest-growing towns in Ireland. The Citywest estates closer to the Tallaght end also need to be considered.

I understand that the Minister received quite a number of letters from children attending the primary school. We saw samples of those at a recent meeting and we heard about them. Children are pleading with the Minister. They love their existing school so much that they want to be guaranteed that they will be able to stay with their friends and continue their education, from primary to post-primary, together. There has been a huge amount of activity pushing for this on the part of parents associated with a number of local national schools. Some of the Deputies mentioned the pressure on existing transport services and congestion. The Minister of State, Deputy Kyne, will agree that children need and deserve the opportunity to stay together and learn.

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At present, there are teenagers in the area queueing for buses to bring them to other community schools, either in Kingswood or, as proposed, Firhouse. This is not fair on any of the communities. Rather than having the parents who are working hard torment themselves over the coming years, the Minister of State should tell us when the review of school needs in the area will be produced. The Government should trust politicians and parents who say the review is not needed. Politicians, parents and the children know the area is entitled to a post-primary school and that the numbers are already sufficient to justify it.

**Deputy Eoin Ó Broin:** I add my voice to the calls for a stand-alone secondary school in Citywest and Saggart. I have no doubt the Minister of State will tell us in his answer that, when making decisions, the Department analyses all the relevant demographic data, has regard to the school planning areas and uses its geographical information system. The problem with all the data sources is that they do not adequately capture the reality of the level of need in the location in question, which straddles two school planning areas. In fact, it is right on the boundary, with a portion of the school building on one side and a portion on the other. It is a very new community. As previous speakers have stated, it is growing quite rapidly. On that basis, it is very clear that there is a strong case for a stand-alone school, notwithstanding what the data the Department ordinarily gathers suggest.

One of the factors that some Deputies did not mention is that one of the schools that is being suggested as one which could cater for all the pupils coming out of primary level is actually 5 km away. Whatever about the 45 minutes to the school in Kingswood - Deputy Brophy is absolutely right in this regard - the time it would take to get across to Firhouse in any type of traffic, especially rush-hour traffic, is particularly problematic. Of course, there is no bus service from where the residents live to the school. This also causes problems for families.

Schools are not just places of education. As the Minister of State will know from his constituency, they are also a focus for community activity. Having its own secondary school would afford the new, growing community in question benefits above and beyond the educational aspect. I urge the Department and the Minister to consider this in the context of the review.

There is an urgent need for five ASD classes. They are currently provided in the primary schools. They are not available in the secondary schools within the broader school catchment areas. They will be missed terribly if not provided in this particular location.

Deputy Lahart is absolutely correct that the letters from the children to the Minister were absolutely brilliant. The children are saying they want to stay with their school pals, to remain in the local community and to be educated in Citywest and Saggart. I can see no reason why the Minister for Education and Skills should not allow them to do that.

**Deputy Paul Murphy:** The case has been outlined clearly. The bottom line is that the numbers speak for themselves. Ninety-six children from four existing national schools in Saggart and Citywest will need second-level places in 2019. As Deputy Eoin Ó Broin mentioned, five ASD classes will need a second-level school by 2020. By 2022, 568 children will need second-level places. The answer so far, according to people who face travel of a very substantial nature, is one that will not mean the building of the kind of community that could be built.

I pay tribute to the parents who have been campaigning for the school for a long period and who have forced this onto the agenda. We have asked many parliamentary questions and now we have a Topical Issue debate. The parents will not give up and will continue to fight for the

school. They have been seeking a meeting with the Minister. I ask the Minister of State to arrange that meeting in order that, among other things, the letters from the children can be passed on to the Minister. In the letters, the children outline why a second-level school needs to be built in Citywest and Saggart. For example, Malcolm says he wants to stay part of Citywest and to continue to have a no-uniform policy, which I understand. He says he cannot walk long distances because of asthma. Holly, aged six, says she wants to stay with her friends and learn with friends from her community in her own school. The letter that touched me most was from Emily, who said, “Mam can’t afford to buy a car. Minister, has your mam got a car?” Kids will be forced to take buses but the services do not exist. One would effectively have to go into town or to the Square in Tallaght and then get another bus in order to get to school. This is extremely difficult for people, not to mention children with special needs. The Government and the Department of Education and Skills need to make a decision to locate a school in the area.

**Minister of State at the Department of Rural and Community Development (Deputy Seán Kyne):** I am taking this on behalf of the Minister, Deputy Bruton, who is at a rescheduled Cabinet meeting. He would have liked to have been here and had anticipated that he would but unfortunately he is not because he is at the Cabinet meeting.

I thank the Deputies for raising this matter. It gives me the opportunity to set out the process by which the Department of Education and Skills identifies and provides for school places in step with demographic trends, including in the Citywest and Saggart areas of County Dublin. As the Deputies may be aware, in order to plan for school provision and analyse the relevant demographic data, the Department divides the country into 314 school planning areas. The Department uses a geographical information system, GIS, to identify where the pressure for school places across the country will arise. The GIS uses data from a range of sources, including the Central Statistics Office, Ordnance Survey Ireland, the Department of Social Protection and the Department of Education and Skills’ own databases. The Department has also engaged with all local authorities and other planning bodies on any additional significant residential development which may give rise to additional demographic pressure. With this information, the Department carries out nationwide demographic exercises at primary and post-primary levels to determine where additional school accommodation is needed. Where demographic data indicate that additional provision is required, the delivery of such additional provision is dependent on the particular circumstances of each case and may, depending on the circumstances, be provided through either one, or a combination of, the following: utilising existing unused capacity within a school or schools; extending the capacity of a school or schools; and the provision of a new school or schools.

For school planning purposes, the Saggart and Citywest areas are located within the Tallaght and Newcastle-Rathcoole school planning areas. A new 1,000-pupil post-primary school in the Kingswood area of Tallaght was established in September 2016 to serve the needs of students in the Tallaght school planning area, which includes Citywest. A building project for this school commenced construction in August 2017. In addition, a new 1,000-pupil post-primary school is due to be established in September 2018 in Firhouse-Oldbawn, which is adjacent to the Tallaght area. When fully developed, this school will provide 1,000 pupil places. Nationwide demographic exercises involving all school planning areas - including the Tallaght and Newcastle-Rathcoole school planning areas - that will determine where new school provision will be needed from 2019 are ongoing. It is anticipated that decisions based on these exercises will be announced in the coming weeks.

I thank the Deputies for raising this matter. I understand the pressures that parents and

children are under. I acknowledge the letters that were sent by children to the Minister, which I obviously have not seen. Areas of growth, such as those in the Dublin area, are acutely under pressure. Reference was made to commuting for 45 minutes. Forty-five minutes would bring one a long way from my area of rural Connemara to Clifden, which is miles away. Clearly, close proximity in city traffic is a different story entirely.

I will bring the Deputies' concerns to the Minister. He would have liked to have been here. I thank Deputies Curran, Brophy, Lahart, Ó Broin and Paul Murphy for raising this very important matter on behalf of the parents and children. I understand the pressures that parents are under owing to the lack of school places. In places of high growth and for popular schools, parents are registering their children at a very young age. I am acutely aware of concerns over the lack of availability of school places in the locality in question. All Deputies in the House and everybody involved in public service would be aware of that. I will certainly relay the Deputies' concerns to the Minister.

**Deputy John Curran:** I thank the Minister of State for the response but I am somewhat disappointed that what he read out was exactly the same as the reply to a parliamentary question which I received a month ago from the Minister. It does not really address the key concern. A point in time will come when there will be a second-level school in the Saggart-Citywest area.

*6 o'clock* There are four primary schools in the area now and 1,700 housing units are either under construction or at the planning stage. This is rapidly growing and the challenge we are trying to meet collectively is to provide a second-level school for the four existing primary schools before the students are shipped off 5 km to Kingswood or other schools. The population from those four schools is sufficient of itself in today's terms to support a second-level school already. The Minister of State referred to the data from the nationwide demographic exercise involving all schools. Saggart and Citywest must be identified as an area and fast-tracked because it will not wait.

**Deputy Colm Brophy:** I thank the Minister of State for his reply and will pick up on that straight away. The real solution is in the nationwide demographic exercise. The Citywest-Saggart area must be an area in its own right. The Department has models it likes and a way in which it likes to work. Nobody on the ground locally or who is in any way involved in a daily life in Citywest would tell the Department that it is possible to have a school 5 km or 6 km away to which it is possible to get children in morning rush hour traffic in Dublin. It just does not make sense and there is no bus service to facilitate it. It is very different from rural Ireland in the problems faced by parents and children. The problem is not distance, it is time. There must be a recognition by the Department that the model as it stands, which allows it to take into account schools either in Firhouse or Kingswood as suitable to serve the needs of Citywest, will not work in the future.

**Deputy John Lahart:** I ask the Minister of State to ensure my name and that of Deputy Paul Murphy are included in the formal written response as they are not included now. That would be valuable to us. The reply says that where demographic data indicate additional provision is required, there are three options. We can eliminate the first two options of extending a school or sending students to a different school. One of the resources on which the Department does not rely is the knowledge and experience of politicians in the area. This is not about wishful thinking. We represent all the areas, even those which contain schools which are being suggested as alternatives for students from the Saggart and Citywest area. They are in rapidly growing areas as well and it is only a matter of time before they begin to exceed their numbers. As such, options Nos. 1 and 2 are out. The only option is the provision of a new school for

the area. I understand and accept that the Minister, Deputy Bruton, cannot be here. I ask the Minister of State to secure from him a meeting with the parents' representatives. I ask for a commitment before the Easter break from the Minister on his intention to meet representatives of parents from the national schools in the Citywest area.

**Deputy Eoin Ó Broin:** I have some sympathy for the Minister of State who is simply reading out the answer he has been given by the officials. However, I hope he will express our disappointment to the Minister who is responsible for the response because it does not deal with the concerns we are raising, in particular in terms of the inadequacy of the two other schools which have been proposed either due to oversubscription or distance, the lack of public transport services and the need for autism spectrum disorder, ASD, units and a community focus. The fact that there is such cross-party support is an indication of the strength of the local community's campaign. It is a rare day on which Fine Gael, Fianna Fáil, Sinn Féin and the Anti-Austerity Alliance all campaign for a much-needed resource and it speaks volumes.

It is important to remember that this is an integral part of the South Dublin County Council county development plan, which was unanimously and democratically agreed by all political parties. The plan represents the considered view of the council. Like other Deputies, I ask the Minister of State to please convey our concerns to the Minister and ask him to respond to all of us directly on the points we have raised. I ask him to please ask the Minister to meet with the parents' campaign group. I think he would find that very constructive in respect of his consideration.

**Deputy Paul Murphy:** The reply is disappointing, which is unsurprising given that it is the same answer we got before. It does not grapple with the reality for this community of Citywest and Saggart. Saggart is the fastest growing urban town in the country and its population has increased by almost 50% since 2011. It is an area in which almost 1,785 new homes are being built and an increase in population of 6,600 is expected in the next number of years. The reply does not deal with that. Instead, it says the areas are located within Tallaght, Newcastle and Rathcoole and fall between two stools. The students are simply expected to go to schools which are 5 km away. The Department must engage with the reality of communities that exist in a real sense, have primary schools and need a secondary school and the community space and facilities that go with it. I echo the call for the Minister to arrange a meeting with the relevant parents.

**Deputy Seán Kyne:** I thank the Deputies for their concern. It is recognised that there is cross-party support for the provision of school facilities within this area straddling two constituencies. While I cannot, obviously, arrange a meeting on his behalf, I will certainly put the request to the Minister to meet parents' representatives on demographic pressures and their concerns about school provision. I am told the national demographic exercise involving all school planning areas at primary and post-primary level is due to be announced in the coming weeks. The Department is factoring into the demographic exercise its critical data, including updated enrolment data and up-to-date information on additional residential developments from local authorities. Any major new residential development can have a huge impact on demand in a school planning area. As such, it is important that where large developments are planned, the Department takes them into account.

The Department's report on projections for full-time primary and secondary level enrolments for 2017 to 2035, which was published last July, provides the latest set of long-term projects for full enrolments in primary and second level schools. The report is based on a

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number of assumptions and modelling of three migration assumptions and two fertility assumptions. The projections are based on a slightly positive inward migration trend from 2017 on and a gradual decline in total period fertility rate in the coming years to 1.8 by 2025, remaining constant thereafter. Therefore, enrolments at primary level are expected to peak in the 2018-19 academic year at 567,369 pupils nationwide before beginning to decline from the 2019-20 academic year. At post-primary level, enrolments are expected to increase until the 2025-26 academic year when they will peak at 416,897 before beginning to decline. I will put the Deputies' concerns and requests to the Minister, Deputy Bruton.

### **Hospitals Car Park Charges**

**Deputy Marc MacSharry:** I thank the Minister of State, Deputy McEntee, for being here. I appreciate that it is not directly under her remit.

**An Ceann Comhairle:** The Minister of State taking the matter is Deputy Finian McGrath.

**Minister of State at the Department of Health (Deputy Finian McGrath):** It is me.

**Deputy Marc MacSharry:** I apologise.

**Deputy Finian McGrath:** I am representing the Minister, Deputy Harris.

**Deputy Marc MacSharry:** No offence was intended to anybody. I am sorry the Minister, Deputy Harris, is not present but I will take the Minister of State's good self. I am happy to have him. I raise the issue of parking throughout the country. The Irish Cancer Society and other representative organisations, including those representing persons with disabilities in which the Minister of State has a personal interest, have been lobbying for reduced or waived parking charges at hospitals, in particular for outpatient appointments. We are speaking here about people who are at a very vulnerable stage in their lives as they fight serious illness, in particular cancer. The Irish Cancer Society has been mounting a campaign for almost two years to have some uniformity nationally in our hospital network where cancer treatment is provided in order that patients do not have the added worry of parking charges. The additional cost of suffering from cancer has been found by the society to be anywhere between €862 and €1,200 per month. Parking charges for regular outpatient appointments certainly contribute to that. I am sure this has been the subject of many parliamentary questions, and certainly questions in all the local authority areas throughout the country. In Sligo last week, my colleague, Councillor Tom MacSharry, tabled a motion on this topic calling for free parking throughout the hospital network for cancer patients.

It has been reported that the annual income from car parking charges in the hospital network is €13 million. People are not going to hospital for a day out and they are not going to meet somebody for coffee. They are going there because they are under the weather. They may have a serious illness, such as cancer, and are going in for outpatient treatment. There may be less serious conditions whereby, equally, people are going for treatment. All of these people, or, in the case of children, their families, have contributed in taxation through the years to the annual HSE budget, which amounts to €14.5 billion this year. The budget increase on last year is €608 million. If one just took 2% of that 608 million, one would have the €13 million in car parking charges.

Where people visit hospitals on a one-off basis, for example, to visit somebody who is having a baby, it is reasonable that there would be charges. However, anybody who is seriously ill, not only people with cancer but also those with a wide range of life-limiting conditions and long-term illnesses that require regular visits and regular treatment, should be provided with parking discs. While certain hospitals - Tullamore, St. Luke's, Letterkenny, Mayo, Portiuncula, University Hospital Limerick, Kilkenny, Wexford, Kerry and Connolly - have free parking, others, including Sligo University Hospital in my constituency, do not have any arrangements. It is simply untenable that, for example, Connolly Hospital here in Dublin does not apply parking charges in respect of cancer patients whereas just a few miles down the road at the Mater Hospital, people are expected to pay €15. In the overall scheme of a budget that is closer to €15 billion than to any other number, is €13 million, or perhaps half that amount, all that necessary when one considers the level of compassion we ought to be showing to patients with long-term illnesses such as cancer, those with disabilities and others?

It has been announced that the HSE has been asked to review the position in order that we can come up with uniform guidelines nationally. Can the Minister of State provide a timeframe for that? When will it happen? Has it been kicked out by the HSE to one of those big firms between the two canals here in Dublin that will get a couple of hundred grand to do it? Can the Minister of State outline the position?

**Deputy Finian McGrath:** I thank Deputy MacSharry for raising this issue and for giving me the opportunity to respond on behalf of the Minister, Deputy Harris, who, incidentally, apologises for not being present as he is still at the Cabinet meeting.

Last week, the Minister requested that the HSE carry out a review of car parking charges at all hospitals with the aim of establishing clear national guidelines in this area for the first time. We all welcome that. While recognising that hospitals are cognisant of the impact of parking charges on patients, particularly those with long-term illnesses, and that revenue from parking charges is, by and large, applied for the provision of services, the Minister is nevertheless concerned to ensure that a national approach is applied. He has asked the HSE, in conducting the review, to take into account the existing parking arrangements at each hospital, the financial impact on patients and families and data on the income generated by these charges.

While the Minister fully recognises the relevance of this issue in the context of the needs of cancer patients, inpatients as well as outpatients, there are many patients who have other long-term illnesses and who also require regular hospital visits. The Minister has asked the HSE, in conducting its review, to engage with the Irish Cancer Society and other patient advocacy groups in order to ensure that the circumstances of all patients, particularly those who require long-term care, are taken into account - Deputy MacSharry also mentioned those with disabilities in this regard. It is appropriate to await the findings of this review in order that any national guidelines will take into account the parking needs of all patients with long-term illnesses, including arrangements for outpatient cancer treatment appointments.

**Deputy Marc MacSharry:** I thank the Minister of State for the response. Like so many reviews, this one is on the never-never. When will it take place? When will it be finished? What will be the outcome? Let us put a deadline on it. At the end of the day, it is not rocket science. I ask that it be, as the Minister of State correctly stated in his reply, not specifically for cancer patients, although I would prioritise them.

The overall income nationally from hospital car parking charges is €13 million. In isolation,

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that is a great deal of money. In the context of the overall health budget, however, and taking cognisance of why people use the health service, can we show appropriate compassion for as many groups as possible and waive parking charges all over the country for them, and can we let those who make one-off visits to hospitals pay a contribution in the normal way?

I thank the Minister of State for his response but I hope that he will be able to give me an indication of the timeframe. This is not something that we are happy to leave on the never-never.

**Deputy Finian McGrath:** I acknowledge the points raised by Deputy MacSharry in respect of this particular issue. It is important that we focus on the core issue of the priorities for patients and bring the concept of compassion into the debate. I will bring the Deputy's concerns to the Minister because the issues he raises are important.

The Minister and I are committed to meeting the needs of cancer patients through the implementation of the National Cancer Strategy 2017-2026, which was launched last year. We are focused on preventing cancer, early diagnosis, the provision of quality treatment and the health and well-being of those living beyond cancer.

The HSE advises that 40 hospital car parks are owned and operated by hospitals, ten of which do not charge for parking. Five hospitals do not have car parks. The HSE advises that four hospital car parks are owned and operated by private companies. These are located at: St. Michael's; Sligo University Hospital; South Tipperary General Hospital; and Cork University Hospital. An example of good practice in this issue is Our Lady of Lourdes, Drogheda, where patients attending for certain cancer treatments at the oncology unit are afforded reduced rates of car parking. I believe parking is free for oncology patients at Mayo General Hospital and at Portiuncula Hospital. There are examples of hospitals adapting to the needs of their patients.

The review of hospital parking charges has already begun and the Minister looks forward to receiving the report on it. I am not familiar with the timescale for the review but we will definitely come back to the Deputy with an answer on that. The review will facilitate the development of national guidelines for hospital parking charges cognisant of the situations of various patient groups, including cancer patients.

### **Shannon Airport Facilities**

**Deputy Mick Wallace:** I thank the Ceann Comhairle for selecting this matter.

Last week was the 15th anniversary of the invasion of Iraq. On 20 March 2003, Dáil Éireann approved a Government motion authorising the use of Shannon Airport for the US-led invasion and occupation of Iraq. With that motion, put forward by the then Taoiseach, Bertie Ahern, Ireland declared itself party to an illegal and baseless invasion of a sovereign country. Fianna Fáil argued at the time that even though it found it regrettable that there was no agreement at the UN Security Council level, it felt it necessary to support the Americans and the British in their war of aggression in light of what they interpreted to be a violation on the part of the Iraqi Government of its obligation to disarm of its weapons over a 12-year period. He said he hoped that the war would be a short one and said that Ireland would be happy to help rebuild the country after the bombing had ended. To quote the then Taoiseach that day:

One thing, however, is ... clear. Conflict could have been avoided if Saddam Hussein

had complied with the long-standing demands of the UN Security Council that Iraq surrender its weapons of mass destruction. The simple fact is that he refused to do so.

This was completely false. Hans Blix, the chief UN weapons inspector, was in front of the UN Security Council saying that US and British intelligence had led to zero significant finds in Iraq, that the Iraqi Government was co-operating and that his work was not finished. To quote Blix, “We went to sites [in Iraq] given to us by intelligence” and “There were about 700 inspections, and in no case did we find weapons of mass destruction.”

Deputy Enda Kenny argued against the relevant motion in the Dáil, stating:

It matters to our international credibility now and in the future. It matters to our self-respect as a nation. It matters to our respect for international law and the institutions set up to implement that law.

When the then leader of Fine Gael was arguing that Fianna Fáil was about to destroy our tradition of neutrality and rip-up international law while we were at it, Fianna Fáil Deputies shouted across the Chamber that he was a Saddam supporter.

Article 29 of the Constitution states:

1. Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality.

2. Ireland affirms its adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination.

3. Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States.

Article 28.3.1° states:

War shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann.

In fact, we have now taken part in many wars through allowing the use of Shannon as a military airbase by the US military. It is just that the US does not consider bombing another sovereign country as an act of war so, conveniently, neither do we.

Today seven principal countries are being bombed by the US and its allies: Afghanistan, Iraq, Libya, Pakistan, Somalia, Syria and Yemen. In Yemen today, not including those who will be killed by US- and UK-made bombs, 100 or more children will die from avoidable hunger and disease as a result of the Saudi actions. We keep raising these issues here in the Dáil and our Ministers keep flying over there for drinks with the perpetrators.

The former Taoiseach, Deputy Enda Kenny, was right in what he said in 2003. I wish the Government would reconsider its position.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Helen McEntee):** I thank Deputy Wallace for raising this issue. Like my colleagues, I apologise on behalf of the Minister, Deputy Coveney, who had hoped to take this question but unfortunately is still at the Cabinet meeting. Therefore, I will take it on his behalf.

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I welcome the opportunity to reaffirm the Government's policy on landings by foreign military aircraft at Irish airports. Responsibility for the regulation of foreign aircraft landing in or overflying the State is shared between Departments. The Minister for Foreign Affairs and Trade has primary responsibility for the regulation of foreign military aircraft while the Minister for Transport, Tourism and Sport leads on regulation of foreign civil aircraft. As the issue for debate is addressed to the Minister for Foreign Affairs and Trade, I will confine my focus to foreign military aircraft landing at Shannon Airport.

Successive Governments have made landing facilities at Shannon available to the US for over 50 years. This practice did not begin in 2003. The facility to land is also made available to military aircraft from other countries. It is for reasons of geography that the majority of landings are made by US aircraft. Permission must be sought in advance for landings by all foreign military aircraft. Foreign military aircraft of any and all states requesting permission to avail of facilities at Shannon or any other Irish airport must adhere to strict conditions. These conditions are applied to ensure compatibility with Ireland's policy of military neutrality and include stipulations that the aircraft is unarmed, carries no arms, ammunition or explosives; and that it must not engage in intelligence gathering and does not form part of any military operation or exercise.

In considering requests for landings by foreign military aircraft, the Department of Foreign Affairs and Trade's primary focus is on whether the flights in question comply with these conditions. No distinction between states is made when it comes to the application of these criteria.

It has been repeatedly suggested that such normal facilitation is an indication of this Government's lack of commitment to Ireland's traditional policy of military neutrality. I am glad to have a further opportunity to reaffirm that this Government upholds and will continue to uphold that longstanding and publicly cherished policy.

This commitment was detailed in the White Paper on Defence published in August 2015 while the review of foreign policy, *The Global Island*, published in January 2015 similarly reaffirmed that Ireland's policy of military neutrality remains a core element of Irish foreign policy.

The practical implementation of the conditions for granting permission for landings by foreign military aircraft is guided by and reflects Ireland's traditional policy of military neutrality to which, as I have already outlined, the Government is fully committed.

I would like to reiterate that the facility granted to the US, as to other countries, to land at Shannon airport is both transparent and open. The strict conditions that apply to such landings are a matter of public record having been set out on many occasions in the House. This policy of military neutrality, together with our own international activism on issues such as disarmament, international crisis management and peace keeping, has helped us to speak with a distinctive and independent voice on many of the key challenges facing the world regarding the maintenance of international peace and security. Furthermore, Ireland fully recognises the links between security and development and that the widest possible range of tools and instruments including security, development co-operation and humanitarian are required to respond to conflict and crisis. Indeed, Ireland is the eighth largest donor to the UN central emergency response fund, an important humanitarian financing mechanism for underfunded and rapid onset emergencies. It contributed €22 million to the fund last year and a further €10 million has been pledged for 2018, of which €8 million has already been distributed in Iraq, a country which has suffered significantly at the hands of Daesh. The appalling atrocities that this ter-

rorist organisation has inflicted on Iraqi citizens is one of the reasons why since 2012 we have provided just over €10.6 million in humanitarian assistance. We have consistently called for inclusive democratic solutions. We have emphasised that the security efforts must be complemented by the implementation of the programme for national reconciliation that was set out by Prime Minister Abadi in late 2014.

**Deputy Mick Wallace:** If we were genuinely concerned about the humanitarian problems and conditions in these countries, we would not allow aircraft to land in Shannon to go on there and wreak havoc on these peoples. The Minister of State says that one of the conditions on military aircraft to land are that the aircraft must be unarmed, carries no arms, ammunition or explosives and it must not engage in intelligence gathering and does not form part of any military operation or exercise.

They do not fly empty military planes around the world. They put stuff in them. It costs over €250,000 for a US military plane to make a round trip from America through Shannon to the Middle East and back. They do not leave them empty: it would make no sense.

It beggars belief that we can turn a blind eye to the destruction that we are allowing to take place. Back in the day, the former Taoiseach, Deputy Enda Kenny, himself asked that the planes be searched. Before going into government, the Labour Party asked for the planes to be searched. However, when people go into government, they are not prepared to search the planes. It is outrageous.

Modest wine bars import wine from small producers in Italy. The Revenue Commissioners regularly check the loads to see what they contain. We tell them what is in it and show them the papers, but the fact is they are dead right to check the shipment because they cannot be certain of what is in it unless they do. We cannot possibly know what the Americans are up to or what is in a US military plane if we do not search it. One could not expect a child to believe that there are no arms or ammunition coming through Shannon. We know there is. It is outrageous that the Government continues to allow this to happen and to allow the destruction that is caused by the US military in these regions.

**Deputy Helen McEntee:** We have the Air Navigation (Foreign Military Aircraft) order 1952 which clearly states that:

No foreign military aircraft shall fly over or land in the State save on the express invitation or with the express permission of the Minister [for Foreign Affairs and Trade].

The Minister for Foreign Affairs and Trade has primary responsibility for the regulation of this activity. Clear stipulations have been put in place that they must be unarmed, carry no arms, ammunition or explosives and that they must not engage in intelligence gathering. The bilateral relations between friendly states, as we are with America, is founded on mutual trust. Both parties have an interest in maintaining that trust. Details provided by diplomatic missions include confirmation that the aircraft are unarmed, carry no arms, and that ammunition or explosives are not on board and are therefore accepted in good faith and are accepted as being accurate. We must do that in accordance with international practice. Foreign military aircraft which are given permission to land in Ireland are not subject to inspection in this regard but sovereign immunity, a long-standing principle of customary international law, means that a state may not exercise its jurisdiction in respect to another state or its property, including state and military aircraft.

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These principles apply automatically to foreign state or military aircraft in the same way that they apply to Irish State or military aircraft abroad. We are not applying one rule to somebody else and not to ourselves. To reiterate, our neutrality is in no way compromised. The Tánaiste and his Department are satisfied that the arrangements relating to the transit of US military personnel and the landing of US military aircraft at Shannon Airport do not challenge or undermine the policy of military neutrality in any way. This is of course something which we will continue to monitor and we will continue to engage with the US troops in the region on a daily basis.

### **Business of Dáil**

**Minister of State at the Department of Culture, Heritage and the Gaeltacht (Deputy Joe McHugh):** It is proposed, notwithstanding the Order of the Dáil of 27 March 2018 or anything in Standing Order 30, that No. 9a, motion re. report of the Joint Committee on Housing, Planning and Local Government under Standing Order 114, shall take place tomorrow, Tuesday, 27 March, on the conclusion of No. 9, motion re. proposed approval by Dáil Éireann of the report by the Minister with responsibility for defence regarding service by the Defence Forces with the United Nations in 2016, and that the following arrangements shall apply in relation to No. 9a: speeches shall be confined to a single round for a Minister or Minister of State and the main spokespersons for parties and groups, or a member nominated in their stead, shall not exceed five minutes each, and shall conclude after 40 minutes if not previously concluded; and all Members may share time.

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

### **Government Response to Salisbury Attack: Statements**

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I want to begin by expressing my shock and sadness at Sunday's devastating fire in a shopping centre in the Russian city of Kemerovo, which claimed so many lives. The fact that a number of children were among the victims is particularly tragic and upsetting. Our thoughts and condolences are with the victims, their loved ones and the Russian community here in Ireland at this very difficult time.

Separately, on 4 March Sergei Skripal and his daughter, Yulia, were found unconscious on a public bench in Salisbury town centre in England. They were taken to hospital, where they remain in a critical condition from which they may never recover. Investigators discovered that they had been exposed to a nerve agent, traces of which were found in a local restaurant and pub. A police officer who went to their aid was also exposed to the poison and became seriously ill. He was only recently discharged from hospital. Over 130 civilians were potentially exposed, with 50 people being assessed in hospital.

On 12 March, Prime Minister May told the House of Commons that the Skripals were poisoned with a military-grade nerve agent of a type developed by Russia, part of a group of nerve agents known as Novichok. Her Government had concluded that there were only two plausible explanations for what happened. It was either a direct act by the Russian State against the United Kingdom or the Russian Government had lost control of this deadly nerve agent.

The Russian Government was asked to provide an explanation for what had occurred and to make an immediate complete disclosure of the Novichok programme to the Organisation of the Prohibition of Chemical Weapons, OPCW.

On 14 March, the Prime Minister told the House of Commons that Russia had not offered a credible explanation nor had it provided a reason for having an undeclared chemical weapons programme in contravention of international law. As a result, the Government of the United Kingdom had concluded that the Russian State was highly likely to be behind the attempted murders. The Prime Minister announced a series of immediate actions, including the expulsion of 23 Russian diplomats identified as undeclared intelligence officers.

Since then, the international community has rallied to the UK's side. On 15 March the leaders of France, Germany and the United States issued a joint statement with the United Kingdom in which they agreed with the British conclusion that there was no plausible alternative explanation. They noted that Russia further underlined its responsibility by its failure to address the legitimate request for information by the United Kingdom Government. They called on Russia to address all questions related to the attack and to provide a full and complete disclosure of the Novichok programme to the OPCW.

Intensive briefings were provided by the United Kingdom at senior EU official level and to EU foreign ministers, including myself, at the Foreign Affairs Council on 19 March. Last Thursday, Prime Minister May explained to the European Council the basis on which her Government had come to its assessment. Her presentation was compelling. Having listened to it, and to the views of other Member States with significant security services that are in a position to verify what she said, the leaders of every member state of the EU, including those with historically close ties with Russia, unanimously agreed with the United Kingdom's assessment that it was highly likely that Russia was responsible and that no plausible alternative explanation existed. The Taoiseach played an active part in what was a lengthy and substantive debate.

In the wake of these shocking events, it is essential all EU member states stand in unqualified solidarity with the United Kingdom. The use of chemical weapons, including the use of any toxic chemicals as weapons, is particularly shocking and abhorrent. The reckless attack in Salisbury was the first known use of a nerve agent in Europe since the Second World War. It was not just an attack against one country but an affront to the international rules-based system on which we all depend for our security and well-being. It is right that Ireland should stand in full solidarity with the UK, our closest neighbour, with which we share so much and with which we have, in many ways, a shared home in the European Union.

The European Council agreed to recall the EU ambassador to Russia for consultations. While the expulsion of diplomats is entirely a matter for national decision, it was agreed that member states should co-ordinate as far as possible. Yesterday, 16 EU member states announced that they would expel Russian diplomats. This is a clear majority of member states. It includes east and west, north and south, big and small, NATO and non-NATO. The United States, Canada, Norway, Australia and other countries with which we have excellent relations have taken similar steps for the same reasons. In total, 100 Russian diplomats have been expelled. President Tusk has said that additional measures within a common EU framework cannot be excluded in the coming days and weeks.

Following an urgent assessment conducted by the security services and relevant Departments chaired by the Secretary General of my Department, I briefed the Cabinet this morn-

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ing on my intended course of action. Following that briefing, the Secretary General met the Russian Ambassador and informed him that the accreditation of a member of his staff with diplomatic status is to be terminated in line with the provisions of the Vienna Convention on Diplomatic Relations. The individual in question is required to leave the jurisdiction within a short specified timeframe.

I am aware that there are those who will not agree with this decision. It is true that we are not in a position to verify independently the United Kingdom's assessment of responsibility for Salisbury. However, I underline that the evidence advanced by the UK, which has been confirmed by other key countries, has convinced all 27 other EU leaders to act. Some people have drawn analogies with the question of weapons of mass destruction and the Iraq war. There is no gainsaying that a weaponised nerve agent was used against the Skripals. Whereas Iraq divided the EU, this issue has actually united countries.

There are those who will say we should have waited until the Organisation for the Prohibition of Chemical Weapons concluded its investigation. The OPCW is not investigating the circumstances of the poisoning or responsibility for it. The United Kingdom has notified the OPCW about the case of the nerve agent and has invited it to verify its scientific analysis and findings.

Russia has offered several alternative - and varying - narratives of the events in Salisbury and has posed a number of rhetorical questions. To put it mildly, none of them offers a plausible alternative explanation. It is easy to recall previous instances of unacknowledged unacceptable behaviour which were uncovered bit by bit. It is also important that the great majority of Ireland's closest international partners, inside and outside the EU, have chosen to act as we have, that is, in solidarity with the United Kingdom. Not to be on their side would put us in a strange place. As I said, we have a uniquely close relationship with the United Kingdom. I was not willing to support the idea that 16 other member states of the European Union would act and Ireland would sit on its hands. However, I emphasise that the decision was not just based on political and diplomatic factors. I want to make clear that the assessment included the full range of factors, including our own national security, and relied on the advice of those with the greatest relevant expertise in each area.

Some have said that our decision somehow breaches our neutrality or undermines our foreign policy. This is a complete red herring unless one interprets neutrality as never taking a side on any issue. Ireland has never been neutral when it comes to defending the rule of law and international security or, for that matter, promoting disarmament. Other countries which are not members of NATO have taken similar action to Ireland's. As members of the European Union, while we retain our national freedom of action in such matters, our default position must be one of solidarity and unity.

Finally, some have argued that this House should have been consulted in advance of our decision or indeed should have voted on it. This is completely out of line with international practice. Nor is it what has happened in previous expulsions of foreign diplomats from Ireland. There are times when the State needs to act swiftly and in line with our Constitution. We had a choice to make: either to act in solidarity with our closest neighbour or to do nothing. We had an obligation to act and to send a clear signal that what happened in Salisbury is totally unacceptable. We recognise it is important to maintain good relations with Russia, but we needed to respond to this issue. I am glad it has been possible for me to brief the Opposition parties this afternoon. I am also pleased to have the chance to place on the record of the House the reasons

for the actions the Government has taken today.

**Deputy Darragh O'Brien:** I welcome the opportunity to speak on this issue on behalf of the Fianna Fáil Party and I thank the Tánaiste for his detailed and considered contribution. I wish to begin, as the Tánaiste has done, by offering my condolences to the Russian people, in particular the families of those affected by the fire in a shopping centre in the Russian city of Kemerovo. Our thoughts and prayers are with all of them and the Russian people in the wake of such a tragic loss of life.

The attack in Salisbury on Sergei Skripal and his daughter Yulia on 4 March was a despicable act. Having taken into account the EU Council's conclusion that it is "highly likely that the Russian Federation is responsible and that there is no plausible alternative explanation", and following my discussions with the Tánaiste and Minister for Foreign Affairs and Trade on this issue, we as a party support the Government's decision to expel one Russian diplomat in response to the Salisbury attack. We believe this action is appropriate and proportionate and sends a clear message that no country is above international law. It is important to state at this juncture that our support of the Government's decision should not be interpreted as a slight to the Russian people. Many Russian people have made Ireland their home and we have no desire or reason to isolate or alienate them. As a party we support the Government's response, stand in solidarity with our nearest neighbour and are united with other EU member states, including Germany, France, Finland and Sweden, as well as countries such as America and Australia in sending a very strong message to the Russian Federation that the use of chemical weapons is abhorrent and will not be tolerated. Our decision to support the Government on this matter was not taken lightly, however. From the outset, my party and I called on the Government to ensure it conducted a thorough and objective assessment of the allegations and a review of the operation of the Russian Embassy in Dublin. It is imperative that every effort is made to establish facts and to move forward on that basis and my party and I will continue to advocate for this.

While some others on the Opposition benches do not support this decision, and I respect that, and see it as threat to our neutrality, I believe this decision in no way affects our military neutrality. Moreover, we should not shy away from using the tools at our disposal to demonstrate our revulsion at the attack in Salisbury, which I believe was the first offensive use of a nerve agent in Europe since the Second World War. The reality is that our military neutrality should never mean moral neutrality, nor does it mean that we must be voiceless or overlook what is a serious and flagrant breach of international law by a country that is becoming progressively more belligerent and intolerant of international norms and which has on several occasions violated Irish-controlled airspace. In recent years we have witnessed the annexation of Crimea, the destabilisation of eastern Ukraine and alleged interference in elections in other countries, as well as support for the Assad regime in Syria, all of which points to an increasingly confrontational Kremlin determined to advance its own dubious agenda, divide nations, disrupt international norms and undermine European values and ideals. The attack in Salisbury is another example of Russia's efforts in this regard.

We are in no doubt about the gravity of the actions taken by Ireland and other States in expelling Russian diplomats. However, defending the rule of law and safeguarding citizens should always be a priority, and the unity shown within the EU should be commended. Our party, in particular our party leader, Deputy Micheál Martin, has never shied away from criticising Russia and its grievous actions. While we support the co-ordinated action taken by members of the European Union in response to the attack in Salisbury, we have long called for the EU and the international community to take a more robust approach to Russia's transgressions. Despite

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the events of recent weeks and the actions taken by Ireland and other states, it is imperative we do not close the door completely on the prospect of co-operation and engagement with Russia. While doing all we can to compel Russia to abide by international rules and norms, we must also continue in our efforts to try to build trust and improve relations with Russia. As a party, we are committed to continuing engagement with Russia and we believe that it is in our collective interest to do so.

I sincerely hope that recent events may provide Russia with pause for thought and act as a catalyst for positive change in Russian relations in order that we can move past this situation and sustain cordial and progressive relations with Russia and its people into the future.

**Deputy Seán Crowe:** I wish to begin by making it crystal clear that the use of chemical weapons in any circumstance is completely unacceptable and those who engage in their use need to be charged and brought before the appropriate international courts. Ireland must also protect its people from any outside threat. The expulsion of Russian diplomats from Ireland operating as hostile intelligence officers is a more than suitable action to be pursued if they are behind the attack in England on Sergei and Yulia Skripal. However, the difficulty I have is that we have yet to be given any independently-verified evidence to underpin the decision to expel a Russian diplomat from Ireland in response to Salisbury. Such a significant and dramatic Irish foreign policy decision should not be dictated by the concerns of a foreign security agency but by Irish security and informed analysis. Sinn Féin therefore does not support the Government's decision to expel a Russian diplomat and we believe this is a further erosion of Ireland's neutrality and independent foreign policy.

Last week, during the pre-European Council statements in this Chamber, the Taoiseach said what happened in Salisbury "was a reprehensible and loathsome attack" and he condemned "the use of chemical weapons and assassinations wherever they happen and whoever commits them". This was welcome and I fully support the Taoiseach in this regard.

Yet on day one of the European Council meeting in Brussels, having listened to Theresa May he told reporters that he agreed with the UK's assessment that it is highly likely Russian authorities were behind the Salisbury attack and he was undertaking a review of the Russian embassy's activities. He provided no evidence for this policy shift. We do not know what compelling information the British Prime Minister gave, but it seems clear to me that Irish foreign policy is now being decided around tables in Brussels and not in Dublin. This completely undermines Irish neutrality and our independent foreign policy.

I have repeatedly spoken out against the increased federalisation and militarisation of the EU and its so-called Common Foreign and Security Policy. This continues to blur and undermine our neutrality and sovereignty. It will worry many in Ireland that this decision seems to have been based on information emanating from a British security service. Britain's spies, agents and security operatives have a long and bloody record in Ireland. They have been involved in a dirty war and linked to countless killings of Irish citizens right across this island, a horrific legacy that they have so far refused to acknowledge and which continues to impact on the victims and survivors to this very day.

Considering that the Taoiseach has decided to base Irish foreign policy on the information a British security service provided to him about the death of one of its double agents, perhaps it is well past time for him also to ask it to release the files and information it has on the Dublin and Monaghan bombings which killed 32 Irish citizens, along with one French citizen and

one Italian citizen who were living in Ireland. They were carried out by the UVF with the full assistance of the British security services. There have been three Dáil motions calling on the British Government to release the files it has on these bombings, yet it continues to ignore, stall and deny its knowledge and involvement in these attacks.

Now it would appear that we are letting the same shadowy security agencies give direction to Irish foreign policy. These are the same securocrats who ran agents in loyalist paramilitary organisations, like Gary Haggerty whose case went before the courts in Belfast recently and has revealed his part in 202 criminal offences including at least five known murders. We are expected to rely on and trust the information coming from a foreign security service that has been involved in countless murders of Irish people and whose information led to the illegal Iraq war and the deaths of hundreds of thousands of Iraqi civilians.

We are expected to trust Theresa May and Boris Johnson on this issue, despite the fact that Russian oligarchs and their associates have registered donations of more than £820,000 to the Conservative Party since she became Prime Minister and he became Foreign Secretary. The British Government said the Salisbury attack was the first offensive use of a chemical agent in Europe since the Second World War. This will come as a bit of a surprise to many former Irish republican prisoners in Long Kesh who were gassed by chemicals that the British Government secretly authorised for use in prisons. Many have since developed cancer and some have died from all sorts of diseases linked to the use of chemicals.

It shows complete disdain for this Parliament and for Ireland's independence that the Taoiseach can announce this policy shift to reporters in Brussels, but keep Deputies and the public in the dark. I do not know who used chemical nerve agent on the Skripals, but I do know that the Irish Government's response will negatively impact on this country and its people as it undermines our neutrality and our independent foreign policy.

**Deputy Louise O'Reilly:** I join with others in stating very clearly that the use of chemical weapons cannot and should not ever be tolerated. A number of issues surrounding the expulsion of a Russian diplomat by the Government need to be highlighted. Last week we saw the Taoiseach once again announce a shift in Government policy to the media before he came in here to make the same announcement to the Oireachtas. Today in the Dáil the Taoiseach said it was highly likely that Russia was behind the nerve agent attack in Britain.

While expressions of solidarity with Britain are appropriate considering that a nerve agent was used in its territory, involving Ireland in this issue by expelling Russian diplomats as an act of solidarity with Britain is a clear move away from Irish neutrality and our independent foreign policy. In recent times Ireland has only expelled diplomats in instances where there have been transgressions within our jurisdiction, with the expulsion of Israeli and Russian diplomats for forging Irish passports.

The people of Ireland need to know the reasons for the expulsion of this diplomat because they want to know if it can be justified or if the Fine Gael Government is expelling an official of one state at the behest of the British state, a state whose government continues to withhold information on the Dublin and Monaghan bombings. The people need to know the truth because it looks like we are inserting ourselves in a geopolitical row on the basis of hearsay from the same British intelligence services which reported that there were weapons of mass destruction in Iraq.

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If our security services have information on espionage being run from the Russian embassy here why were we not told of this before the European Council meeting? Why was no action taken to expel such persons before then? Politicians and the public need to be informed on these issues. I am sure that no one would have any problem whatsoever with expelling a person from this State who was a threat to our national security. However, I would caution that if this is not the case in this instance, we should not give in to the hyperbole being pushed by the British Tory Party, but should instead chart our own foreign policy based on facts and a level headed approach.

**Deputy Brendan Howlin:** Like the Tánaiste, I too would like to begin by expressing sadness and empathy on my behalf and that of the Labour Party for the people of the Russian city Kemerovo on the appalling tragedy they have endured in recent days.

The attack in Salisbury on 4 March with a rare chemical weapon is a shocking and worrying development in international affairs. The nature of the attack is deeply disturbing for the UK and all countries that abide by international rules and norms. Given that this was the first use of a chemical weapon in Europe since the Second World War and due to the security sensitives of the investigation and the reality of the world of espionage, it also means that we do not have clear sight of the evidence or all the facts.

Some three weeks on, we do not know how the attack was carried out or the exact nature of the chemical used. That information may never be publicly confirmed. The British Government has said it believes there is no plausible alternative or explanation for the attack other than that it was perpetrated by the Russian Federation. In other words, it is highly likely that Russia did it.

While it has been postulated that the agent used was from the Novichok family of chemical weapons, that has not been confirmed. From what we know, that family of nerve agents was developed in the secrecy of the Soviet Union in the 1970s. It is described as one of the deadliest nerve agents ever made and extremely potent. That such an agent was used in an English town to target a former double agent is a new departure. This was an extra-territorial assassination carried out by chemical weapon.

The facts to date are that former spy Sergei Skripal and his daughter Yulia were targeted with this powerful nerve agent. They are currently in an induced coma and it is unclear if they will ever recover. A detective sergeant who was first on the scene was also hospitalised and, thankfully, has since been discharged. A total of 51 people were hospitalised or treated after the incident and the British Prime Minister said a total of 131 people were exposed to potential harm. The Organisation for the Prohibition of Chemical Weapons is now carrying out an investigation and tests into the type of agent used. It will take two to three weeks to complete the laboratory analysis, but that will not determine who was responsible or the circumstances surrounding this attack.

After extensive briefings and discussions by leaders at the EU Council last week, the 28 member states unanimously agreed to support the UK position. Following that meeting, the EU sent a strong and clear message when we withdrew the EU ambassador to Russia for a period of four weeks. That was a robust response to a totally unacceptable attack on an EU member state.

Within the Opposition, I was alone on Friday in supporting the Government's stance in Brussels to stand in solidarity with the UK. It is not credible that on this issue Ireland would

stand alone of the 28 EU members, including Sweden, which is neutral and Greece and Cyprus, which have close friendships and economic ties with Russia. The EU has now withdrawn its diplomatic representative and Russia knows where the EU as a collective stands on this matter. We should be slow to contemplate additional activity that would escalate the matter further unless our own circumstances warrant it. I regard with scepticism the efforts of the Taoiseach's spinners late last week to overemphasise his role on the issue at the EU Council meeting.

There appears to be a clear effort to align Ireland with the western alliance in what it must be acknowledged is a new departure for Irish foreign policy. Referring to this attack as taking place on EU soil presents a federal view of our Union that is not real. The EU is also not a mutual defence pact like NATO. For this reason, I think the action taken today by the Government is problematic. It is an unprecedented step for Ireland to move to expel foreign diplomats for actions that occurred in another country when a proportionate response has been already taken at EU level. This a risky move for Ireland as a country as we have traditionally been non-aligned.

An analysis of what has happened since last Friday would lead one to believe that the Government made its decision to expel diplomats on Friday after the EU Council and it used the weekend to collate the necessary information and intelligence. The decision of the Tánaiste and Minister for Foreign Affairs and Trade to recommend the expulsion of a Russian diplomat today was taken without any consultation or pre-brief with the Opposition, save, potentially, with Fianna Fáil. I have made it clear that I believe Ireland should not expel foreign diplomats, save for activities that occur on Irish soil or that impact directly on Irish citizens or our security. Ambassadors and diplomats are usually expelled for two reasons: to signal displeasure with the sending country's policies or to signal displeasure with the particular person. An assessment was carried out by the security services and relevant Departments in the past 72 hours. This has been used to justify the expulsion of an unnamed Russian diplomat. This decision should not have been rushed or taken lightly. Owing to the nature of the assessment, the evidence has not been provided to the Opposition. However, we do know that the decision was taken exclusively as an act of solidarity with the UK and so it is not clear why the security assessment was required. The expulsion is not, as I understand, as a result of Russian activities in Ireland. There was no mention of this up to the time of the appalling events of Salisbury.

There has been significant media commentary in Ireland in recent weeks about Russian activities in Ireland, an issue about which I have already voiced my concerns and on which I have posed questions to the Tánaiste, including possible espionage and surveillance of technology companies in Ireland; the plans of the Russian Federation to build a large extension to its embassy and to bring in builders from Russia to carry out the work; and the threat from cyber-attacks, whether from Russia or elsewhere. As a country, we do not have a well-developed security apparatus. I have made known my views on this over some considerable time. I regard the policing review that is currently under way as an opportunity to separate normal policing in Ireland from security analysis. I hope that will be done. Our capacity to do proper security assessments is limited. We over-depend on the assessments provided to us by foreign agencies. Regardless of perception of our closeness with any country, a foreign security agency will act in the interests of its country, first, last and in between and information that we get will be conditioned by that imperative. The greatest risk from espionage now is online, with sophisticated digital tools and cyber-attacks. Ireland must be prepared for this. We must be prepared for attacks on our infrastructure and the use of this country for attacks on others.

Withdrawing and expelling diplomats is a serious matter. It is often the first step towards

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further escalation. I would counsel further consideration of this matter. It is likely that Russia will now expel an Irish diplomat. As promised, the Government must now carry out a full security assessment and lay out in the clearest terms possible what that assessment unveils so that as a collective we can make decisions that are in the interests of our security and our people.

**Acting Chairman (Deputy Alan Farrell):** The next speaker is Deputy Paul Murphy who is sharing time with Deputy Boyd Barrett.

**Deputy Paul Murphy:** What is happening here, in my opinion, is extremely dangerous. Ireland is being bounced into joining a dangerous ratcheting up of tension on a world scale on the side of the UK, the US and NATO, with Russia on the other side. This is part of a process of undermining the nominal neutrality that Ireland is meant to have and it comes two weeks after a Fine Gael MEP paper calling for a redefinition of neutrality, a weakening of the triple lock and opening a discussion about joining a mutual defence pact. This is being done on the basis of no evidence. We are being asked to accept the word of British intelligence on this matter. Seumas Milne, Jeremy Corbyn's spokesperson, was savaged in the right-wing British media last week for having the temerity to comment that the history of British intelligence is problematic. In reality, that is a gross under-statement given the role of British intelligence in this country in terms of collusion with loyalist paramilitaries and in Britain in terms of its role in the miners' strike, about which Seumas Milne wrote, and its role in terms of the dodgy dossier and bouncing the British people into war with Iraq and the disaster that followed. We are now expected to blindly trust British intelligence.

The attempted murder of Sergei Skripal and his daughter with the nerve agent, Novichok, is appalling. The use of such chemical weapons is reprehensible and it represents the barbarism of modern warfare. I want to make it clear that we are in no sense defenders, supporters or excusers for the authoritarian Vladimir Putin and the dictatorial regime of which he is part. The Socialist Party has a sister party in Russia, Socialist Alternative, which is subject to repression from that regime. We have consistently raised the question of LGBT oppression in Russia, workers' rights in Russia and of the crackdown on political opposition in Russia. We opposed the slaughter in Chechnya at a time, after 11 September, when western powers were turning a blind eye to what was happening in the name of war and terror. We have opposed their actions in Syria. We hold no truck for their human rights abuses in Russia or anywhere else around the world.

I believe that the Putin regime is well capable of engaging in the use of a nerve agent in this way but the problem is facts are stubborn and no facts or evidence has been presented to us. We are expected to rely on blind faith. There was an excellent article in *The Irish Times* a week and a half ago by Séamus Martin, a former Moscow correspondent, which goes through the arguments and outlines how there are other possible explanations. There is the possibility of the agent getting out of Russian hands, which happened around the collapse of the Soviet Union, the possibility that it was constructed elsewhere and the political complications for Putin, which he said make it appear that the possibility the Kremlin was directly involved seem unlikely. Neither I, the Tánaiste nor Mrs. Theresa May know who was responsible but we are being asked to trust British intelligence and join in this ratcheting up of pressure. This is gross hypocrisy.

We care about this issue but when it comes to known, widely-accepted British collusion in the Dublin and Monaghan bombings and the death of over 30 people - and we know the British were responsible - no diplomats are expelled. So-called "spycops" from Britain have been here and in abusive relationships with women without the knowledge of the Garda or the Govern-

ment, but nothing has been done about that. We are aware of the gross attacks on democratic rights taking place right now in the Spanish state. Mr. Puigdemont's arrest two days ago means there are now nine Catalan politicians in pre-trial detention while seven are in exile simply for trying to exercise the right to self-determination. There is no action about that.

What is happening now is not about the truth or human rights. It is about a new inter-imperialist rivalry that is taking off in which ordinary, working-class people here and around the world have no side. We should refuse to be drawn into the development of a new cold war.

**Deputy Richard Boyd Barrett:** It is really disingenuous of the Minister to suggest that the decision to expel a Russian diplomat does not impinge on our neutrality. Anybody looking objectively at what is happening globally would say there is an escalating confrontation between the United States, Europe and Russia. That is clear. Some of the most horrific outcomes of the new cold war and the confrontation between the major power blocs have been played out in Syria, with disastrous consequences. We are under no illusions about what Mr. Putin represents. He is an authoritarian warmonger who is, frankly, capable of anything. We saw what he is capable of in eastern Ghouta with the use of chemical weapons there. Interestingly, when Deputy Gino Kenny and I asked the Government last week in a Topical Issue debate if it would call in the Russian ambassador to answer questions, never mind expel anybody, on what Russia is doing in eastern Ghouta, it was ignored. The Government did not want to know and did not want to do it.

This week, apparently, we must expel a diplomat on the word of British intelligence and because our European partners are doing that as well. When I was a child and I did something stupid, my parents used to ask, "If everybody else stuck their head in the oven, would you do it too?". Obviously, one would not, but now we are sticking our head into the oven on the basis that everybody else is doing it. This is the Minister's argument. We are sticking our head into the oven of an escalating new cold war between two major power blocs which has already had disastrous consequences in Syria and the Middle East and which is likely to escalate further. The Minister says seriously that this does not impinge on our neutrality. Neutrality is not just about deployment of military forces, it is also about not taking sides in a cold war when neither side is up to anything good. We know Russia has a rotten record and a rotten agenda. We also know that the US-western bloc has a rotten record in Syria, funnelling money through Saudi Arabia to Islamist groups and trying to manipulate the situation for its own purposes.

As has already been said about the British intelligence service, these are the people who made up complete lies about yellowcake for enriched uranium being sold by Niger to Iraq. It was a total fabrication by the British intelligence services, as were the weapons of mass destruction that were supposed to be in Iraq to justify the war there and the slaughter of hundreds of thousands of people. Consider the files British intelligence still refuses to give to our Government about its involvement in the Dublin and Monaghan bombings. There were no diplomatic sanctions for that. One can go through the list.

Now, on the basis of no evidence, we decide to expel a Russian diplomat. There will be ramifications. That puts us on one side of this conflict and it has implications. There will be retaliation but, more generally, we are on the slippery slope to saying that we are going to agree with whatever Europe and Britain say in this escalating confrontation with Russia because we are part of the European Union. That is not neutrality or an independent foreign policy. In reality, it is putting our citizens in danger. Just as we have long argued that facilitating US troops at Shannon Airport to conduct unjust and criminal wars in Iraq, Afghanistan and elsewhere

undermines our neutrality and increases the likelihood of us being targeted, taking a side in this way also increases that likelihood.

I fully support an ethical foreign policy that might involve expelling diplomats, but it must be consistent. If it is about abhorrence of the use of chemical weapons, expel the Russians for what they did in eastern Ghouta. Expel the Israelis for successive violations of international law and human rights and for the commission of atrocities against the Palestinian people and expel the UK diplomats for refusing to share their files on the Dublin and Monaghan bombings. We must be consistent. There is no consistency in this. We are taking sides in a new cold war and it is a big mistake.

**Deputy Mick Wallace:** The Tánaiste and Minister for Foreign Affairs and Trade said the UK Government has concluded that the Russian state was highly likely to be behind the attempted murders. We are not going by somebody else's evidence in our decision-making. They do not even have any. They say it is highly likely. When was anybody ever convicted for being highly likely of being guilty? I do not understand that, unless the laws have been changed. I might not like the Tánaiste's neoliberal politics or his hawkish foreign policy, but I have a lot of time for him. I respect his sincere approach to issues and his integrity. However, I am disappointed with this. This is not strong leadership.

The Tánaiste said that if we had not done this, we would have been in a difficult place. I do not believe Austria is in a difficult place and it is not going to expel anyone. I do not think Mr. de Valera was in a difficult place during the Second World War for not getting involved and despite incredible pressure to do so. We would have been respected if we had said that if there was proof that this had happened, we would look at it. However, there is none. If the guy who is being expelled should not be here, why was he not thrown out last week, last month or last year? I understand the Tánaiste's point that this is being done in solidarity with Britain. We can agree or disagree with that. However, there is no basis for throwing this guy out. We can stand solidly with Britain on many issues but we do not have to throw people out on its behalf. It does not make sense.

The attempt to poison the two individuals was an incredibly bad thing to do. However, 130 children are going to die in Yemen today. That number are dying every day because of hunger and disease caused by the Saudi Arabia-United Arab Emirates, UAE, coalition, with the help of the Americans. We are moving mountains, by throwing out a diplomat and having statements in the Dáil, over the attempted murder of two individuals in Britain while 130 children will die in Yemen. We are still trading with Saudi Arabia and the UAE. I am not saying that we should not trade with them. If we are going to trade with America, we might as well trade with everybody. In 2015, the American special operations forces killed people in 135 different countries without trial. There are only approximately 200 countries in the world.

The Fianna Fáil speaker told us that Russia is undermining European values. We should do the sums and find out how many people the Americans have killed in the past 50 years and how many the Russians have killed. More than 1 million citizens have died in Iraq because of the invasion and 500,000 children have died from the after-effects of the bombings in the 1991 war. In 1996, Madeleine Albright said that this was a price worth paying in order to maintain American influence and control in the region. She said, "We think the price is worth it", when asked about the 500,000 children who had died from the after-effects of that war. More than 1 million citizens died in Iraq and close to 1 million people died in the various countries around that region. I am rightly amused by the take on the Syrian war, and I wish people would actu-

ally inform themselves about it. It is not a black and white situation; there are many sides doing a lot of bad things in it and it has been a terrible disaster. It need not have been that way. It was an avoidable conflict. The amount of destruction that has taken place was not necessary. Why is Ireland not throwing out Israeli diplomats on a regular basis for the genocide that is carried out in Palestine? They are carrying out apartheid in their own country. I do not believe the Minister of State, Deputy Cannon, agrees with many things that he has to do. I believe he is a very honest individual and I do not accept that the Tánaiste thinks this is the way Ireland should be doing things.

**Deputy Catherine Connolly:** I agree with that, and I do not believe the Minister of State could possibly agree with what is written here. It is bordering on pathetic and I believe the Minister of State is way above that standard. The Tánaiste said it was true that we were not in a position to verify independently, but he went on to say that we have to act and that Ireland cannot sit on its hands. The Tánaiste said that this was the only choice and Ireland must show solidarity. How can intelligent human beings' choices be reduced to that? Of course we can show solidarity and show our upset, but our role is to show leadership. Ireland is a neutral country but this does not mean we sit on our hands. It does not mean that we do not participate. Neutrality puts an onus on us to act responsibly, to show leadership and to be a force for peace in the world, not the opposite.

The attack on this man and his daughter, and the effect on the policeman and the other people there, was appalling. There are, however, many ways to react to this incident. It must be put into context. Over the past years, a drama has, quite clearly, been building up as pointed out by other colleagues on the left with regard to NATO, the EU, the United States of America and Russia. There has been a building up of missiles right up to the Russian border. It is utter madness if we believe this situation can be taken in isolation while ignoring all of that, and Ireland has now moved its foreign policy.

I totally agree with the satirical *Waterford Whispers* when it says, "Russians guilty until proven guilty". It is not innocent until proven guilty anymore. We have moved on and it is guilty until proven guilty but typical Ireland and typical Tadhg an dá thaobh - we want it both ways. We do not really want to annoy Russia too much, so we do not pick the ambassador, rather we pick somebody less important, and on the basis of evidence over which we cannot stand. The Dáil has given out about the likes of Boris Johnson with regard to Brexit, yet on this issue he is to be trusted and suddenly we choose to believe him. This all comes on top of an article that I resented having to read today, "Ireland and the EU: Defending our common European home", a Fine Gael MEP discussion paper. I felt sickened and I resented having to read this document by four Fine Gael MEPs, two of whom are women. I am appalled because they should be a force for peace. They should show leadership but instead they tell us that we are using "outdated language" around Ireland's neutrality. There are 15 pages in this revolting document and it is well worth looking at if one could perhaps take medication first. I was certainly disturbed by it.

We are told in the document that "big developments are potentially on the horizon" - outdated language indeed. The document also tells us that Ireland claims a jurisdiction that is about three times the size of Germany and almost 1 million sq km, 93% of which is under water. It states that this is of huge strategic interest to the whole EU and it is only reasonable that we look for substantial investment from the EU to bolster our defence capability. In Ireland, 104,000 people who have a job are living in poverty while a total of 780,000 people live in poverty, of whom children make up the largest group at 26.5%, or more than one in four. Yet we have this

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document from four MEPs, two of whom are female, that tells us that Ireland should spend more money. They tell us that the biggest threat is from cyberspace and from those people out there who are different from us. The threat, however, is from poverty, lack of justice, war pushed by the United States of America, the EU and Russia, and climate change. None of these threats is mentioned in the discussion document, just threats from people who do not look like us, do not act like us and do not speak like us. The document says that we need to defend fortress Europe against those people and those barbarians. That is the basis of that document. It does not contain one single analysis of the real threat, which is our failure to show leadership and to stand up and say there is a different way and that it is the way we are going to push, and not play games that are Tadhg an dá thaobh.

**Acting Chairman (Deputy Alan Farrell):** Deputy Danny Healy-Rae is sharing time with Deputy Mattie McGrath.

**Deputy Danny Healy-Rae:** I, too, wish to voice my disappointment and anger at the attack in Salisbury on 4 March. I do not believe, however, there is much point in debating this issue here now because the decision has been made to expel a diplomat from the Russian Embassy. I wonder how the Government decided on one person. Were all the names put into a hat and one fellow pulled out? How long will the termination last? Will Ireland's neutrality be affected? That is the big question being asked by all the people I meet, and rightfully so. Churchill put it up to Ireland when things were very serious in the Second World War but we are all still thankful to Éamon de Valera who kept Ireland neutral in that war. We have a lot to be thankful for in him doing that.

The decision was made this morning to expel this diplomat and we are talking about it this evening. I wonder if the House would be better off talking about the trolley crisis given the still enormous number of people who are left on trolleys in hospitals day after day. I believe there were 27 people on trolleys yesterday in Kerry General Hospital. We trade in different ways with Russia so will this move affect trade? Will it anger them in such a way that we may be opening ourselves to some form of attack along the line? Will they expel Irish diplomats from Russia? Maybe these are the issues about which the Government, the Tánaiste, the Taoiseach and the Ministers in the Cabinet know more than we do. In fairness, however, it seems a hasty decision. Could it not have taken longer? If there was proof or more open proof, maybe we would not be as worried. The UK is about to leave the European Union and it wants to leave. It is very close to us and is hurt by this attack. If the shoe was on the other foot, however, would it do the same for us? Would other countries do the same for us?

I hope, now that the Government has made this decision, that definite proof will be provided to show that the Russians carried out this atrocious attack. We have made a very serious decision to expel a Russian diplomat from Dublin. I hope that it will not have adverse implications for our country.

**Deputy Mattie McGrath:** I, too, am happy to speak on this important matter. I note, however, that when it comes to debating the merits of the UK Government's response to the alleged Russian use of a nerve agent in the UK on a former Russian agent and his daughter, there are conflicting positions even within our parties here. I also condemn, in the strongest possible way, the use of that nerve agent in any sovereign state but we need to get our facts right first and not put the cart before the horse as we have done here.

The Taoiseach went into full macho mode last week during the EU Council meeting and

firmly aligned himself with France's President, Emmanuel Macron. They are joined at the hip. It is John Wayne stuff. If a newspaper editor were to draw an analogy, he might sum it up as 'Leo the Lion goes up against the Russian Bear'. I do not know what kind of a lion he is but he can be well tamed after this. He might come back with his tail between his legs when the full evidence is heard here. It might seem, on the face of it, to be a very unequal fight and one that the Taoiseach may live to regret at some future point. That is the concern I have, not for the Taoiseach, not that I do not wish him well, but for our country and our people, if it emerges that the Russians were not culpable for this act. What happened to the premise of innocent until proven guilty? Is it now guilty until proven innocent or guilty until proven guilty?

We are over and back to European states and around the world meeting people to discuss the ominous train coming down the tracks in the form of Brexit. At the first whiff of a sneeze from the UK, we all catch flu and say we have to jump into bed with it. We all agree that an unwarranted attack on the sovereign soil of an independent nation such as the UK is an issue of grave concern but we can mind our own business as we did in the Second World War when de Valera kept us neutral. We have benefited greatly from that and earned respect around the world as a neutral country until recently. I agree with Deputy Connolly when we see the musings or the writings or whispers of the four MEPs who want to change our neutral status and want us to become more warmongers and beef up our defences. They want us to change. That might suit the Government and its allies in Europe but it does not suit the people of Tipperary. I have no truck with it. It is time that wagon was taken off the road. Ireland is a neutral country and it should stay that way. We have had many debates recently about our Army and peacekeepers and we have railed against certain of their aspects and the use of Shannon Airport. We need to wake up. We cannot be on both sides, acting one way and speaking another, namely, out of both sides of our mouths.

No one wants to see such attacks but we must first have a clinical, full and exhaustive investigation, with evidence and proof and someone charged with that attack. We have attached our wagon to the British and 15 or 16 other European countries. Austria did not do it. Other countries have not done it. Are they going to suffer?

There is something very disconcerting about the European response to this alleged attack by Russia. I say alleged because it most certainly has not been proven definitively that the attack was sanctioned by the Kremlin or President Putin, however probable that analysis is. It is probable, dúirt bean liom go ndúirt bean léi go raibh fear i dTiobraid Árann a bhfuil póca ina léine aige. This is all mere hearsay. If this is how we are going to gain kudos with the British as they embark on Brexit, it is a shaky ground or thin ice for us to be walking on.

I also share the concerns of Deputy Boyd Barrett that any expulsion of a Russian diplomat like that which occurred today is potentially a dangerous and reckless move pulling Ireland into an escalating cold war confrontation between the EU the UK, US and Russia. We have many legacy issues. Deputy Boyd Barrett also makes the point that this fundamentally undermines our neutrality and that Fine Gael along with the EU are exploiting the Salisbury atrocity to further their own aims. I say it quite boldly.

Aidan McAnespie, the Lord have mercy on him, has been dead 40 years. His father, his brothers and his solicitor were here last week seeking justice for his murder. There was a bomb in Omagh that killed 29 people, including a pregnant mother - she and the baby in her womb were killed - with no explanation from the British Government. There were the Dublin and Monaghan bombings in 1974 and no explanations for what happened. Here we are all of a sud-

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den and our macho Taoiseach is giving a knee-jerk reaction, looking at his vanity projects, at how to get out and give himself good exposure, the hard man, the tough man, Leo the lion. He might become Leo the lamb very soon. It is Easter, when we traditionally have lamb. He might be a meek little lamb very soon when this is finished. It would be better for him to stand up to the Secretary of State for Northern Ireland and the British Foreign Secretary to get justice and get Aidan McAnepie's body parts returned to his family in order to have a proper post mortem and ascertain the fact that he was murdered in cold blood, nothing else.

**Deputy Róisín Shortall:** I am glad to have the opportunity to contribute to this debate and I thank the Tánaiste for providing a briefing to members of the Opposition this afternoon. In spite of that the Social Democrats continue to have concerns about the Government's response to the awful poisoning incident in Salisbury recently. In being prepared to believe that Russia is responsible for the poisoning, particularly in light of the supposed origin of the nerve agent, it would appear that the Government is relying solely on the word of the British Government. While we accept that the UK may have presented strong evidence at the EU Foreign Affairs Council briefing, we are not in a position to adjudicate on that evidence. We are not in possession of the information that was provided. Decisions of this magnitude in this House should be taken on the basis of clear and strong evidence. That is not available. The Tánaiste and Minister for Foreign Affairs and Trade is talking in terms of in all probability or in all likelihood. That is not strong enough for action of this sort to be taken.

If we are to accept that Russia is responsible, what is the purpose of expelling a diplomat in solidarity? The Minister needs to clarify what this will achieve beyond a statement of solidarity with the UK. There are many other ways we can state our solidarity with the UK in respect of this incident that do not require this action to be taken. The Minister must also clarify why this was the course of action chosen above any other. The expulsion of diplomats is a very low-effort response that seems to have no real purpose. How was that individual chosen to be expelled? Was there some reason for that? Did he or she pose a threat in some way to the State and if so why was that not addressed sooner? It seems to be an extraordinary coincidence that this individual's activities were brought to the attention of the authorities at the same time that the UK was asking us to take action by way of expulsions. While several EU states expelled Russian diplomats from their countries, not all did so. Austria, Malta, Luxembourg and a number of other countries chose to take a different course.

The decision to expel this diplomat seems to be based entirely on a need to show solidarity with the UK. We have to question if this is an appropriate response in the first instance or, indeed, if it is the most effective way to show our solidarity regarding this terrible attack. Surely this awful incident in Salisbury should result in a redoubling of peace efforts on a pan-European basis. Ireland, as a neutral country, is ideally placed to provide the leadership in that regard. This was a missed opportunity. We were quite sheepish in going along with what the UK was requesting rather than stepping back, looking at what was in the interests of world peace and avoiding a new cold war and providing leadership on that.

In respect of Russian activity in Ireland, a number of reputable sources have alleged that two arms of the Russian security services are operating here, namely, military intelligence, the GRU, and foreign intelligence service, the SVR. The massive planned expansion of the Russian Embassy in Rathgar, accompanied by an on-site ESB substation to be built by a Russian company that primarily engages in military contracting, is undoubtedly a cause for alarm. Ireland now has an abnormally large contingent of Russian diplomatic staff for a country of its size. Several other European intelligence agencies have suggested that Ireland could be in the

process of being used as a Trojan Horse to allow Russian intelligence agencies build links with individuals working in the technology, science and Internet services sector in this country.

There are clear concerns about the embassy being used for nefarious purposes, the most high-profile of these being the 2010 implication of Rathgar-based SVR officers in the running of a spy ring in the US and the forging of Irish passports for this purpose. There is also the disturbing recent hacking of the ESB network by a group linked to the GRU. While the Garda and the National Cyber Security Centre are undoubtedly doing valuable work, it is unacceptable, given the scale of the threat, that we are reliant on overseas intelligence agencies for such information. The fact that we are being viewed as a Trojan Horse is no doubt influenced by the scant attention that we pay to these kinds of threats, often assuming that there are things that only occur elsewhere and would not occur here. If a state has a population of less than 3,000 living here and has a history of using Ireland as a base for suspect and questionable activity, alarm bells should be ringing when it makes plans to construct an embassy three times as large as its embassy in the United States. The Government should be investing resources to ensure that there will be preventative work done rather than putting on a show of solidarity, as is happening in respect of this expulsion.

It seems that responsibility for security is spread over a number of agencies, without having a single one with clear responsibility. There are big questions about the capability and capacity of our security services. Allied to this is the urgent need to separate responsibility between policing and the whole security area within the Department of Justice and Equality. Ultimately, we should be doing much more intensive work on this. We should be taking a lead role in respect of peacekeeping rather than engaging in a knee-jerk reaction like this.

**Deputy Seamus Healy:** I hold no brief, and nor do the Irish people, for the Russian Government, the British Government, the United States Government or indeed the Franco-German EU-NATO alliance. These big nuclear powers are looking after their own interests and the last thing on their minds is the interests of Ireland or the Irish people. All have records of total disregard for human beings and all have been involved in massacres right across the globe. As we speak, we know of the position in Syria and east Ghouta. We know Britain is assisting Saudi Arabia to bomb hundreds of thousands of people into oblivion in Yemen. We know that Britain and France invaded Libya and left behind a situation of total chaos, with three warring government factions.

On the eve of the invasion of Iraq in 2003, hysterical war propaganda dismissed peace, dismissed human rights activists and failed to report the truth. We were told with absolute certainty that the Iraqis had huge arsenals of weapons of mass destruction. It all turned out to be completely untrue and without foundation. The Chilcot report in 2016 established that the former UK Prime Minister, Tony Blair, lied about the threat posed by Saddam Hussein and his so-called weapons of mass destruction. Tony Blair chose invasion while knowing the intelligence information was deliberately flawed. The lesson from that is that intelligence information cannot be trusted, nor can the British Government.

The Tánaiste told us earlier that the action today was all about solidarity with our neighbour. We have to ask ourselves what solidarity that neighbour had with us when citizens were murdered on Bloody Sunday by British security forces, or when 33 Irish citizens died in the Dublin and Monaghan bombings, again with clear involvement of British security forces. To this day, the British Government refuses to give the Irish authorities access to the relevant files.

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None of these powers is our ally and we should not and must not take sides. By taking sides, the Government is making us a target in these big power conflicts and targets also for retaliation by people from countries attacked by those powers. Today's decision is another step in compromising Irish neutrality. Political and military neutrality is our best defence and we must maintain that neutrality.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Ciarán Cannon):** I reiterate the Tánaiste's utter condemnation of the evil attack which took place in Salisbury on 4 March. I repeat that our closest neighbour has assessed that it is highly likely that Russia carried out the first known chemical attack on European soil since the end of the Second World War, and that there is no plausible alternative explanation. The European Council agreed unanimously with the UK's assessment and a substantial majority of EU member states and some other very important partners have chosen to act as we have.

We have long-standing relations with Russia. This year marks the 45th anniversary of our diplomatic relations. Ireland bears Russia no ill will and has never approached our relationship in an adversarial manner. We have always valued the quality of our engagement with Russia. This has not changed and the Tánaiste was pleased to co-chair a meeting of the long-established joint economic committee last December. We have much to gain from each other in our trade, our economic exchanges and, indeed, in our people-to-people contacts. There is a welcome and a vibrant Russian community in Ireland and we hope that we can continue to build on the many positives in our relationship and to maintain and rebuild good relations despite these unhappy events.

To do so effectively, we must maintain mutual trust and respect, which is best assured by honouring and implementing the commitments we have made as members of the United Nations, the Organization for Security and Co-operation in Europe and the Organisation for the Prohibition of Chemical Weapons, as well as the Council of Europe. As a small country, Ireland strongly supports the rule of law and the stable rules-based conduct of international relations in a multilateral framework. This is not the first time our perspectives have been different to those of Russia.

In the context of our neutrality, which was mentioned liberally during the recent contributions, Ireland has always been committed to working to achieve a more peaceful, secure and prosperous world. Our soldiers, for example, have a proud track record of peacekeeping since 1958. We also recognise that the spread of weapons of all kinds, including chemical weapons, fuels conflict, contributes to human rights abuses and hinders development. Promoting disarmament has been one of five signature foreign policies for Ireland and it builds upon Ireland's historic legacy in that area. Being a neutral country does not absolve us of our responsibility to call out and act upon major breaches of an international rules-based order. We are not and have never been neutral with regard to the defence of fundamental values and European solidarity.

I repeat that today's decision has been taken based on an assessment carried out in the past few days of all the relevant political and security factors in the current circumstances by a very high-level official group of security service and relevant departmental officials, co-ordinated by the Department of Foreign Affairs and Trade. There was also input from those Departments involved in economic relations with Russia. We are aware that there may be retaliatory action against our embassy in Moscow. Let me underline that there would be no justification whatsoever for such measures. It is beyond doubt that our staff do not have any duties or functions which are incompatible with their diplomatic status, nor has Ireland acted improperly.

## **Estimates for Public Services 2018: Message from Select Committee**

**Acting Chairman (Deputy Alan Farrell):** The Select Committee on Agriculture, Food and the Marine has completed its consideration of the following Revised Estimate for Public Services for the service of the year ending 31 December 2018 - Vote 30.

### **Service by the Defence Forces with the United Nations in 2016: Motion**

**Minister of State at the Department of Defence (Deputy Paul Kehoe):** I move:

That Dáil Éireann approves the report by the Minister with responsibility for Defence, regarding service by the Defence Forces with the United Nations in 2016, copies of which were laid before Dáil Éireann on 5th October, 2017, in accordance with section 13 of the Defence (Amendment) Act 2006.

I welcome the opportunity to discuss this issue. I am pleased to report to the House on Irish Defence Forces participation in United Nations missions in 2016. The report for 2016 was laid before Dáil Éireann on 5 October 2017 and was recently discussed by the Select Committee on Foreign Affairs, Trade and Defence. As a result, we are debating this motion. In commending the motion, I will shortly outline some of the key aspects of Ireland's involvement in the UN in 2016.

This year marks the 60th anniversary of Ireland's participation in UN peacekeeping missions and is an opportune time to acknowledge the significant contribution of Defence Forces personnel to such missions. Participation in overseas peacekeeping missions is a key element of Ireland's foreign policy and has been an important dimension in meeting Ireland's international obligations as a member of the UN and the EU. Ireland has always been a strong supporter of the United Nations and its peacekeeping activities. Our commitment and support for the primary role of the United Nations in the maintenance of international peace and security is expressed in Ireland's long-standing tradition of participating in UN peacekeeping operations. This commitment is also expressed in our engagement in the EU's common security and defence policy, CSDP.

Ireland's main commitments during 2016 were to the United Nations Interim Force in Lebanon, UNIFIL, and the United Nations Disengagement Observer Force, UNDOF, on the Golan Heights. The UNIFIL mission continues to represent Ireland's largest overseas deployment. At the request of the United Nations, a contingent of Defence Forces personnel deployed to UNIFIL in mid-2011. Ireland has served as part of the joint battalion comprising Irish and Finnish troops since June 2012. Since May 2015, the Finnish contingent has included an Estonian platoon of 40 personnel. Command of the joint battalion has, by agreement, rotated between Ireland and Finland. Ireland has been in command of the joint battalion since November 2016. Partnership with other like-minded states has become an increasing element of our overseas peacekeeping operations. Working with other like-minded states is critical to overcoming the new and ever-emerging challenges we face. There were two rotations of Irish personnel during 2016 comprising the 53rd Infantry Group in May and the 109th Infantry Battalion in November 2016. On 31 December 2016, there were 379 personnel serving with this mission. Major General Michael Beary took up the post of head of mission and force commander of UNIFIL in July 2016 and will remain in this role until July 2018. His appointment in 2016 to this presti-

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gious post is a tribute to the fine reputation of Irish peacekeepers over the years and to the skills and attributes that they bring to the job. The United Nations Security Council has extended the mandate of UNIFIL until 31 July 2018.

Ireland's second largest overseas deployment in 2016 was to the United Nations Disengagement Observer Force, UNDOF, on the Golan Heights. The Defence Forces' contribution to UNDOF in 2016 comprised the 52nd Infantry Group and the 54th Infantry Group, each with approximately 130 personnel. The infantry group operates in the role of a quick reaction force on standby to assist with ongoing operations within the UNDOF area of responsibility. At the request of the UN, Brigadier General Anthony Hanlon was extended in his appointment as deputy force commander of UNDOF until 21 May 2016. The continued presence of the UNDOF mission remains an important element in ensuring stability on the Golan Heights and in the Middle East region and is supported and welcomed by both Syria and Israel.

Ireland continued to contribute military observers and staff to various United Nations missions such as the United Nations Truce Supervision Organization, UNTSO, throughout the year under review. Some 12 Irish personnel were deployed to that mission in 2016, including Colonel Eamon Caulfield as deputy chief of staff of UNTSO. Ireland increased the contingent of personnel deployed to the EU training mission, EUTM, in Mali to 18 during 2016. The objective of this mission is to improve the capacity of the Malian armed forces to maintain security in Mali and restore the authority of the Malian Government and the territorial integrity of the Malian state. Ireland has participated in EUTM Mali since the mission was launched in 2013. Currently, 20 Irish Defence Forces personnel are deployed with EUTM Mali.

I could finish in about two minutes if that is okay with the House.

**Deputy Mick Wallace:** Let him on.

**Acting Chairman (Deputy Alan Farrell):** If that is in agreement, yes. We are going to adjourn at 8 p.m. in any event.

**Deputy Paul Kehoe:** Other missions in which Defence Forces personnel were deployed in 2016 were the EU-led mission in Bosnia and Herzegovina, EUFOR, with seven personnel; the NATO-led international peace and security presence in Kosovo, KFOR, with 12 personnel; and the resolute support mission, RSM, in Afghanistan with seven personnel. Ireland withdrew from RSM in Afghanistan in March 2016. In addition, during 2016, a small number of Defence Forces officers continued to serve with the United Nations Mission for the Referendum in Western Sahara, MINURSO, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Operation in Côte d'Ivoire. I recently had the privilege of visiting Irish personnel based in the Middle East. The main purpose of my visit was to meet with members of the Permanent Defence Force, PDF, serving with UNTSO, UNIFIL and UNDOF and to attend as part of the events in the region as part of Ireland's overall economic, political and security engagement in the region. Such visits are a valuable opportunity to be briefed on the situation and the challenges facing the respective mission areas.

I also had the opportunity, as part of the events, to meet with members of An Garda Síochána serving with the UN mission in Cyprus. I was delighted and honoured to have the opportunity to spend some time with Irish personnel serving overseas, both from the Defence Forces and the Garda, and to express my thanks, that of the Government and the people of Ireland for the important role they are currently undertaking in UN peacekeeping operations. In all my

interactions with mission leaders and political leaders in the host countries, what was clearly evident was the respect and high regard they held for the professionalism displayed by our Irish peacekeepers. Participation in peace support operations comes at a personal cost for individuals who must be away from families and friends for extended periods of time. Without their commitment and dedication, Ireland's strong tradition of service overseas, under the auspices of the United Nations, would not be possible.

For peacekeeping missions to be successful and for peacekeepers to remain safe, missions must be a meaningful tool for the attainment of peace. The mission mandate must closely match the needs of the conflict and mandates must be resourced adequately. Ireland's current contribution of 586 personnel to overseas missions is a very significant contribution in the context of the resources available for the Defence Forces.

I commend the motion to the House.

**Acting Chairman (Deputy Alan Farrell):** Deputy Lisa Chambers is next but rather than allow her to begin, since I would have to interrupt her within seconds, I ask her to move the adjournment of the debate.

**Deputy Lisa Chambers:** I so move.

Debate adjourned.

### **Services for People with Disabilities: Motion [Private Members]**

**Deputy Caoimhghín Ó Caoláin:** I move:

That Dáil Éireann:

notes that:

— there were 643,131 people, 13.5 per cent of the population, who indicated that they had a disability in Census 2016, which represented an increase of 47,796 people between 2011 and 2016;

— up to one in ten persons below 45 years of age has a disability, rising to 20 per cent by age 60, and rates increase sharply above age 70;

— educational attainment amongst disabled persons is much lower than that of the general population at all levels;

— the unemployment rate amongst persons with a disability was 26.3 per cent, more than double the then 12.9 per cent rate for the population as a whole;

— the potential loss of the medical card is an immensely significant barrier preventing people with disabilities and chronic illness entering employment;

— the Central Statistics Office's (CSO) Survey on Income and Living Conditions published in February, 2017, showed that while overall general poverty rates in Ireland are showing some improvements, they are getting worse for people who live with a disability, and it found that 53 per cent of people who are not in work due to a

disability or illness are experiencing enforced deprivation;

— living with a disability in Ireland today can bring extra costs of between €207 and €276 per week;

— almost 50 per cent of people living with a physical disability experience difficulty going outside the home alone due to inadequate transport provision;

— despite provision under the Disability Act 2005 for an assessment of need, thousands of children are being denied their developmental potential for years while stuck on waiting lists for therapy supports;

— today, one in 20 people in Ireland is a family carer, collectively providing some €10 billion in unpaid care each year;

— respite care involves giving families and carers much needed assistance in caring for their loved one for a short period – that current provision is far short of what is needed, and without adequate respite, family carers are themselves left more vulnerable to ill-health;

— the *in loco parentis* clause in homecare nursing contracts for sick children is causing unnecessary stress, worry and constraint on the parents of sick children;

— the Health Information and Quality Authority (HIQA) are helping to ensure that best standards apply in all special care homes, although they are still under-resourced; and

— Ireland has at last ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), having signed it over a decade ago in 2007;

and calls on the Government to:

— ensure that there is a corresponding entitlement to a service along with an assessment of need enshrined in legislation;

— prioritise the scheduling and passage into law of the Disability (Miscellaneous Provisions) Bill 2016;

— establish, without any unnecessary delay, the Decision Support Service promised in the Assisted-Decision Making (Capacity) Act 2015;

— recognise the importance of the two implementation mechanisms provided in the UNCRPD through the adoption of the Optional Protocol to the CRPD;

— provide significant additional investment to combat the long waiting lists for therapy supports such as occupational therapy, physiotherapy, speech and language therapy and psychology;

— recognise the additional expense of having a disability and increase income supports accordingly;

— increase personal assistance hours by 500,000 to address the unmet need and enable people to be active participants within their family household, their commu-

nities, employment and society;

— increase funding for housing adaptation grants by 50 per cent from current level;

— increase respite care services by 20 per cent;

— fund appropriate employment services to enable and empower people with a disability to gain or retain employment;

— ensure that everybody with serious medical needs has a secure medical card;

— abolish immediately the *in loco parentis* clause in homecare nursing contracts for sick children;

— significantly increase investment in transport accessibility and work towards making all public transport wheelchair-accessible;

— introduce a scheme to replace the mobility allowance and motorised transport grant;

— allocate the necessary funding to progress de-congregation;

— increase resourcing for HIQA to facilitate the carrying out of the most effective inspection regime possible, thereby ensuring best standards will apply in all settings;

and

— designate a lead co-ordinating department to ensure joined-up thinking and joined-up action across all Government departments in the interest of people with disabilities.

I wish at the outset to extend a warm welcome to all representatives of disability organisations who have joined us this evening in the Visitors Gallery. I welcome too the Irish Sign Language translators, and our friends from the Irish Deaf Society. Fáilte rompu uilig. I also welcome the Minister of State with responsibility for disability issues, Deputy Finian McGrath, and trust that he will find favour with our motion.

The issues of address this evening rank, in my opinion, among the most important and the most urgent of matters requiring Government action today. Nothing defines us more as a people than our willingness to provide for the needs and rights of people with a disability or disabilities. Despite the recent ratification of the United Nations Convention on the Rights of Persons with Disabilities, we, the people of Ireland, still have a considerable journey ahead of us.

The motion before us is a comprehensive compendium of critical steps that we in Sinn Féin believe are necessary to address the deficit in supports for people with disabilities. We believe that they represent a societal imperative. Next week brings us into the second quarter of 2018, commencing the six-month countdown to budget 2019. Now is the time for the Minister of State to exert his influence and that of his Independent Alliance. Budget 2019, the last of the three committed to by Fianna Fáil in its confidence and supply arrangement with Fine Gael, offers the next best opportunity to really make a difference in the lives of people with disabilities. I urge the Minister of State to really go for it, and to have budget 2019 recognised as the first

budget that placed people with disabilities front and centre.

Improved resourcing of services and supports is an oft-cited demand. There is a tendency by some, including some elected voices, to think only of health care provision and social protection payments when considering the needs of people with disabilities. However, like all of us blessed with better health in mind and body, people with disabilities, be they physical, intellectual or both, have needs across all State services. Adequate social protection payments are of course an absolute right, and should reflect the real cost of living with a disability. Health care needs at every stage of life must be provided for. No one with serious medical needs should feel the loss of a medical card, irrespective of other changes in his or her circumstances.

We call for improved access to key therapies and supports, including the following: significant investment in personal assistant hours, care provision and respite access; specially tailored housing to meet the needs of people with disabilities, and a significant increase in funding for housing adaptation grants through the local authorities; employment opportunities to be proactively encouraged and appropriately supported; and access to all levels of education to be encouraged and facilitated, assisting people with disabilities attain appropriate qualifications. All public transport options should be wheelchair-accessible, and private providers encouraged to likewise facilitate wheelchair users. Other transport-related initiatives need to be taken to facilitate the independent transport needs of people with disabilities, mindful in particular of those who, by virtue of location, have no access to public transport.

Governments have failed to properly respond to the needs and rights of people with disabilities, in part because of the siloed nature of each Department's operation. We need joined-up thinking. We need an overseer Department that will co-ordinate the actions and initiatives of all Departments in meeting their responsibilities to people with disabilities. Looking back over our list of measures that are all absolutely needed, we note the required involvement of the Department of Employment Affairs and Social Protection; the Department of Health; the Department of Housing, Planning and Local Government; the Department of Education and Skills; the Department of Transport, Tourism and Sport; the Department of Children and Youth Affairs; and the Department of Rural and Community Development. Who will co-ordinate? Who will lead?

People with disabilities, their families and their carers all need a champion at the Cabinet table. Yes, I have no doubt that the Minister of State is such a man. However, there is only one Department and one Department head who can deliver across all of the listed portfolios, and that is the Taoiseach of the day and the Department of An Taoiseach. I appeal to the Taoiseach, Deputy Varadkar, this evening to seriously consider this proposition. It is time that all the loose strings of government were tied together, making for a better, stronger, more cohesive response to the needs and rights of people with disabilities.

For me and for all people across the disability sector, 7 March 2018 was a red-letter day. The ratification of the UNCRPD, over a decade after Ireland signed the convention, represented a long-overdue step towards full and equal rights for people with disabilities. What has changed as a consequence? Without the ratification of the optional protocol, people with disabilities will be denied access to the key mechanism for address and redress of the denial of their rights under the convention. That access, that entitlement, is what is required. The Government gave a commitment to ratify both at the same time prior to the last general election. That promise has now been reneged on. How long must people with disabilities wait before their rights under this convention can be vindicated? I encourage the Minister of State to seek a Government reconsideration of the decision to defer ratification of the optional protocol. Nothing will change

what needs to be changed more speedily than enforceability.

I also call on the Government to immediately abolish the *in loco parentis* clause in home care nursing contracts. The current requirement for the parent to remain in the home while clinical staff are in attendance, or to appoint another competent adult to attend in their absence, is causing significant and unnecessary stress for already stretched parents coping with the care needs of children with complex medical conditions. For whatever limited period that the parent could have to go about the ordinary out-of-home chores, to visit a shop, to call on a friend or to walk in the rain, surely the presence of a trained nurse or a qualified health care assistant offers the chance of a badly needed and well-deserved break. In these cases, where parents are providing 24-7 care to their very sick child, invariably faced with life-limiting conditions, any small respite is a godsend. We are talking about intervals of rest and relief that will help parents to face all that their child requires of them again. Why must we compound their already difficult days and nights? They are heroic. They are true bearers of pure love. Let us scrap the clause and show some little appreciation and kindness.

While there are indications of support for the motion under debate, and I hope that they are across the board here in this Chamber tonight, I ask in this World Autism Awareness Week that we would together take a stand in this House, not just by allowing this motion to pass, as I hope it will, but by committing, most importantly, to its implementation in full. I urge the Government to ensure this is the result we will face.

**Deputy Gerry Adams:** I have to hand the Proclamation of 1916. It is a proclamation of the Republic. We are all very conversant with it. It is very clear on the issue of equality. It states: “The Republic guarantees [...] equal rights and opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation [...] cherishing all the children of the nation equally.” It does not say, “except for those who have a disability”. Arguably, the Proclamation is talking directly about those people who need and deserve equality, those who require more rights than the rest of us.

There are 633,000 individual citizens, many with families, trying to cope financially, physically and emotionally with a disability. It used to be that these citizens were locked up in institutions. Thankfully, those days are gone although the Ombudsman for Children, Dr. Niall Muldoon, recently found the State had been denying the necessary support to a woman who had been fostering a teenager with Down’s syndrome and severe autism called Molly - this is not her real name. The ombudsman found the State had abdicated its responsibilities and that there is a problem facing many of the 472 children with disabilities, including Molly, in the care of the State. The ombudsman’s recommendations were accepted by the HSE and Tusla. The HSE pointed out, however, that its commitment is ultimately resource dependent. In other words, it needs the funding. I raised this issue at the time it arose. In my constituency, this is the case. Other Deputies have been highlighting the crisis over the lack of provision of respite beds in County Louth for adults with intellectual disabilities. They have been consistently raising the absence of emergency services. I have written to the Taoiseach, former Taoiseach and Ministers responsible for health, including the Minister of State. I have made costed proposals, which I sent directly to the Minister and the Taoiseach, Deputy Leo Varadkar. Despite this and all the promises, there are still no emergency respite services for citizens in the constituency I represent.

There is still no Disability (Miscellaneous Provisions) Bill 2016. There is still no decision support service, as promised in the Assisted Decision-Making (Capacity) Act 2015. The Fine

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Gael-Labour Party Government scrapped the mobility allowance and the motorised transport grant for people with disabilities in February 2013. It promised a new scheme. This was after it was found that the old scheme was illegal and not in compliance with the Equal Status Act and Disability Act. Five years later, there is still no scheme.

It took 13 years for the Government to finally ratify the UN Convention on the Rights of Persons with Disabilities. Sam was five when the Government should have ratified the convention. Since his 18th birthday, in July last year, he has had no respite support. He has severe autism and significant high-support needs. He has complex medical needs and diabetes. He is coeliac and is doubly incontinent at night. Brendan is 13 years old and has a diagnosis of cerebral palsy. His condition is life-limiting. He is bedridden, he has open sores and scoliosis and he is awaiting surgery. He has profound medical needs. His mother is fighting to get in-home respite care and a home-care package that meets his needs. The Minister, Deputy Simon Harris, the Minister of State, Deputy Finian McGrath, and the Taoiseach met Sam's mother. They know that Sam and Brendan's mothers have to fight the system every single day to get services for their children. These are only two examples of citizens with disabilities who have been let down by the State.

It may be that the Government will not oppose this Private Members' motion. That would be welcome but it would not be good enough. It will not make one iota of a difference to citizens with a disability, their families and carers, and those in the voluntary and community sector who help them. As the Minister knows, it will not make any difference unless and until the Government ensures funding is made available to meet the needs of these citizens, unless it makes the citizens and their rights a priority, and unless, as Teachta Ó Caoláin has said, the Taoiseach champions this cause. Nothing else will be good enough.

**Deputy Imelda Munster:** There are more than 650,000 people in this State living with a disability. That is in the region of 13% of the population. The majority of them rely on public transport to access work, health care and social and community activities. People with a disability have been so badly let down by public transport in this State. I have raised this on many occasions.

Disabled people in this State have to plan every journey meticulously. Sometimes it must be done several days in advance if they are to comply with the rules laid down by public transport companies. Unmanned train stations are a massive problem, as are broken lifts and the fact that people have to give prior notice to travel. Prior notice is totally unacceptable to the majority of disabled people. That Iarnród Éireann's policy is now to remove staff from train stations complicates this even further. This could be remedied quite easily through the provision of buses with lifts and ramps, and footpaths of an adequate level. It could be remedied if train stations had sufficient staff. The ongoing battle faced by people with disabilities in going about their daily lives is a source of considerable frustration, stress and anxiety. I have actually heard what is happening described by disability activists as a form of apartheid. There is clearly a separation of rights, and people with disabilities have been left out in the cold in this State. If the State is advocating that people with disabilities have a right to work and participate, it must act to ensure they can travel freely so that their needs may be accommodated. The constant stress over travel is having a detrimental effect on people with disabilities day in, day out.

I have heard regularly from constituents of mine that the bus drives off leaving them at the side of the road because it is unable to accommodate their needs. I have also heard of people left sitting on platforms in railway stations because there are no staff to assist them getting onto

the train. Equally bad is leaving people on trains because there are no staff to help them get off. If inclusion for people with a disability means equality of participation, it should include all parts of society. The State has an onus to facilitate those concerned. I hope the Government supports the motion. I hope it is genuine support backed up with a plan of action to deliver rights for all.

**Deputy Kathleen Funchion:** At the core of this debate are families. Family carers provide around €10 billion in unpaid care each year. They face daily battles just to get what they are entitled to. They face inadequate respite services, inadequate assessment services and difficulty in obtaining allowances and benefits, and they must constantly jump through hoops for the State to get every little thing.

Families of children with disabilities rely heavily on organisations such as the Jack and Jill Children's Foundation because they cannot rely on the State. The foundation is invaluable to the families it helps because it places the family at the centre and builds care packages around each family's dynamic. The foundation advocates on behalf of parents and families on issues such as the *in loco parentis* clause in home-care nursing contracts. This clause needs to be abolished immediately. The HSE must consider seriously the impact it has on parental well-being and on combating isolation, and it must give parents a break. It impacts unfairly on siblings, who can feel isolated and overwhelmed by having a brother or sister who needs so much of their parents' time. It makes parents virtual prisoners in their own home. This and other aspects of the motion are desperately needed. We need to see meaningful change and put legislation in place that helps instead of hinders.

**Deputy Pearse Doherty:** I want to focus on one part of the motion, namely, the *in loco parentis* clause contained in the contracts for home-care packages for children with complex and life-limiting needs. This policy is shameful and uncaring and it mandates the families of sick children to stay in their homes during nursing visits. It has rendered home-care packages ineffective. The benefits have been marred and, regrettably, an environment of suspicion, tension and mistrust has been created between the provider and the family. This is something which is very close to my heart and on which I have campaigned for more than two years. I implore Members to vote to put an end to a policy, the only purpose of which is to cause immeasurable distress and anxiety to the families of some of our sickest children. Vótáil chun deireadh a chur leis an chleachtas náireach seo.

At the core of this motion are the rights and entitlements of a group which is often among the most vulnerable and marginalised in society. It does not need to be this way. People with disabilities are not defined by them. In fact, they are some of the most inspirational individuals I have ever known and often argue that they have a responsibility to the abilities they in fact possess. As legislators, we also have an obligation to them. I say to the House that if it supports the motion, it will show its support for people with disabilities and their right to reach their full potential. Let us act after the motion passes in the Houses of the Oireachtas.

**Minister of State at the Department of Health (Deputy Finian McGrath):** I thank the Deputies for raising this motion and welcome our friends in the Gallery from the disability community. I welcome the opportunity to restate the Government's commitment to people with disabilities and their families. I will not oppose the motion as I agree with the sentiments it expresses. I have worked very closely with Deputy Ó Caoláin on this issue in the past. There are important challenges we must face if disability services in this country are to meet the hopes and expectations of those at their heart. I refer, of course, to the service users. The need to think

ahead and plan is fundamental to these challenges. I know I speak for everyone in the House this evening when I say this is a significant challenge that we must meet. We can agree that, in spite of advances, the pace of change regarding disability services and fostering a culture which ensures equal opportunities for all has been slow. However, progress is being made.

Disability is not a health issue, nor is it a transport issue or employment issue. It is an equality issue and a rights issue. The Opposition would have us believe at times that there is no joined-up thinking involved. This is not so. The Government has had a whole-of-Government approach to disability for a number of years. The Department of Justice and Equality is the lead policy co-ordinator for disability and equality and it oversees the implementation of the national disability inclusion strategy, which I published last July. The implementation group, which I chair, ensures that all Departments are on schedule to meet their specific targets. As Deputies rightly point out, people are living longer and adults with intellectual disability have age-related illnesses and conditions. More people with a disability have more complex needs. This important message is confirmed in the self-reported figures from the most recent census. The Government is responding by providing the right supports at the right time to support people to live the full and independent lives that we all take for granted. In relation to health, we have embarked on a significant programme of reform which is informing a new model of service provision. This includes the “Transforming Lives”, “Time to Move on from Congregat-ed Settings” and “New Directions” initiatives. In 2018, we will continue to drive through this programme of reform and to develop our workforce to ensure the delivery of a person-centred social care model of service. We will continue to strengthen and enhance governance and accountability across the entire disability service sector.

Since the commencement of Part 2 of the Disability Act in June 2007, any child born on or after 1 June 2002 who is suspected of having a disability is eligible to apply for an assessment of need. The number of new applications for assessment under the Act has risen steadily since it was introduced. In a six-month period in 2007, 1,100 applications were received whereas almost 6,000 applications were received in 2017. Substantial work was undertaken during 2017 to address waiting times for assessments of need under the Disability Act 2005. All community health care organisations have developed improvement plans to address areas of non-compliance with the statutory timeframes. A revised standard operating procedure for assessments of need has been developed to ensure that there is a standardised approach to assessment across all areas. The new procedure will support children with disabilities to access timely assessment and appropriate intervention and is effective from next week. This will also assist in reducing waiting times both for assessment and interventions.

I assure the House that the Government appreciates that waiting times for therapy supports can be very difficult for those affected. Significant investment has been made in the therapy area in the last few years and the investment has been augmented and bolstered by further funding as recently as budget 2018. For example, funding of €4 million was provided in 2016 for up to 83 additional full-time speech and language therapy posts to prioritise the longest-waiting children. As a result of this initiative, total national waiting lists for under 18s have decreased by over 10% from July 2016 to January 2018. Furthermore and acknowledging the particular challenges in accessing occupational therapy services, funding was provided in budget 2018 for an additional 40 occupational therapy posts. It is important to acknowledge that in the context of tonight’s debate.

A number of Deputies referred to respite services and home support. The Government’s ongoing priority is the safeguarding of vulnerable people in the care of the health service. As

part of its ongoing service provision, this year the HSE will provide over 182,000 respite nights and 42,500 day respite sessions to families in need right across the country. I accept the points made earlier. We acknowledge that there is an urgent need for increased respite care throughout the country. That is why an additional €10 million has been secured specifically to enhance respite care in the disability sector. This is being rolled out as I speak. A fund of €8 million will be used to provide 12 new dedicated respite houses which will come on stream this year. That is one in each HSE community health organisation area and three in the greater Dublin area. It will add 19,000 extra respite nights in a full year. In addition, a further €2 million extra funding will be used for innovative respite solutions such as home sharing and extended day services to provide assistance where people and families need it most.

I turn to day services for people with disabilities. An additional €12.5 million will be provided this year - €25 million in a full year - to fund 1,500 school leavers and those exiting rehabilitative training who will require a HSE-funded adult day service next September. It is hoped that the HSE will be able to inform families of placements by the end of May. As in previous years, the HSE will endeavour to ensure that the maximum amount of the allocated funding is retained for providing services. While needs in 2018 appear to be greater than in previous years, every effort will be made to curtail the amount of funding that has to be allocated for rent lease. Some funding will also be used to equip new locations. I assure the House and those in attendance that the HSE is actively engaged with all day service providers and other stakeholders in developing solutions to meet the identified needs of school leavers in 2018.

In relation to community living, I note that there are now fewer than 2,400 people living in congregated settings. A further 170 people are expected to move to community living this year. The HSE has a commitment of €100 million in capital funding from my Department to accelerate the decongregation process and capital assistance funding of €88 million is available this year from the Department of Housing, Planning and Local Government specifically for the disability sector. This is joined-up thinking and it shows how a whole-of-Government approach to disabilities works for individuals.

The Government is committed to protecting the level of personal assistant, PA, services and home support services available to persons with disabilities and has provided 1.46 million hours of personal assistance to more than 2,000 persons with a disability, an increase of 60,000 hours on the 2017 target, as well as providing 2.93 million hours of home support to adults and children with a disability, an increase of 180,000 hours over the 2017 target.

This Government's objective is to deliver disability services that are person-centred. Being person-centred is about putting those who use our service at the centre of all our activities. I am listening to the Opposition but I am also listening to the disability community. It is about listening to people and their advocates and transferring our focus from the service itself to the people who use it. I share with my ministerial colleagues and the other members of the Government a strong desire to ensure that people with disabilities are afforded every opportunity to realise their potential in every dimension of their lives, and I support a rights-based approach.

The Government is committed to improving income supports and employment services for people with disabilities. Both budgets in 2017 and 2018 provided for a €5 increase in the maximum weekly rates of all social insurance and social assistance payments, including the blind pension, disability allowance, illness benefit and invalidity pension.

**An Ceann Comhairle:** The Minister of State needs to conclude.

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**Deputy Finian McGrath:** These increases are reflected in this week's payments. When talking about a person's ability, whatever his or her talents or gifts, each person has something to offer and it is society's job to ensure that those with disabilities thrive, fulfil their ambitions-----

**An Ceann Comhairle:** I thank the Minister of State. His time is up.

**Deputy Finian McGrath:** -----and contribute to their community. If that goal is to be achieved, then people with disabilities must be central to all of that.

**An Ceann Comhairle:** Deputy Murphy O'Mahony is sharing with a number of colleagues and the time is quite limited.

**Deputy Margaret Murphy O'Mahony:** I wish to share time with Deputies O'Keeffe, Niamh Smyth, Cahill, Browne, Rabbitte, Donnelly, Breathnach and Aindrias Moynihan.

How we look after and engage with people with disabilities is a hallmark of a caring and compassionate society, and in this House we must set a lead. Fianna Fáil will be supporting the motion. We believe that disability inclusion must be one of the central tenets of the Government.

I note that the Government is not opposing this motion but the Minister of State, Deputy Finian McGrath, should not think that such a move earns him any credibility on the issue. The fact is that in many ways things have gone backwards under his tenure. For example, waiting lists for occupational therapy assessments are up 50% since 2015. There has also been a significant surge in the number of children waiting for assessments of need under the Disability Act 2005. We are awaiting Committee Stage of the Disability (Miscellaneous Provisions) Bill 2016, which is still only half the Bill it should be. One could not make it up. The commitment of the Minister of State to sign the optional protocol at the same time as ratifying the UN convention was not honoured. The Minister of State has a lot of catching up to do if he is to meet his commitments to those with disabilities.

For our part, Fianna Fáil is committed to having a full Minister at the Cabinet table with responsibility for disability issues. We envisage that such a Minister will drive and co-ordinate disability inclusion while also embedding the idea that disability is a cross-departmental issue requiring a whole-of-Government approach and that each Department has responsibility in terms of disability inclusion policy.

The current location of disability policy within the Department of Justice and Equality is not suitable. It has relegated disability to a secondary issue and, as a consequence, we have seen little progress in this area. In government, we would place disability policy within the Department of Employment Affairs and Social Protection. It is from this Department that many decisions are made that affect those with disabilities and, as a consequence, we believe that disability policy should fall under this Department's remit.

We are also committed to signing up to the optional protocol to the Convention on the Rights of Persons with Disabilities. It is not clear why we are not signing up at this stage. When the Fine Gael and Labour Party Government published a roadmap to ratification of the convention in 2015, a firm intention to sign and ratify the optional protocol was also stated. This was reiterated on behalf of the Government by the Minister of State, Deputy Finian McGrath, at the Oireachtas Joint Committee on Justice and Equality in December 2016. Figures such as the 4,000 plus children overdue an assessment under the Disability Act show why we must sign up

to the protocol.

Figures I received recently show that at the end of January this year, 4,312 children with disabilities were being kept waiting for their statutory right to an assessment under the Disability Act. The number of children waiting had surged from 3,217 in September 2016 to 4,120 at the end of May 2017, an increase of 28%. While the rate of increase has slowed, the fact remains that the position is worse than last summer. It is wrong to have so many children unable to receive their legal entitlement within the statutory timeframe and this must be addressed as a matter of urgency.

As a Cork Deputy, I am particularly concerned that there are 1,869 overdue assessments in the county and city and many of these are in my constituency of Cork South-West. This seems completely disproportionate to the national figures and deserves further scrutiny, but I will talk to the Minister of State about that another day.

Another area where the Government is falling down is where, five years on from its closure to new applicants, we are still awaiting a replacement for the mobility allowance. We also need to see a review of the disabled drivers' and disabled passengers' scheme as nearly 40% of all applicants in 2017 were declined.

I could go on all night. This is a very serious issue. With respect, the Minister of State is falling down on the job. Deputy Finian McGrath may be doing his best but it is just not happening.

**Deputy Kevin O'Keeffe:** I support the motion. As Fianna Fáil spokesperson on sport, I wish to highlight that we must respect the right of people with a disability to participate in this sphere. We must acknowledge there are deficits and, in turn, serious consequences for persons with a disability in the area of recreation activities. There is a need for more inclusion and the provision of accessible fitness facilities. All of these are paramount in the attainment of mobility for those with disabilities. In addition, playground facilities should be adapted and enhanced for use by children with a disability where possible.

**Deputy Niamh Smyth:** First, I draw the Minister of State's attention to the crazy situation in which parents in Cavan-Monaghan find themselves when it comes to the assessment of need, which has been spoken about in the debate. Parents of children with special needs are being told that they will have to wait up to three years for the assessment of need and perhaps just as long again for such specialised interventions as occupational therapy and speech and language therapy. As the Minister of State will be aware, early intervention is key and critical to the success of any child facing a physical or intellectual disability, and the figures for Cavan and Monaghan are staggering and appalling in this day and age. In the community health care organisation, CHO, area 1, which includes Cavan-Monaghan, Donegal, Sligo and Leitrim, the total number of children awaiting their first assessment of need is 178. What is very concerning for both me and parents living in the constituency is that Cavan and Monaghan have the highest waiting list of the three areas in the CHO, accounting for 128 of the total of 178 children. There is clearly something fundamentally crippling in the system that parents in my constituency and their children are suffering such exasperating and detrimental waiting times.

The Minister of State has been to visit the Holy Family School, in Cootehill, in County Cavan, which caters for pupils with severe and profound learning disabilities and pupils with autism. There are almost 200 such children attending the Holy Family School. Their daily

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challenge, and that of their parents, is to fight for their basic and human right, that is, access to services such as occupational therapy, the need for which we have seen a significant surge in recent times. Parents of children attending the Holy Family School, which I am using as an example, have resorted to fundraising to have a visiting occupational therapist come to the school because they have given up hope of ever having that intervention or appointment through the public system. This must be a breach of their children's fundamental rights and it is inexcusable.

This is World Autism Awareness Week. I know from his visit to Cavan-Monaghan that the Minister of State's heart is in the right place, but I implore him to please put people with disabilities, both children and adults, and equal opportunities for them front and centre of Government.

**An Ceann Comhairle:** Now for the view from Tipperary, I call Deputy Cahill.

**Deputy Jackie Cahill:** In the time available I will focus on two aspects of disability and the issues around it. As Deputy Murphy O'Mahony noted of the disabled drivers and passengers scheme, more than 40% of the applicants for the scheme are being rejected. Numerous people have come into my constituency office who have applied for the scheme. They are genuine applicants. The criteria and assessment of this scheme must be reviewed because a rejection rate of 40% is unacceptable. The scheme must be reviewed urgently and its criteria reviewed so that it operates fairly and that more people qualify for the assistance they need.

Children are queuing for assessments and many assessments are overdue. Some 75% of children who applied in 2017 are outside the protocol under the Disability Act. In my county alone, 144 children are waiting to be assessed. I have a letter here from the mother of one of those children, Niall. His parents are experiencing considerable frustration and anxiety, as they are sent on roundabout after roundabout trying to have their child assessed. Having failed through other routes, they thought that they would be able to get it done through his school but they were told that the school was allocated four assessments each year in September, and that they would have to wait until the next September before the school had any more places for assessment.

The Minister of State needs to examine this. More resources must be put in place. It is not acceptable to have 75% of applicants waiting outside protocol.

**Deputy James Browne:** Disability need not be an obstacle to success. These were the inspirational words of the late Professor Stephen Hawking, one of the most influential scientists of all time. He certainly proved his own statement. He also stated that he would not have survived without the high quality treatment provided to him by the NHS. I am the brother of a woman with spina bifida and hydrocephalus and the godfather to a young woman with Down's syndrome and have nothing but praise for our health system once it can be accessed. However, as *The Irish Times* reported recently, Ireland has the worst accessibility for health care out of 35 countries. This lack of accessibility has consequences. It means thousands of children are being denied their potential. It means lower educational attainment, higher unemployment and increased poverty. It means family carers, parents, foster parents, grandparents and younger siblings are exhausted as a result of a lack of adequate respite, a circumstance all-too common in my own county of Wexford. This does not need to be the reality.

To embrace diversity and inclusion, one must not only create opportunity but one must

make the opportunity accessible. One does that by putting in place supports to allow people with disabilities to not only survive but to thrive so that they have an equal and equitable opportunity to reach their full potential. Equality and equity for those with disabilities should not be treated as a privilege but as a right. There is rightly a conversation about inclusion around gender, race, sexuality, and age but this conversation must also embrace and include people with disabilities. I am glad that this conversation is happening here tonight.

**Deputy Anne Rabbitte:** I thank Sinn Féin for bringing forward this motion and giving me the opportunity to speak on it. Actions speak louder than words and for many families who come into my clinic, all I can see is their stress, upset, hurt and anger as they try to present cases in relation to their children who they feel are not being treated equally in Irish society. The Minister of State and I have had long conversations around congenital conditions, that is, children who were born with a condition such as albinism or Down's syndrome, that they do not need review after review, and assessment after assessment, but that they can carry through an initial assessment. That should then open doors for them when it would come to accessing early interventions that they need as well as respite care. Respite care and the inability to access it is one thing that affects us most in my constituency of East Galway and I know of one woman whose daughter has not had respite care in four years.

**Deputy Stephen S. Donnelly:** Tonight's motion concerns the rights of those with disabilities to lead equal and dignified lives. Andrew O'Malley is 33 years. Two years ago, he had an accident in Sligo that left him paralysed from the neck down. He was stabilised in Sligo because it was the nearest hospital and was admitted to the National Rehabilitation Hospital, NRH, in June last year where he received great care. In September 2017, the NRH discharged Andrew O'Malley but the HSE said the only place for Andrew to go was back to Sligo because that was the only place with a legal obligation to take him, as the admitting hospital. The Sligo hospital said that he would live in its intensive care unit, which was obviously not the place for him to be.

Andrew's care at the NRH has now been reduced and it is keen for him to move on but the HSE has done nothing. I brought Andrew's case to the attention of the Minister, Deputy Harris, who connected me to the HSE's national disability team led by Dr. Cathal Morgan. Dr. Morgan and I spoke in January and I was assured that a suitable place for Andrew would be found but when neither I nor Andrew or his family heard anything from the HSE I wrote to Dr. Morgan asking for an update. I was assured my email would be brought to his attention. I wrote once again several weeks later, still seeking an update. Again, I was assured my email would be brought to his attention. Several weeks later, I wrote again imploring Dr. Morgan for an update. I was assured my email would be brought to his attention.

**An Ceann Comhairle:** The Deputy is naming people. He has named the client and someone from within the HSE. It is inappropriate to name the constituent but also the member of staff within the HSE. It is irregular.

**Deputy Stephen S. Donnelly:** I have Andrew O'Malley's permission. I have worked closely with him and he knows I was going to raise the matter this evening.

**An Ceann Comhairle:** The Deputy should not make accusations against identifiable members of the HSE staff in circumstances where they cannot defend themselves.

**Deputy Stephen S. Donnelly:** I will not mention him again. I am not making accusations,

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I am simply laying out the facts as they occurred. I take the Ceann Comhairle's point and will not mention his name again.

**Deputy Finian McGrath:** I met Andrew's sister last night.

**Deputy Stephen S. Donnelly:** Right. Three months since I first spoke to the national disability team, I have still heard nothing. Six months since Andrew was discharged, he has heard nothing. That is the reality on the ground for people with disabilities.

I ask that the Government and the officials who make these decisions affecting these people's lives be held to account for their actions.

**An Ceann Comhairle:** I call Deputy Declan Breathnach. I am conscious that my intervention has delayed matters.

**Deputy Declan Breathnach:** I thank the Ceann Comhairle. I will share the remaining time with Deputy Moynihan.

When I first came into the Dáil, I had a long conversation with the Ceann Comhairle prior to his taking up his position that this Dáil should champion disability. I know that the Ceann Comhairle has made many efforts in regard to mental health in many forums in the last two years, and has sought to get the House to focus on the matter.

This evening's debate is on the issue of disability. I have thrown away my script as everything I wanted to say has already been said by many other Members. Deputy Rabbitte observed that talk is cheap. All I want to know is how I deal with parents of a child with spina bifida who are still waiting on an operation that was promised to them in this House almost six months ago? How, on a day-to-day basis, do I deal with elderly parents - people in their 80s - who have 50 year old children, if one wants to call them children, and all they worry about is when they die, what will happen to their loved one? How do I deal with people such as Brendan or Sam, to whom others referred, who are in wholly unsatisfactory accommodation because the local authorities are not sufficiently geared towards meeting the demand for suitable accommodation?

People and families are at breaking point over the lack of respite. I acknowledge the Minister of State's efforts on this. He mentioned the €10 million provided and Louth will certainly benefit from that. That is fine. We do not have accommodation for people. I am all for decongregation, but the reality is, to take St. John of God's in Drumcar, County Louth as an example, that in excess of half of the people in the centre will never be decongregated. We need properties and suitable houses to make sure people will be accommodated when they need to be. I have said in the House in previous debates that we need proper local advocates for people with disabilities. Despite the fact that I am told that there are registers of people with a disability, people in every county and local health service area need a one-stop shop to which they can go in order to access an advocacy service. The local authority needs to record and, believe it or not, pre-record their needs in order that we can have a plan.

On the issue of work and community employment schemes, not every person with a disability may be in a position to be in employment. A percentage of community employment scheme places should be specifically allocated for people with disabilities. I challenge the Minister of State to tell me that he will have 40 occupational therapists available to take up employment. As I see it, we talk about creating jobs, but it does not happen.

**Deputy Aindrias Moynihan:** I welcome the opportunity to speak. I thank Sinn Féin for bringing forward this important motion which I am keen to support. In the time available to me I will focus on transport and some of the challenges facing people with disabilities. There are the obvious ones such as the challenge facing those with a free travel pass but in whose area no bus service operates. There is also the constant battle to access transport to day services. That is one of the more obvious challenges, but an issue highlighted for me recently affected parents of younger children who wanted to use a bus service to access day services. While the school recognises that there is a need for a nurse in the centre, there is no nurse available on the bus, on which the children could spend anything up to two hours on each day. That is a concern for parents. There should be a nurse available on the bus in case there is an incident or medicine needs to be administered but also simply for the exchange of information at the beginning and end of the day.

Another issue with transport which has been highlighted for me by parents concerns VRT and VAT and the cap of €16,000 in respect of modified vehicles. That figure needs to be extended. While the current level may be adequate for some, if a person has greater needs - perhaps he or she needs a lift, to have the floor of the vehicle lowered or to have a larger chair fitted - the cap is still €16,000. It has not changed very much in recent years. The Minister of State needs to review it in cases in which people have extended or greater needs.

We want people with disabilities to play a full role in the community. There needs to be the opportunity to access services. Disability inclusion must be one of the central themes of the Government. How we look after and engage with people with disabilities are the hallmarks of a caring and compassionate society.

**An Ceann Comhairle:** I call Deputy Alan Kelly to give a view from County Tipperary.

**Deputy Alan Kelly:** To give another view from County Tipperary.

On behalf of the Labour Party, I want to speak in favour of the motion. I thank my colleagues for tabling it. I have had many conversations with the Minister of State about disability issues. Some of his family are very good neighbours of mine and I know that he is focused on his job and how passionate he is about it. As I only have a few minutes, I quickly want to raise a number of issues.

My colleague and a former Member of the House who did a very good job in this area, Kathleen Lynch, spearheaded the passage of the Assisted Decision-Making (Capacity) Act 2015, legislation which had been designed to bring Ireland out of the dark ages in how we treated some of the most vulnerable in society, namely, people with disabilities. We are fully committed to a massive overhaul of the services provided for them and knocking down as many barriers as possible. Included in that law was the provision of a decision support service, the establishment of which we needed to see as a matter of urgency.

We also have a duty to acknowledge and urgently address the financial burden medical care presents for people with disabilities. The motion is correct in its specific detail on this issue. While there has been an improvement in recent years in the awarding of discretionary medical cards, there is more work to be done. If a person with a chronic illness is faced with circumstances which include paying the full cost of drugs, inpatient hospital charges and for multiple GP visits, medical devices and so on, one can understand he or she is in a very challenging position.

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I want to focus, in particular, on the issue of employment. Many people with disabilities, unfortunately, do not find the employment they deserve. I give to the Minister of State the example of a very good friend of mine whom he knows and about whom I have spoken in the House before. His name is Mr. Stephen Cluskey whom I got to know when I was Minister of State at the Department of Transport, Tourism and Sport. We rolled out a load of innovative campaigns, apps and websites on accessible transport. Stephen is wheelchair-bound but a very innovative young man. He is somebody who wants to work. Last year he brought a number of people with spinal injuries to the audiovisual room to talk about the volume of people who would not or could not take up employment because of their fear of losing their medical card. Obviously, many of them have very serious injuries and their medical condition involves incurring huge costs. The risk in taking up employment is so high that many are not willing to take it. If they were in a position where their medical card was secure - if there was one issue I would ask the Minister of State to look at, it would be this one - it would be cost-neutral to the Exchequer. I gave Mr. Cluskey a commitment that I would raise the issue which I have raised before. The people who find themselves in similar circumstances and people like him deserve a chance and not to face the risk of losing their medical card.

I also bring to the Minister of State's attention Part 5 of the Disability Act 2005 which deals with the commitment that 3% of the employees of public bodies will be people with disabilities. The Act states there will be a yearly report on this provision. I ask the Minister of State to publish it. I recently dealt in my county with the case of a young lady with a mild disability. She is a very capable young lady. I actually had to go and ask various organisations to find her unpaid employment which eventually a very good public organisation provided. However, I am really anxious that the Minister of State check to see that public bodies are reaching their quotas in that respect. It is a modest amount and certainly a level that can be met.

The area of assistive technologies is one in which the Minister of State could be innovative and it would not cost the Exchequer a huge amount of money. It could involve a combination of various subsidies and tax breaks. Technology really helps people with disabilities. There is a range of new technologies which we should be embracing to help them. I encourage the Minister of State to talk to the Minister for Finance. I have some ideas about which I can talk to the Minister of State personally as I come from a technology background. In some cases, the technologies are expensive, while in others, they are not, but we should be able to assist people with disabilities by facilitating their use in their everyday lives.

I have met HIQA, as has the Minister of State. It is not resourced to the required level. We also have issues with Tusla. We know that the issues raised in the report on foster children need to be addressed in working with the HSE. I know that Tusla is not exactly within the Minister of State's remit, but these issues certainly need to be addressed.

The provision of transport is a passion of mine considering that I had a role in the relevant Department. There are still real issues in the bus fleet. Approximately 70% of Bus Éireann's fleet has lower carriage floors. Now that we have adopted the convention, there is a requirement for private bus operators to provide for accessibility. They have no choice in that regard. Will the Minister of State ensure his colleague in the Department of Transport, Tourism and Sport will make sure it happens? There is a capital outlay involved, but this requirement must be met in all State contracting and tendering processes. It is something we should be dialling and of which we should be reminding people. It is absolutely wrong that anybody with a disability should have to make a commitment in making his or her travel plans 24 hours in advance. Working through the National Transport Authority, we need to ensure that will be changed.

I will move to the last couple of issues I wish to raise. I am sorry for jumping from issue to issue but I have limited time. Neurological waiting lists are an absolute scandal. I have had serious difficulties with them in dealing with so many people. I will tell the Minister of State a story about issues of inappropriate settings. We know that more than 1,000 people are in nursing homes who should not be there at all. I was dealing with a very sad case recently of a young man in a wheelchair who was in a nursing home. He did not want to be there but there was no other appropriate setting for him. That man is no longer with us. He was a very young man who took his own life because of the setting in which he was left.

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He was from a town the Minister of State and I both know very well. This shows the issues we have with people under the age of 65 being left in nursing homes or congregated settings. I know we must be realistic about this, but these are real issues that have longer-term consequences for the people involved and their families. I ask the Minister of State to consider a plan. To be fair to him, I do not think he will be able to deal with this in the term of office he has left. I echo some of the previous speakers' comments. We need a realistic plan for dealing with these thousands of people who are in such inappropriate settings, whether nursing homes or congregated settings. It is not good enough in 2018, in a country such as Ireland, that they are left in those settings, which are inappropriate for them.

**Deputy Mick Barry:** Last year, as Ireland clocked up ten years without ratifying the UN Convention on the Rights of Persons with Disabilities, a series of protests took place outside the gates of Dáil Éireann. Hundreds of people participated in these protests. Before coming into the Chamber this evening, I spoke to one of them, a young person aged 21 who participated in several of those protests. This person said the young generation will not wait for its rights, that there is a mood for change and that it is not they who are disabled, but rather the system that is disabling them. That is very well put and is clearly shown by this motion and in this debate.

The fact that the budget for disability services was reduced by €159.4 million, or 9.4%, between the years 2008-15 is a stark illustration of that. We saw cuts to the mobility allowance, cuts to the motorised transport grant, cuts to the personal assistant scheme, cuts to therapy services, cuts to home support services, cuts to community services and more. We see that in the census of 2016, unemployment among people with disabilities and chronic illnesses stood at 26.3%, more than double the rate for the population as a whole, which stood at 12.9%. The Government still refuses people going back to work in those circumstances automatic access to a medical card. My colleague, Deputy Boyd Barrett, asked me to raise on the floor of the Dáil tonight that he met with representatives of Spinal Injuries Ireland yesterday, who asked us to give voice to their demand for automatic medical card entitlement for those with spinal injuries, and I am happy to echo that.

I mentioned the protest that took place outside the Parliament. This is part of an international trend. Some 45,000 people with disabilities participated in the women's protest called in the US at the time of the inauguration of Donald Trump. They were reviving a tradition of campaigning and protest that goes back in the US to the 1970s when the emergence of the modern disability rights movements was seen, inspired by the black civil rights movement, driven forward by returning veterans from Vietnam and then rippling across the world. These protests and this mood show that among people with disabilities of all ages the feeling is that enough is enough, that they will no longer tolerate second-class citizenship and that they are not second-class citizens, in particular, perhaps, among a younger generation that despises the gap between the official rhetoric and the reality, the gap between the rhetoric of a republic of opportunity on the one hand and the blatant, systematic discrimination they face in their day-to-day lives

on the other. They are supported by other young people from outside that community who are prepared to fight against all injustice and oppression. As people engage in campaigns of this kind they can and, I hope, will draw political conclusions, as others who have campaigned for disability rights in the past have done. I refer to people such as Stephen Hawking, who has been mentioned in this debate. Stephen Hawking was obviously a world-famous cosmologist and was well known for having a particularly difficult form of motor neurone disease, but he was also a campaigner against the Tory Government and its policies of privatisation. He said he would not be alive if it were not for the National Health Service. I refer to people such as Helen Keller, who was perhaps the foremost champion of the cause of people with disabilities internationally in the 20th century. In a university question-and-answer session in which she participated, the following exchange took place which shows some of the political conclusions she drew from campaigning for people with disabilities. I will end on this exchange:

Q. Which is the greatest affliction, deafness, dumbness, blindness?

A. None.

Q. What then is the greatest human affliction?

A. Boneheadedness.

Q. Do you think the voice of the people is heard at the polls?

A. No, I think money talks so loud that the voice of the people is drowned.

Q. What do you think of capitalism?

A. I think it has outlived its usefulness.

**An Ceann Comhairle:** I thank Deputy Barry for that insight. I now call Deputy Pringle. Is he sharing time with his colleagues?

**Deputy Thomas Pringle:** I am sharing time with Deputies Connolly and Joan Collins.

I thank Sinn Féin for bringing forward this timely motion, a few weeks after Ireland officially ratified the UN Convention on the Rights of Persons with Disabilities. I am disappointed that the optional protocol was not enacted at the same time. I believe the failure to do so further entrenches existing inequalities for people with disabilities as they are prevented from holding the Government to account on this issue. I also believe a suite of legislative measures and funding packages should have accompanied the long-awaited ratification by the Government. I appreciate that the motion has come in light of Government inaction overall. Due to the little time available, I will briefly outline some outstanding issues regarding the provision of disability services in Donegal and the lack thereof.

I have been working alongside Our Children's Voice in Donegal, which represents families of children with life-limiting conditions. These families are forced to travel with their children to Dublin because no facility exists in Donegal to cater for children with rare diseases. Greater cross-Border access is urgently required for these children, including possible consultant-led holding clinics in Donegal to include outreach clinics, feeding clinics and full respite and hospice care. I echo the call in the motion for the removal of the *in loco parentis* clause in all contracts for home nursing care. Quality of life issues are crucial in the debate for increased funding and greater access to disability services. Provision of adequate health care is necessary

to combat disability inequality. Wherever possible, early intervention, proper management and person-centred care must be made available according to an individual's needs. However, Letterkenny University Hospital saw more than 5,000 people on trolleys last year, the highest on record. That is a sure sign of a completely dysfunctional, chronically underfunded and broken health system. Meanwhile, the HSE national appointment and recruiting system seems to be deteriorating, with it taking up to two years to fill vacant posts for diabetes care.

Intellectual disability services remain chronically underfunded. I want to thank the Minister of State, Deputy Finian McGrath, for agreeing to meet a delegation from the Cleary centre in Donegal town over growing concerns regarding previous commitments given on capital funding for the centre. Seaview respite home in Donegal has also faced chronic staffing problems. Recruitment is a real problem with vacant posts popping up in centres in Donegal due to a variety of reasons.

We must remember that the people in need of these services are some of the most vulnerable in our communities. Their families are some of the most dedicated individuals one will meet, but they have been asked to shoulder too much, including fighting for every little morsel handed to them by the Government. It is time to prioritise disability services across the board, not just in health care, and eradicate where we can the pervasive structural inequalities that have given rise to the deplorable statistics facing people who live with or end up with disabilities in their lives.

**Deputy Joan Collins:** Along with my colleagues, I want to support the motion put forward by Sinn Féin. It has been introduced on the back of the fact that legislation is needed to underpin the ratification of the UN Convention on the Rights of Persons with Disabilities. It is a very appropriate time to do this.

I could not speak on 7 March on the debate on the ratification of the convention but I welcome that ratification. However, I will make the same point that other Deputies have made, namely, that it did not include the ratification of the optional protocol to the convention. It is now incumbent on the Minister of State to deliver that. He did not mention it in his speech and did not say when that particular aspect would be ratified along with legislation.

The Minister of State made many references to increases in certain areas of funding for disability rights. The reality is different. He referred to increases in hours and funding for speech therapy. My community wrote to the HSE in Tallaght about speech therapy. Families are waiting for 18 to 21 months for their children to be assessed. It is not acceptable in this day and age that families have to wait that length of time.

I am working with elderly parents who have adult children in St. John of God. They had a slight increase in respite care over the past year but not to the level they need. There is still significant concern that adults are not being catered for in terms of learning about independent living in the community when their parents pass away, which is of major concern to parents. It is scandalous that we are not examining housing provision for adults in care. I thank the Minister of State for meeting the parents' association in St. John of God special school.

I wish to refer to a letter a constituent of mine received regarding a wheelchair. It puts what is going on into perspective. A senior occupational therapist in Brú Chaoimhín in Cork Street wrote that:

I regret to inform you that following discussion with my line manager I have been ad-

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vised that the order for the integrated lights for a new powered wheelchair will not be sanctioned at this time. I have been advised that it is the responsibility of the client to provide lights privately and it is recommended that bicycle LED lights for front and rear are used along with the use of high visibility vests for safety while using the powered wheelchair on the footpath.

I have raised this issue with the Minister of State. This should not be happening. Lights are a basic requirement for people using wheelchairs.

**Deputy Catherine Connolly:** Níl ach dhá nóiméad agam so ba mhaith liom a rá go dtugaim mo thacaíocht 100% don rún seo. Is rún thar a bheith praiticiúil é agus cuireann sé béim ar na rudaí atá tábhachtach agus atá ag teastáil go géar.

I have very little time but I want to use the minute I have left to support the motion and thank Sinn Féin. It is a very practical motion which puts our focus where it should be, namely, implementing what should be available.

I want to thank the Minister of State for ratifying the convention. It took over ten years, but I am sure he had a primary role in it. However, the failure to sign the protocol is absolutely deplorable. The message we are sending out is that we are giving people rights but not quite yet and we will give them on a piecemeal basis, bit by bit, when it suits us. We never look at changing language. We need to realise that if we treat people with respect and enable them rather than disempower them we will save the economy money.

I will finish by referring to Galway. The motion refers to many things, including respite. We are not complaining. A senior social worker in Ability West said there is in place an extensive waiting list for all forms of respite for service users, including adults and children. There were two letters from a social worker in the Brothers of Charity, one in August and another in November, appealing to Deputies - I happened to be the person on this occasion - that there was an urgent need for funding for children's respite services. The social worker went on to say that two houses were available, one on a full-time basis but the other only part-time. I could go on, but I do not have the time. I am not here to argue, but rather to say that we should enforce rights and enable people with disabilities to live and participate in Ireland. Let us stop the hypocrisy and the cur i gcéill.

**Deputy Michael Collins:** I am happy to have the opportunity to speak on this important motion. I commend Sinn Féin on bringing it forward. This is an issue which I am passionate about. I continuously support local disability support groups in my constituency, Cork South-West, and I am a former voluntary board member of CoAction West Cork. I am glad that the Minister of State is supporting the motion, but I hope he will keep his word in this regard.

Last year he visited CoAction centres in Clonakilty and saw the excellent work being done there for people with disabilities, which is mainly funded by volunteers. A delegation from CoAction met him in the Dáil and pointed out the lack of funding for the centres across west Cork. The organisation delivers so much in west Cork for people with disabilities and their families, day in, day out, and relies mainly on funding raised by volunteers. It is yet to receive any extra funding from the Department or Government following that meeting. I urge the Minister of State to look into this as a matter of great urgency.

Today, one in 20 people in Ireland is a family carer, saving the State €10 billion in unpaid care per year. We are lucky that we can depend on caring family members to do this work,

although we should not have to. During my speech on the budget I welcomed the increase in carer's allowance and acknowledged the great work they do. I highlighted an issue brought to my attention by a number of concerned constituents who came to my clinics. They are waiting 15 weeks for their payments to come through. I urge the Minister of State to look at this. I am sure he or I would not like to be waiting for over three months to be paid.

It has been only a few months since "Prime Time" aired the programme, "Carers In Crisis", which highlighted the lack of respite care available for disabled citizens and the spin-off effect that has on our hard-working carers. A few weeks ago I welcomed the fact that the Government has finally approved the UN Convention on the Rights of People with Disabilities. Now we need action in this regard.

During that debate, I raised the question of the lack of supports for disabled persons aged over 18 years who have no transport services to and from necessary disability services across my constituency. The appalling treatment of these adults and their parents is staggering, to say the least. Some 12 months ago, the Minister of State met another delegation from west Cork. During the meeting we tried to put in place the groundwork to resolve this issue. It would simply mean that the Minister of State, the HSE and the Cork Local Link would sit around a table together to find some resolution. I have spent the past number of months trying to speak to HSE personnel who have refused to meet with us. The man concerned works with the HSE and is paid by the State, and should not be in his job if he refuses to do it.

I ask the Minister of State to personally intervene in this issue and assist people aged over 18 from Bandon, Clonakilty, Skibbereen, Bantry and all over west Cork. They should not be treated like second-class citizens, yet throughout west Cork they are.

**Deputy Danny Healy-Rae:** I am grateful for the opportunity to speak on this very important motion. The Minister of State visited St. Mary of the Angels in Kerry and saw at first hand the great work which was being done there. Sadly, no new children are being admitted to the centre. While no one is currently being moved, there is concern that people will be moved. I am calling for an independent assessment of how people moved to the congregated settings are getting on, whether in Kerry, Cork or anywhere else in the country, because for two people in Kerry it has not worked out. A few weeks ago I raised the case of a person who had been in St. Mary of the Angels for years and was moved to a congregated setting. At that time, this man was deaf and dumb but able to communicate through sign language. Owing to an overdose of anti-psychotic drugs in June last year, he is now also blind. He might as well be dead. His family are outraged. The Minister of State, Deputy Finian McGrath, said previously that nobody would be moved without the agreement of the family. This family were told three years ago that he had no other choice but to move because he was well enough to do so. I previously called for an independent investigation into this case but I have had no response yet. The family is waiting for a response. This is a serious matter. While previously this man could communicate, he is now deaf, dumb and blind. I cannot mention another person because were I to do so, that person's identity would be known.

I am calling for an independent assessment of how people moved to congregated settings are managing. There is no respite and mothers are worn out. There are many people trying to get into St. Mary of the Angels. There is no other place for these children. Families are worn out and broken from trying to manage. I ask the Minister of State, Deputy Finian McGrath, to investigate this matter and to allow fair process be applied to these people.

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**Deputy Mattie McGrath:** I want to deal with several issues. I welcome the people in the Visitors Gallery and our friends in the Press Gallery. On the so-called *in loco parentis* clause, I raised this issue with the Minister for Health, Deputy Harris, last November and I have also submitted several parliamentary questions on the matter but the HSE has refused to change its position. I ask the Minister to review this clause immediately as it is an excessively restrictive provision in the HSE home care day hours support system. It is described by the Jack and Jill Children's Foundation as a provision that makes virtual prisoners of parents in their own homes. I am pleading with the Minister to review it.

At the launch of the Jack and Jill Children's Foundation service evaluation report by Coventry University and Trinity College at the Royal College of Physicians of Ireland last November, we heard that the HSE *in loco parentis* rule is having a disproportionate and damaging impact on the families of the sickest children in this state. Under this rule, parents must remain in the house at all times, even when there is an agency nurse there providing care. This makes it impossible for family members to take the space necessary to get on with other vital aspects of their family life, including caring for other children and so on. This clause must not only be reviewed by the HSE, the HSE must strive to adopt the significantly more adaptable and family friendly model of care offered by the Jack and Jill foundation.

In County Tipperary, 51 families of seriously ill children have been helped by the foundation to date. I was delighted last year to hear from the Jack and Jill Children's Foundation that it is extending from four to five the age up to which it attends to sick children. This is possible, not owing to Government funding or to the HSE, but to funding provided by companies in the voluntary and private sectors which were lobbied by the foundation. There are many cases that are only now coming to light as a result of the review. It is only now that families are realising the impact of the *in loco parentis* clause whereby parents or another suitably qualified adult must remain in the home at all times when care is being provided. This makes a nonsense of home care. The people providing the care are experts. This is a mean, lean and horrible imposition by the HSE. It is heartless in the extreme and I ask the Minister to take another look at it.

**An Ceann Comhairle:** The next speaker is Deputy Buckley who is sharing time with Deputies O'Reilly, Quinlivan and Ellis.

**Deputy Pat Buckley:** I commend my colleague Deputy Ó Caoláin on bringing forward this motion on behalf of Sinn Féin. For two decades Deputy Ó Caoláin has been a tireless voice in this House for people badly let down by our health services, and he continues that work in this motion.

In my own area of east Cork, more than 14,500 people recorded themselves as having a disability in 2011. This number has undoubtedly grown, as has the national figure by 13.5% up to 2016. People who have a disability represent a large constituency of people in this State. This constituency is even greater when their families and the communities who support them are taken into account. They are calling for proper recognition of their rights and their ability to fight to ensure they are guaranteed at the highest level.

I have said on a number of occasions that the gesture of ratifying the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD, must be backed up by the implementation of policy and legislation which is in the spirit and spirit of the convention. It is a very important part of any international agreement that those who do not receive proper treatment by a state that has signed up to it must have recourse on an international level. The

Government appears to believe that the optional protocol is not necessary, but without an appeal mechanism the rights protected by the convention can only be relied on in Ireland at the will of a Government. Without consistent back-up to an international appeals process the rights laid down in the convention become privileges. This is at odds with the spirit of the UNCRPD and the notion of human rights on this level. There can be no claim to equal treatment of those with disabilities if their ability to hold the Government to account is less than it is for others. This is particularly important to me as mental health spokesperson for Sinn Féin. People in this State with mental ill health have been let down repeatedly from the days of institutionalisation to date where patients are denied the right to a say in their care on a statutory basis. Without the protocol allowing for appeals to the UN, an Irish Government can sit on its hands or drag its feet on the necessary reforms of rights of mental health patients.

I ask the House to support this motion.

**Deputy Louise O'Reilly:** I was delighted to speak some weeks ago on the Government motion to ratify the United Nations Convention on the Rights of Persons with Disabilities. While the ratification of this convention is to be celebrated, there are a significant number of issues to be overcome in order that equality and inclusion for people with disabilities can be delivered. I commend my colleague, an Teachta Ó Caoláin, on bringing forward this motion.

Let us look at the facts. There are 643,131 people in this State who indicated in census 2016 that they have a disability. This represents an increase of 47,776. One in ten people below 45 years of age has a disability, rising to 20% by age 60, and the rate increases sharply above 70 years. I want to use my time to focus on the cases of Sean and Fionn. Wendy, the mother of Sean and Fionn, wrote to me to highlight the very real lack of support, the constant battling for basic services and the isolation that families with a loved one with autism experience daily. They have had to learn to live without respite because despite the growing population of Fingal, there are fewer than 15 respite places for a population of more than 100,000. Wendy has had to battle every step of the way to get support and services for her two boys. She spent six years fighting before Sean was diagnosed with autism and attention deficit hyperactivity disorder, ADHD. When Wendy's son Fionn was born, she had to spend two years fighting for him to get a diagnosis of autism. State services should not be fighting with parents who are seeking a diagnosis for their children. When it comes to the provision of services, Wendy has to fight the same battle day in, day out.

Wendy is exhausted. She is worn out from battling. She spends every day caring for her sons and fighting for services for them. Parents should not have to exhaust themselves fighting for disability services which their children need. Services should be provided and families should have the right to these services. This is Autism Awareness Week. Wendy told me that as a parent of two boys with autism she needs more than awareness. She needs understanding, acceptance, services and real help and support from the State. Tonight, I echo Wendy's call. We must have real understanding and acceptance of autism, functioning services for people with autism and help for their families. The State must step up to the plate and ensure that children like Seán and Fionn are given the right to the services and supports they need.

**Deputy Maurice Quinlivan:** I am grateful to have the opportunity to speak on this important motion on disabilities and I thank my party colleague, Deputy Ó Caoláin, for tabling it. As Sinn Féin spokesperson on business, enterprise and innovation I will focus my contribution on some of the difficulties people with disabilities experience in the business and employment environment.

As stated in the motion, people with disabilities still suffer from exclusion from the working world. In the last census the unemployment rate among people with a disability was 26.3%, more than double the 12.9% rate for the whole population. At the beginning of this month Fergus Finlay, the chairman of the implementation group of the comprehensive employment strategy for people with disabilities, published his second report. Unfortunately, my time is limited so I cannot discuss all of it, but the report had some worrying findings. There is “a real danger of paralysis” in the priority four area of strategy, which is focused on retention in, and re-entry to, work. Also, there is “a huge area of proactive work that needs to be done” for strategic priority six, which is focused on engaging employers. Unfortunately, of the six strategic priority areas, only half of one is coloured green, indicating good progress. That is simply not good enough.

With regard to the public service targets for employment of people with disabilities, the chairman of the implementation group recommends that “the Government give serious consideration to achieving the 6% target in three years rather than six”. That would involve an increase from 3% to 4% this year, with identical increases in 2019 and 2020. People with disabilities are being left behind in the economic recovery so the Government should take a lead in this area. As the country approaches full employment in the next couple of years, a concerted effort should be made to ensure the participation levels of people with disabilities rise in line with the number of people returning to work.

**Deputy Dessie Ellis:** Tá áthas orm deis a bheith agam labhairt ar an mholadh tábhachtach seo. People with disabilities have to struggle more than most people to have a decent quality of life. Most of what able-bodied people take for granted can be a challenge for people with physical disabilities. In the brief time available to me I will mention some of the challenges people with disabilities have to face each day.

Accessible transport is very important for people with disabilities. It allows them to engage fully with their community, access education or partake in employment. The removal of transport subsidy schemes such as the mobility allowance and the motorised transport grants in recent years has had a significant impact on the quality of life for people with disabilities who, in the normal course of events, experience great difficulty even leaving their homes. Removing these grants has only put greater hardship on people. A new travel subsidy scheme was promised in 2013 but it has yet to be delivered.

Proper housing provision for people with disabilities is also a big problem and represents a significant issue for many. We recently signed up to the United Nations Convention on the Rights of Persons with Disabilities. The convention specifically provides for people with disabilities to live independently in their communities. Proper funding must be provided for housing adaptations and extensions, in tandem with the necessary wrap-around health and social supports which will allow people with disabilities to live independently in their communities. We must give our citizens with disabilities the right to live independently. We want a society that values inclusion, not exclusion.

**Minister of State at the Department of Health (Deputy Jim Daly):** I thank the Deputies for their contributions to the debate on this important motion relating to disabilities. We recognise that people are living longer and that adults with intellectual disability have age-related illnesses and conditions, with more people with a disability having more complex needs. The late Stephen Hawking said: “My advice to other disabled people would be to concentrate on things your disability doesn’t prevent you doing well, and don’t regret the things it interferes

with. Don't be disabled in spirit as well as physically.”

Our national disability inclusion strategy captures a wide range of actions across Government Departments that will impact on the lives of people with disabilities and is to be viewed as a blueprint for an inclusive, accessible and equal country that incorporates issues that affect quality of life, health, education and transport. Underpinning the strategy is a vision of an Irish society in which people with disabilities across their life cycles enjoy equal rights and opportunities to participate in social and cultural life, can work if they want to do so, have choice and control over how they live their lives and can reach their full potential. In modern Ireland our common aspiration must be to accelerate the pace of reform because how we care for our most vulnerable citizens is the true litmus test of our position as a civilised society.

Improving employment outcomes for persons with a disability is a key objective of the Government. The “Make Work Pay for People with Disabilities” report was published last April and made 24 recommendations covering a range of Departments. A number of the report's recommendations have already been implemented. People with a long-term disability payment who move off the payment to get a job now retain their free travel pass for a period of five years. A fast track return to disability allowance is in place for people where employment does not work out. The Department of Employment Affairs and Social Protection is currently engaging in an extensive consultation process with people with disabilities, parents of children with disabilities and sectoral representatives regarding early engagement with people with disabilities on recommendations Nos. 9 and 10 of the report. Today, its officials were in Sligo to hear the views of people with disabilities and their families.

The Government acknowledges the immense contribution made by family and other unpaid carers in ensuring that older people and people with disabilities can continue to live in their own homes and communities and contribute to those communities. This contribution is reflected in our most recent census finding showing that over 195,000 provide at least 6.6 million hours of care per week in Ireland. Last year the Government legislated for the automatic provision of medical cards for persons in receipt of a domiciliary care allowance. This removed the need for approximately 35,000 families providing care for a child with a severe disability to undergo the medical card assessment process.

I will now comment on the *loco parentis* rule as it relates to the provision of paediatric home care packages for children with complex medical needs. These packages are designed to maximise a child's quality of life and developmental opportunities while also helping to keep children out of hospital as much as possible. It is expected that 584 home care packages will be provided this year, up from 504 in 2017. The nurses and health care assistants who deliver these supports are responsible solely for the clinical care of the child. As such, they cannot assume sole responsibility for a child in the child's home and, hence, where parents may not be available, they should appoint a designated and competent individual to act *in loco parentis*. This requirement ensures that a second person will be present in the event of an acute emergency such as respiratory arrest, decannulation of a tracheostomy or status epilepticus. It is important to note that parents are not required to remain with the child and nurse at all times, but they must find and identify an appropriate adult to act *in loco parentis* if they are unavailable. I stress again that the paediatric home care packages are a clinical support. We all recognise that respite care may also be an issue for some families. The HSE is already looking at respite care as part of the national quality assurance process and this will help to inform a review of the operation of the *loco parentis* rule by the national steering group for children with complex medical conditions.

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The safety and protection of vulnerable people in the care of the State is paramount. The Government's primary concern is that their needs are being prioritised and addressed. More than 3,000 inspections of residential centres for people with disabilities have been conducted by the Health Information and Quality Authority, HIQA, since regulation began in November 2013. This year net non-capital expenditure of €16.269 million has been approved for HIQA, a significant funding increase of 24% on the 2017 funding level. This will facilitate HIQA in advancing work in all areas, including the regulation, inspection and monitoring of all designated centres for people with disabilities.

Accessible transport was raised by some Deputies. There has been increased investment under the national development plan for new major public transport projects and retro-fitting of older public transport infrastructure, which will progress making public transport fully accessible for people with disabilities. The Minister for Transport, Tourism and Sport intends to appoint to the boards of public transport companies under his remit a person with personal experience of the needs and difficulties of people with disabilities using public transport. In the Department of Health, work is under way on the drafting of new legislation for the introduction of a new transport support scheme to assist those with the most complex disability in meeting their increased mobility costs. The Minister plans to bring his proposals to Government shortly. We also acknowledge the key commitments on disability issues in A Programme for a Partnership Government, including increased participation in society, the movement to personal individualised budgets, and the progress being made by the task force on personalised budgets, which has almost completed its work.

Across Government, in transport, housing, equality, health, employment and social protection, we are working together to ensure that children, young people and adults with a disability have the right to the same life opportunities as anyone else to live satisfying and valued lives. This is the whole-of-Government approach to people with a disability and their families. We want to ensure that these policies, including our national disability inclusive strategy, significantly improve the lives of people with disabilities in a practical sense.

I thank the House for the opportunity to address these issues and for the valuable contributions made by Members to the debate. Speakers referred to the optional protocol to the United Nations Convention on the Rights of Persons with Disabilities, UNCRPD. I fully recognise the utility of the optional protocol to the convention in providing a high degree of accountability, and it is my intention to opt in. The convention and the optional protocol cover a broad range of commitments, some of which require substantive cultural change. An analysis of the 14 complaints brought under the optional protocol since 2010 indicates a range of areas we are working hard to address such as the deprivation of liberty and the right of deaf persons to participate in jury duty. It is my intention that the optional protocol will be ratified once we have completed the first reporting cycle under the convention. This will provide us with an opportunity to reflect and prioritise actions to achieve the highest possible level of compliance.

**Deputy Martin Ferris:** The Minister of State with responsibility for disability issues said at the start that there was an obligation on Government and on this House to provide for the needs, rights and entitlements of people with physical or intellectual disabilities. There is a need for resources for those provisions. The resources for those provisions are also an obligation on the Government. There is an obligation to provide respite care, especially for families most in need in many parts of the State who do not have the necessary respite care. There is an obligation to provide residential services and long-term residential services in congregated settings.

At the back of all of this is the right to equality for all our citizens. I wish to raise the case of four families in my constituency who are in need of a residential service for four adults who attend Ashfield House. These adults are living at home with their ageing parents or with siblings. Each person has very complex care and medical needs, profound intellectual disabilities and physical disabilities. They are in need of ongoing care. This has been a huge struggle for their parents. Gerard is 39 years of age. He had been cared for by his mother and father, and now it is just his mother. Kathleen is 45 years of age. Her mother and father, Marian and Jer, are full-time carers and she is living at home. Colm is 37 years of age and his mother, Ann, cares for him. George is 37 years of age and is cared for by his two sisters, Ann and Saoirse. These families had a meeting with the Minister of State, Deputy Finian McGrath, and the Kerry Deputies. During that meeting we were led to believe that the Minister of State would come to the constituency to ensure there would be full-time residential care for those four people. I am sure this need can be mirrored throughout the State, especially for elderly parents who have spent their entire lives looking after their very dependent children with disabilities as they grow into adulthood. These parents are now coming to the end of their lives and they have no sense of how their loved ones will be cared for after their passing. I understand that the Minister of State, Deputy Finian McGrath, will be coming to the Listowel area in the near future. I hope he, using the resources provided by Government and by the Department, will be able to take away the huge worry of those people and give them some comfort for what remains of their lives.

**Deputy Martin Kenny:** I compliment Deputy Caoimhghín Ó Caoláin and others who have been so instrumental in bringing this motion to the House. We are discussing the rights of persons with disabilities but I prefer to call them people with different abilities. This is very much what this debate is about. These are people who, unfortunately, have hit different crises in their lives and they find the system is not able to cope with that. I have spoken previously about the need for child and adolescent mental health services, CAMHS, and services for people with intellectual disabilities in my constituency in the north west. There is a huge problem there. It is appalling the way that service has been left in recent years in that part of the State, especially in Sligo. This applies also to autism services. When they get into the system and they look for respite, very often it is not there for families who are trying to deal with these situations.

If we are serious about providing this, it has to be through every organ of the State in which we look after people with different abilities. If we are going to do this through every organ of the State, we need to ensure that the health service is brought up to speed. There is a postcode lottery in the health service. If a person happens to live in the north west, he or she will wait a very long time before getting a service. One obvious example of this is the neurology department in Sligo University Hospital. It is divided into two units, one which looks after patients who have Parkinson's disease, motor neurone disease, multiple sclerosis and so on, and the other which is a surgical neurology unit that mainly looks after people with spinal injuries. There is one senior consultant, one registrar and two senior house officers. They are unable to cope with the demand. The waiting list to be seen is nine or ten months. Even when a person gets into the system, it is very difficult to get an adequate service because the service is so stretched. Clearly, there needs to be investment to ensure the additional staff that are needed in these vital services are recruited. This applies to neurology and all the other services in the State.

We have to understand that every citizen of the State has a right. That right means the Members have the obligation to provide for them. Government has that obligation. This motion is designed to hold the Government to account in this. I hope the Government comes up to the mark.

**Deputy Caoimhghín Ó Caoláin:** I welcome the Minister of State's confirmation of support for the motion. He concurs with what I and other Deputies have said on the understanding of what is at the core of the motion. This is all about equality and rights.

The Minister of State, Deputy Jim Daly, however, has also said that there is joined-up Government on these matters. The Minister of State cited instances of interdepartmental co-operation on the needs of people with disabilities, but this does not confirm joined-up Government action on the needs and rights of people with disabilities. This is an absolute requirement.

With regard to the optional protocol to the United Nations Convention on the Rights of Persons with Disabilities, the Minister of State, Deputy Finian McGrath, has said that he intends to secure its ratification once the first reporting cycle under the UNCRPD has passed. This does not represent a definite timeframe. It is vague and uncertain. I put it to the Minister of State, Deputy Finian McGrath, that he may not be in office to see its delivery, so I appeal to him to seize the opportunity when it is within his reach. I also appeal to the Minister of State, Deputy Jim Daly, to be supportive and to ratify the optional protocol now, please, given that the predecessor of the Minister of State, Deputy Finian McGrath, committed to doing it in tandem with the UNCRPD. Any further delay is wholly unacceptable. As I said in my opening remarks, nothing will change what needs to be changed speedier than enforceability. This is what is missing with regard to the convention. Enforceability will help to change everything.

There was no reference whatsoever to the *in loco parentis* clause in the offering on the record of the Minister of State, Deputy Finian McGrath, or in the section of his address he did not reach. I acknowledge that the Minister of State, Deputy Jim Daly, addressed it in his contribution. I am very familiar, however, with the wording he employed because it is a formula used in response to parliamentary questions on this matter.

I urge the immediate abolition of what I can only describe as the *loco parentis* clause on home care nursing supports for very sick children. It is an offensive clause. The people who feel it directly are absolute heroes and deserve the very limited respite that these brief breaks represent for them.

Recently, several applications for the disabled drivers and passengers scheme have been turned down because the vehicle in question was bought under a personal contract plan, PCP. I have tabled parliamentary questions on this and the response I have received is that this matter is being considered. The critical qualification must be the need of the disabled driver and passenger, as the case might be, not the methodology of purchasing the vehicle. I strongly urge the Minister of State to reflect on that need.

The critical areas of legislation to be completed include the decision support service, as promised in the Assisted Decision-Making (Capacity) Act 2015 and the Disability (Miscellaneous Provisions) Bill 2016, which has yet to be presented. I oversaw its pre-legislative scrutiny at the Joint Committee on Justice and Equality. We need to see that presented. It cannot be long-fingered. There needs to be enshrined in legislation in respect of people with disabilities a corresponding entitlement to a service, along with an assessment of need.

I thank my colleague who is a member of the all-party committee on disabilities, Deputy Murphy O'Mahony, for her and her party's support for our motion this evening. I thank all members of all parties and none for their supportive contributions. I was disappointed that the Minister of State, Deputy Finian McGrath, sat alone for 90 minutes of this debate. The Minister

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of State, Deputy Jim Daly, might like to mention to his party colleagues that a little support and a presence might have given some credibility to his arguments regarding joined-up Government thinking, let alone action.

My last thanks are to all the campaigning and representative organisations who tirelessly work in support of people with disabilities and especially those representatives who attended here this evening. Go raibh míle maith agaibh go léir.

Question put and agreed to.

The Dáil adjourned at 9.55 p.m. until 10.30 a.m. on Wednesday, 28 March 2018.